

2005 ASSEMBLY BILL 32

January 25, 2005 – Introduced by Representatives WASSERMAN, TOWNSEND, HINES, BERCEAU, GIELOW, GRIGSBY, LEHMAN and OTT, cosponsored by Senator CARPENTER. Referred to Committee on Aging and Long-Term Care.

1 **AN ACT** *to repeal* 456.04 (4); *to renumber* 456.04 (1), 456.04 (2) and 456.04 (3);
2 *to renumber and amend* 456.04 (intro.) (except 456.04 (title)) and 456.08; *to*
3 *amend* 456.02 (intro.), 456.02 (1), 456.02 (2), 456.02 (3), 456.02 (4), 456.02 (5),
4 456.02 (6), 456.02 (7) and 456.09 (1) (c); and *to create* 456.04 (1m) (d), 456.04
5 (1m) (e), 456.04 (2m), 456.08 (1), (2), (3) and (4) and 456.12 of the statutes;
6 **relating to:** the requirements for examinations for nursing home
7 administrator licenses and for reciprocal nursing home administrator licenses,
8 creating an exemption from such requirements, and granting rule-making
9 authority.

Analysis by the Legislative Reference Bureau

This bill makes changes to current law regarding the following: 1) the requirements for a nursing home administrator license; 2) the requirements for a reciprocal nursing home administrator license that apply to persons licensed in other states; and 3) the requirement to be licensed as a nursing home administrator.

Requirements for a nursing home administrator license. Under current law, a person must pass an examination for a nursing home administrator license, and a person may not take the examination until he or she has satisfied certain

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educational requirements. Specifically, he or she must complete one of the following: 1) a regular course of study (regular course); 2) equivalent specialized courses; or 3) a program of study that is considered adequate academic preparation for nursing home administration (study program) by the Nursing Home Administrator Examining Board (examining board). In addition, the examining board is required to develop and enforce standards regarding the supervised practical experience that is required for a person to be licensed as a nursing home administrator. A person may satisfy the supervised practical experience requirements before or after taking the examination.

This bill changes the requirements that a person must satisfy before taking the nursing home administrator examination. Different requirements apply depending on whether or not a person was enrolled in a regular course, specialized courses, or a study program at any time during the 2-year period before the bill's effective date.

If a person was not enrolled in any of the foregoing, the bill requires that he or she must satisfy certain education and supervised practical experience requirements before he or she can take the examination. Regarding education, the bill requires such a person to have either: 1) a bachelor's, master's, or doctoral degree with a health care administration or long-term care major or 2) a bachelor's degree and completion of a specialized course in nursing home administration. The bill directs the examining board to promulgate rules establishing the supervised practical experience requirements. The rules must require a person to complete at least 2,000 hours in an internship, administrator-in-training program, or other structured program before he or she can take the examination. The 2,000 hours must be completed in any consecutive three-year period within the five-year period immediately preceding the date of application for the examination.

As noted above, the bill creates different requirements for a person who was enrolled in a regular course, specialized courses, or a study program at any time during the 2-year period before the bill's effective date. The bill allows such a person to take the examination, but only if, no later than 2 years after the bill's effective date, he or she completes the regular course, specialized courses, or a study program. In addition, persons who were enrolled in a regular course must complete a supervised clinical practicum and persons who were enrolled in specialized courses or a study program must complete one year of supervised practical experience. The supervised clinical practicum or practical experience must be completed no later than 2 years after the bill's effective date. In addition, the examining board must promulgate rules specifying the supervised clinical practicum and practical experience that is required.

Reciprocal licenses. Under current law, a person who has a nursing home administrator license in another state is eligible for a reciprocal nursing home administrator license if he or she satisfies certain requirements, including submitting satisfactory evidence of the person's qualifications to the examining board. This bill specifies the qualifications that a person must have to be eligible for a reciprocal license. Under the bill, an applicant for such a license must have a bachelor's degree or be certified as a nursing home administrator by the American College of Health Care Administrators and must have practiced as a nursing home

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administrator in good standing for at least 2,000 hours in any consecutive three-year period within the five-year period immediately preceding the date of application for the reciprocal license. Also, the applicant must not have an arrest or conviction record of which the circumstances substantially relate to nursing home administration. In addition, the person must pass an examination relating to state and federal laws governing the practice of nursing home administration.

Exemption from licensure. Finally, current law prohibits a person from practicing as a nursing home administrator unless he or she is licensed by the examining board. This bill creates an exception for a nursing home administrator of a nursing home that provides only nonmedical items and services exclusively to patients who choose to rely solely upon a religious method of healing or for whom the acceptance of medical health services would be inconsistent with their religious beliefs.

For further information see the ***state*** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

- 1 **SECTION 1.** 456.02 (intro.) of the statutes is amended to read:
- 2 **456.02 Duties.** (intro.) The examining board shall do all of the following:
- 3 **SECTION 2.** 456.02 (1) of the statutes is amended to read:
- 4 456.02 **(1)** Develop, impose and enforce standards ~~which must be met by~~
5 ~~individuals~~ that an individual is required to meet in order to receive a license as a
6 nursing home administrator, ~~which.~~ The standards shall be designed to ~~insure~~
7 ensure that a nursing home administrators ~~will be individuals who are~~
8 administrator is of good character ~~and are,~~ is otherwise suitable, and ~~who,~~ by
9 training or experience in the field of institutional administration, ~~are~~ is qualified to
10 serve as a nursing home administrators; administrator.
- 11 **SECTION 3.** 456.02 (2) of the statutes is amended to read:

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1 456.02 (2) Develop and apply appropriate techniques, including examinations
2 and investigations, for determining whether an individual meets ~~such the~~
3 standards; under sub. (1).

4 **SECTION 4.** 456.02 (3) of the statutes is amended to read:

5 456.02 (3) Issue ~~licenses to individuals~~ a license to an individual determined,
6 after the application of ~~such the~~ techniques under sub. (2), to meet ~~such the~~
7 standards under sub. (1), and revoke or suspend ~~licenses~~ a license previously granted
8 by the examining board ~~in any case where~~ if the individual holding ~~any such the~~
9 license is determined substantially to have failed to conform to the requirements of
10 ~~such the~~ standards;.

11 **SECTION 5.** 456.02 (4) of the statutes is amended to read:

12 456.02 (4) Establish and carry out procedures designed to ~~insure~~ ensure that
13 ~~individuals~~ an individual licensed as ~~a nursing home administrators~~ administrator
14 ~~will, during any period that they serve as such,~~ comply with the requirements of ~~such~~
15 the standards; under sub. (1).

16 **SECTION 6.** 456.02 (5) of the statutes is amended to read:

17 456.02 (5) Subject to the rules promulgated under s. 440.03 (1), receive,
18 investigate, and take appropriate action with respect to, any charge or complaint
19 filed with the examining board to the effect that any individual licensed as a nursing
20 home administrator has failed to comply with the requirements of ~~such the~~
21 standards; under sub. (1).

22 **SECTION 7.** 456.02 (6) of the statutes is amended to read:

23 456.02 (6) In cooperation with other agencies and appropriate organizations,
24 conduct a continuing study of the practice of nursing home administration within the
25 state with a view to the improvement of the standards imposed for the licensing of

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1 such nursing home administrators and of procedures and methods for the
2 enforcement of such the standards under sub. (1) with respect to nursing home
3 administrators of nursing homes who have been licensed as such; under this chapter.

4 **SECTION 8.** 456.02 (7) of the statutes is amended to read:

5 456.02 (7) ~~Develop and enforce standards for the~~ Promulgate rules
6 establishing supervised practical experience to be required requirements that,
7 except as provided in s. 456.04 (2m), an individual shall satisfy before being allowed
8 to take an examination for licensure; and as a nursing home administrator. Except
9 as provided in s. 456.04 (2m), the rules shall require the individual to complete at
10 least 2,000 hours in any consecutive 3-year period within the 5-year period
11 immediately preceding the date of application for examination in an internship,
12 administrator-in-training program, or any other structured program approved by
13 the examining board.

14 **SECTION 9.** 456.04 (intro.) (except 456.04 (title)) of the statutes is renumbered
15 456.04 (1m) (intro.) and amended to read:

16 456.04 (1m) (intro.) ~~The~~ Except as provided in sub. (2m), the examining board
17 shall allow any person to take the examination for licensure as a nursing home
18 administrator who satisfies all of the following requirements:

19 **SECTION 10.** 456.04 (1) of the statutes is renumbered 456.04 (1m) (a).

20 **SECTION 11.** 456.04 (1m) (d) of the statutes is created to read:

21 456.04 (1m) (d) Has one of the following:

22 1. A bachelor's, master's, or doctoral degree with a major in health care
23 administration or long-term care from an accredited college or university.

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1 2. A bachelor's degree in any field from an accredited college or university and
2 completion of a specialized course that the examining board determines is adequate
3 preparation for nursing home administration.

4 **SECTION 12.** 456.04 (1m) (e) of the statutes is created to read:

5 456.04 **(1m)** (e) Satisfies the supervised practical experience requirements
6 specified in the rules promulgated under s. 456.02 (7).

7 **SECTION 13.** 456.04 (2) of the statutes is renumbered 456.04 (1m) (b).

8 **SECTION 14.** 456.04 (2m) of the statutes is created to read:

9 456.04 **(2m)** The examining board shall allow a person to take the examination
10 for licensure as a nursing home administrator if he or she satisfies the requirements
11 specified in sub. (1m) (a), (b), and (c) and all of the following are satisfied:

12 (a) The person was enrolled, at any time within the 2-year period before the
13 effective date of this paragraph [revisor inserts date], in a regular course of study
14 or equivalent specialized courses or a program of study that the examining board
15 considered adequate academic preparation for nursing home administration under
16 s. 456.04 (4), 2003 stats.

17 (b) No later than 2 years after the effective date of this paragraph [revisor
18 inserts date], the person completes the regular course of study, specialized courses,
19 or program of study specified in par. (a).

20 (c) If the person was enrolled, at any time within the 2-year period before the
21 effective date of this paragraph [revisor inserts date], in specialized courses or a
22 program of study specified in par. (a), the person completes, no later than 2 years
23 after the effective date of this paragraph [revisor inserts date], one year of
24 supervised practical experience as specified in rules promulgated by the examining
25 board.

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1 (d) If the person was enrolled, at any time within the 2–year period before the
2 effective date of this paragraph [revisor inserts date], in a regular course of study
3 specified in par. (a), the person completes, no later than 2 years after the effective
4 date of this paragraph [revisor inserts date], a supervised clinical practicum as
5 specified in rules promulgated by the examining board.

6 **SECTION 15.** 456.04 (3) of the statutes is renumbered 456.04 (1m) (c).

7 **SECTION 16.** 456.04 (4) of the statutes is repealed.

8 **SECTION 17.** 456.08 of the statutes is renumbered 456.08 (intro.) and amended
9 to read:

10 **456.08 Reciprocity.** (intro.) The examining board may grant a nursing home
11 administrator license under this chapter to ~~a person~~ an applicant who holds a
12 current nursing home administrator license issued by the proper authorities of any
13 other state or licensing jurisdiction, upon payment of the fee specified in s. 440.05 (2)
14 and upon submission of ~~satisfactory evidence of the person's qualifications.~~ evidence
15 satisfactory to the examining board that the applicant satisfies each of the following:

16 **SECTION 18.** 456.08 (1), (2), (3) and (4) of the statutes are created to read:

17 456.08 (1) The applicant has a bachelor's degree in any field or holds a current
18 certification as a nursing home administrator granted by the American College of
19 Health Care Administrators.

20 (2) The applicant has practiced as a nursing home administrator in good
21 standing for at least 2,000 hours in any consecutive 3–year period within the 5–year
22 period immediately preceding the date of application.

23 (3) Subject to ss. 111.321, 111.322, and 111.335, the applicant does not have an
24 arrest or conviction record.

