



(Now)  
State of Wisconsin  
2007 - 2008 LEGISLATURE

LRB-1127/PT P2

DAK:jld:rs

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

REGENERATE

✓

1     **AN ACT** *to repeal* 49.45 (8) (a) 1., 146.40 (1) (bm), 146.40 (1) (bp), 146.40 (2) (am),  
2             146.40 (2) (b), 146.40 (2) (bm), 146.40 (2) (c), 146.40 (2) (f) and 146.40 (4r) (am)  
3             2.; *to amend* 46.275 (5) (b) 4., 46.278 (1), 46.278 (1m) (am), 46.278 (2) (a), 46.278  
4             (4) (a), 46.278 (5) (a), 46.278 (6) (e) 1. a., 46.278 (6) (e) 1. b., 46.278 (6) (e) 1. c.,  
5             46.279 (1) (b), 48.685 (8), 48.685 (8), 49.45 (6m) (am) 1. bm., 49.45 (8) (a) 4., 49.45  
6             (30m) (a) 2., 49.45 (42) (b), 49.498 (1) (h), 49.498 (2) (e) 1., 49.498 (2) (e) 2., 49.498  
7             (2) (e) 3., 50.01 (2), 50.04 (2) (c) 2. b., 50.04 (2) (d) (intro.), 50.04 (2r), 50.065 (8),  
8             50.095 (3) (b), 50.097, 50.14 (1) (a), 50.14 (1) (b), 50.14 (2) (bm), 51.06 (8) (a) 1.,  
9             51.06 (8) (b) (intro.), 51.06 (8) (b) 4., 51.06 (8) (b) 7., 51.62 (4), 146.40 (title),  
10            146.40 (1) (bo), 146.40 (1) (bt), 146.40 (1) (d), 146.40 (2) (intro.), 146.40 (2) (a),  
11            146.40 (2) (d), 146.40 (2) (e), 146.40 (2) (em), 146.40 (2) (g), 146.40 (3), 146.40  
12            (3m), 146.40 (4), 146.40 (4d) (a), 146.40 (4d) (am), 146.40 (4d) (c), 146.40 (4d) (d),  
13            146.40 (4m), 146.40 (4r) (am) 1., 146.40 (4r) (b), 146.40 (4r) (c), 146.40 (4r) (e),  
14            146.40 (4r) (em), 146.40 (5) (a), 146.40 (5) (b) (intro.), 146.40 (5) (b) 1., 146.40  
15            (5) (b) 2. (intro.), 146.40 (5) (b) 2. a., 155.20 (2) (a) 2., 155.30 (3), 250.042 (4) (a)

1 3., 250.042 (4) (b), 250.042 (4) (c) 12., 440.03 (3q), 632.895 (1) (b) 2. and 632.895  
2 (2) (d); **to repeal and recreate** 49.45 (8) (a) 4. and 146.40 (4d) (am); and **to**  
3 **create** 49.45 (8) (a) 2m., 146.40 (1) (aw) and 146.40 (2m) of the statutes;  
4 **relating to:** changing the terms home health aide, hospice aide, and nurse's  
5 assistant to the term nurse aide; changing requirements for instructional and  
6 competency evaluation programs for nurse aides; changing certain  
7 requirements for review and investigation of reports of client abuse or neglect;  
8 and requiring the exercise of rule-making authority (suggested as remedial  
9 legislation by the Department of Health and Family Services).

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***Analysis by the Legislative Reference Bureau***

This is a preliminary draft. An analysis will be provided in a later version.

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

LAW REVISION COMMITTEE PREFATORY NOTE: This bill is a remedial legislation proposal, requested by the Department of Health and Family Services and introduced by the Law Revision Committee under s. 13.83 (1) (c) 4., stats. After careful consideration of the various provisions of the bill, the Law Revision Committee has determined that this bill makes minor substantive changes in the statutes, and that these changes are desirable as a matter of public policy.

10 **SECTION 1.** 46.275 (5) (b) 4. of the statutes is amended to read:  
11 46.275 (5) (b) 4. Provide services, except respite care that is approved by the  
12 department, within a skilled nursing facility, intermediate care facility or  
13 intermediate care facility for the mentally retarded persons with mental retardation,  
14 as defined in s. 46.278 (1m) (am), including a state center for the developmentally  
15 disabled.

16 **SECTION 2.** 46.278 (1) of the statutes is amended to read:

1           46.278 (1) The intent of the programs under this section is to provide home or  
2 community-based care to serve in a noninstitutional community setting a person  
3 who meets eligibility requirements under 42 USC 1396n (c) and who is diagnosed as  
4 developmentally disabled under the definition specified in s. 51.01 (5) and relocated  
5 from an institution other than a state center for the developmentally disabled or who  
6 meets the intermediate care facility for ~~the mentally retarded~~ persons with mental  
7 retardation or ~~a~~ brain injury rehabilitation facility level of care requirements for  
8 medical assistance reimbursement in an intermediate care facility for ~~the mentally~~  
9 ~~retarded persons with mental retardation~~ or a brain injury rehabilitation facility and  
10 is ineligible for services under s. 46.275 or 46.277. The intent of the program is also  
11 that counties use all existing services for providing care under this section, including  
12 those services currently provided by counties.

13           **SECTION 3.** 46.278 (1m) (am) of the statutes is amended to read:

14           46.278 (1m) (am) “Intermediate care facility for ~~the mentally retarded persons~~  
15 with mental retardation” has the meaning given for “intermediate care facility for  
16 the mentally retarded” under 42 USC 1396d ~~(e)~~ and (d).

17           **SECTION 4.** 46.278 (2) (a) of the statutes is amended to read:

18           46.278 (2) (a) The department may request one or more waivers from the  
19 secretary of the federal department of health and human services, under 42 USC  
20 1396n (c), authorizing the department to serve medical assistance recipients, who  
21 meet the level of care requirements for medical assistance reimbursement in an  
22 intermediate care facility for ~~the mentally retarded persons with mental retardation~~  
23 or in a brain injury rehabilitation facility, in their communities by providing home  
24 or community-based services as part of medical assistance. If the department

1 requests a waiver, it shall include all assurances required under 42 USC 1396n (c)  
2 (2) in its request.

3 **SECTION 5.** 46.278 (4) (a) of the statutes is amended to read:

4 46.278 (4) (a) Sections 46.27 (3) (b) and 46.275 (3) (a) and (c) to (e) apply to  
5 county participation in a program, except that services provided in the program shall  
6 substitute for care provided a person in an intermediate care facility for ~~the mentally~~  
7 ~~retarded persons with mental retardation~~ or in a brain injury rehabilitation facility  
8 who meets the intermediate care facility for ~~the mentally retarded persons with~~  
9 mental retardation or brain injury rehabilitation facility level of care requirements  
10 for medical assistance reimbursement to that facility rather than for care provided  
11 at a state center for the developmentally disabled.

12 **SECTION 6.** 46.278 (5) (a) of the statutes is amended to read:

13 46.278 (5) (a) Any medical assistance recipient who meets the level of care  
14 requirements for medical assistance reimbursement in an intermediate care facility  
15 for ~~the mentally retarded persons with mental retardation~~ or in a brain injury  
16 rehabilitation facility and is ineligible for service under s. 46.275 or 46.277 is eligible  
17 to participate in a program, except that persons eligible for the brain injury waiver  
18 program must meet the definition of brain injury under s. 51.01 (2g), and except that  
19 the number of participants may not exceed the number approved under the waiver  
20 received under sub. (3). Such a recipient may apply, or any person may apply on  
21 behalf of such a recipient, for participation in a program. Section 46.275 (4) (b)  
22 applies to participation in a program.

23 **SECTION 7.** 46.278 (6) (e) 1. a. of the statutes is amended to read:

24 46.278 (6) (e) 1. a. An intermediate care facility for ~~the mentally retarded~~  
25 persons with mental retardation that closes under s. 50.03 (14).

strike

nurse's assistant

delete

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48.685 (8) The department, the department of health ~~and family~~ services, a county department, a child welfare agency, or a school board may charge a fee for obtaining the information required under sub. (2) (am) or (3) (a) or for providing information to an entity to enable the entity to comply with sub. (2) (b) 1. or (3) (b). The fee may not exceed the reasonable cost of obtaining the information. No fee may be charged to a nurse aide, as defined in s. 146.40 (1) (d), for obtaining or maintaining information if to do so would be inconsistent with federal law.

SECTION 13. 49.45 (6m) (am) 1. bm. of the statutes is amended to read:

49.45 (6m) (am) 1. bm. Nonbillable services of a registered nurse, licensed practical nurse, and ~~nurse's assistant~~ nurse aide.

SECTION 14. 49.45 (8) (a) 1. of the statutes is repealed.

SECTION 15. 49.45 (8) (a) 2m. of the statutes is created to read:

49.45 (8) (a) 2m. "Nurse aide" has the meaning given in s. 146.40 (1) (d).

SECTION 16. 49.45 (8) (a) 4. of the statutes is amended to read:

49.45 (8) (a) 4. "Patient care visit" means a personal contact with a patient in a patient's home that is made by a registered nurse, licensed practical nurse, ~~home health~~ nurse aide, physical therapist, occupational therapist or speech-language pathologist who is on the staff of or under contract or arrangement with a home health agency, or by a registered nurse or licensed practical nurse practicing independently, to provide a service that is covered under s. 49.46 or 49.47. "Patient care visit" does not include time spent by a nurse, therapist or ~~home health~~ nurse aide on case management, care coordination, travel, record keeping or supervision that is related to the patient care visit.

SECTION 17. 49.45 (8) (a) 4. of the statutes, as affected by 2007 Wisconsin Act 9

20 ~~and...~~ (this act), is repealed and recreated to read:

1           **SECTION 8.** 46.278 (6) (e) 1. b. of the statutes is amended to read:

2           46.278 (6) (e) 1. b. An intermediate care facility for ~~the mentally retarded~~  
3 persons with mental retardation or a distinct part thereof that has a plan of closure  
4 approved by the department and that intends to close within 12 months.

5           **SECTION 9.** 46.278 (6) (e) 1. c. of the statutes is amended to read:

6           46.278 (6) (e) 1. c. An intermediate care facility for ~~the mentally retarded~~  
7 persons with mental retardation that has a plan of closure or significant reduction  
8 in capacity approved by the department and that intends to close or significantly  
9 reduce its capacity within 60 months.

10          **SECTION 10.** 46.279 (1) (b) of the statutes is amended to read:

11          46.279 (1) (b) "Intermediate facility" ~~means~~ has the meaning given for an  
12 intermediate care facility for the mentally retarded, ~~as defined in under~~ 42 USC  
13 1396d (d), other than a center for the developmentally disabled, as defined in s. 51.01  
14 (3).

15          **SECTION 11.** 48.685 (8) of the statutes is amended to read:

16          48.685 (8) ~~The department, a county department, a child welfare agency or a~~  
17 ~~school board may charge a fee for obtaining the information required under sub. (2)~~  
18 ~~(am) or (3) (a) or for providing information to an entity to enable the entity to comply~~  
19 ~~with sub. (2) (b) 1. or (3) (b). The fee may not exceed the reasonable cost of obtaining~~  
20 ~~the information. No fee may be charged to a nurse's assistant nurse aide, as defined~~  
21 ~~in s. 146.40 (1) (d), for obtaining or maintaining information if to do so would be~~  
22 ~~inconsistent with federal law.~~

23          **SECTION 12.** 48.685 (8) of the statutes, as affected by 2007 Wisconsin Act 20

24          and ~~...~~ (this act), is amended to read:

1           49.45 (8) (a) 4. "Patient care visit" means a personal contact with a patient in  
 2 a patient's home that is made by a registered nurse, licensed practical nurse, nurse  
 3 aide, physical therapist, occupational therapist, or speech-language pathologist who  
 4 is on the staff of or under contract or arrangement with a home health agency, or by  
 5 a registered nurse or licensed practical nurse practicing independently, to provide a  
 6 service that is covered under s. 49.46, 49.47, or 49.471. "Patient care visit" does not  
 7 include time spent by a nurse, therapist, or nurse aide on case management, care  
 8 coordination, travel, record keeping, or supervision that is related to the patient care  
 9 visit.

10           **SECTION 18.** 49.45 (30m) (a) 2. of the statutes is amended to read:

11           49.45 (30m) (a) 2. Services in an intermediate care facility for ~~the mentally~~  
 12 retarded persons with mental retardation, as defined in s. 46.278 (1m) (am), other  
 13 than a state center for the developmentally disabled.

14           **SECTION 19.** 49.45 (42) (b) of the statutes is amended to read:

15           49.45 (42) (b) The individual is not eligible to receive home health aide services  
 16 under medicare, as defined in sub. (3) (L) 1. b.

17           **SECTION 20.** 49.498 (1) (h) of the statutes is amended to read:

18           49.498 (1) (h) "Nurse's assistant Nurse aide" has the meaning given for "nurse  
 19 aide" under 42 USC 1396r (b) (5) (F).

20 *Fix component* **SECTION 21.** 49.498 (2) (e) 1. of the statutes is ~~amended to read,~~ *repealed.*

21           49.498 (2) (e) 1. A nursing facility shall provide, for individuals used as nurse's  
 22 ~~assistants~~ nurse aides by the facility as of July 1, 1989, for a competency evaluation  
 23 program that is approved by the department under s. 146.40 (3m) and for the  
 24 preparation necessary for the individual to complete the program by January 1,  
 25 1990.

1           **SECTION 22.** 49.498 (2) (e) 2. of the statutes is amended to read:

2           49.498 (2) (e) 2. A nursing facility may not use the individual as a nurse's  
3 ~~assistant~~ nurse aide unless the nursing facility has inquired of the department  
4 concerning information about the individual in the registry under s. 146.40 (4g).

5           **SECTION 23.** 49.498 (2) (e) 3. of the statutes is amended to read:

6           49.498 (2) (e) 3. A nursing facility shall provide the regular performance review  
7 and regular in-service education that assures that individuals used as nurse's  
8 ~~assistants~~ nurse aides are competent to perform services as ~~nurse's assistants~~ nurse  
9 aides, including training for individuals to provide nursing and nursing-related  
10 services to nursing facility residents with cognitive impairments.

11           **SECTION 24.** 50.01 (2) of the statutes is amended to read:

12           50.01 (2) "Nurse's assistant Nurse aide" means a person who performs routine  
13 patient care duties delegated by a registered nurse or licensed practical nurse who  
14 supervises the person, for the direct health care of a patient or resident. "Nurse's  
15 ~~assistant~~ Nurse aide" does not mean a feeding assistant, as defined in s. 146.40 (1)  
16 (aw); a person who is licensed, permitted, certified, or registered under ch. 441, 448,  
17 449, 450, 451, 455, 459, or 460; or a person whose duties primarily involve skills that  
18 are different than those taught in instructional programs for ~~nurse's assistants~~  
19 nurse aides.

20           **SECTION 25.** 50.04 (2) (c) 2. b. of the statutes is amended to read:

21           50.04 (2) (c) 2. b. A shortage of nurses or ~~nurse's assistants~~ nurse aides  
22 available for employment by the nursing home exists.

23           **SECTION 26.** 50.04 (2) (d) (intro.) of the statutes is amended to read:

24           50.04 (2) (d) (intro.) Each nursing home, other than nursing homes that  
25 primarily serve the developmentally disabled, shall provide at least the following



1 hours of service by registered nurses, licensed practical nurses, or ~~nurse's assistants~~  
2 nurse aides and may not use hours of service by a feeding assistant, as defined in s.  
3 146.40 (1) (aw), in fulfilling these requirements:

4 **SECTION 27.** 50.04 (2r) of the statutes is amended to read:

5 50.04 (2r) ADMISSIONS REQUIRING APPROVAL. Except in an emergency, a nursing  
6 home that is not certified as a provider of medical assistance or that is an  
7 intermediate care facility for ~~the mentally retarded persons with mental retardation,~~  
8 as defined in s. 46.278 (1m) (am), or an institution for mental diseases, as defined  
9 under 42 CFR 435.1009, may not admit as a resident an individual who has a  
10 developmental disability, as defined in s. 51.01 (5), or who is both under age 65 and  
11 has mental illness, as defined in s. 51.01 (13), unless the county department under  
12 s. 46.23, 51.42 or 51.437 of the individual's county of residence has recommended the  
13 admission.

14 **SECTION 28.** 50.065 (8) of the statutes is amended to read:

15 50.065 (8) The department may charge a fee for obtaining the information  
16 required under sub. (2) (am) or (3) (a) or for providing information to an entity to  
17 enable the entity to comply with sub. (2) (b) or (3) (b). No fee may be charged to a  
18 ~~nurse's assistant~~ nurse aide, as defined in s. 146.40 (1) (d), for obtaining or  
19 maintaining the information if to do so would be inconsistent with federal law.

20 **SECTION 29.** 50.095 (3) (b) of the statutes is amended to read:

21 50.095 (3) (b) The staff replacement rates for full-time and part-time nursing  
22 staff, ~~nurse's assistants~~ nurse aides, and administrators for the previous year for the  
23 nursing home and for all similar nursing homes in the same geographical area, as  
24 determined by the department.

25 **SECTION 30.** 50.097 of the statutes is amended to read:

1           **50.097 Registry.** Any person may receive, upon specific written request to the  
2 department, requested information that is contained in the registry of nurse's  
3 assistants and home health aides individuals under s. 146.40 (4g) (a) ~~or that is~~  
4 ~~contained in the registry of hospice aides under s. 146.40 (4g) (a) 1.~~

5           **SECTION 31.** 50.14 (1) (a) of the statutes is amended to read:

6           50.14 (1) (a) Notwithstanding s. 50.01 (1m), "facility" means a nursing home  
7 or an intermediate care facility for ~~the mentally retarded~~ persons with mental  
8 retardation that is not located outside the state.

9           **SECTION 32.** 50.14 (1) (b) of the statutes is amended to read:

10           50.14 (1) (b) "Intermediate care facility for ~~the mentally retarded~~ persons with  
11 mental retardation" has the meaning given for "intermediate care facility for the  
12 mentally retarded" under 42 USC 1396d ~~(e) and~~ (d).

13           **SECTION 33.** 50.14 (2) (bm) of the statutes, as created by 2007 Wisconsin Act  
14 20, is amended to read:

15           50.14 (2) (bm) For intermediate care facilities for ~~the mentally retarded~~  
16 persons with mental retardation, an amount calculated by multiplying the projected  
17 annual gross revenues of all intermediate care facilities for ~~the mentally retarded~~  
18 persons with mental retardation in this state by 0.055, dividing the product by the  
19 number of licensed beds of intermediate care facilities in this state and dividing the  
20 quotient by 12.

21           **SECTION 34.** 51.06 (8) (a) 1. of the statutes is amended to read:

22           51.06 (8) (a) 1. "Intermediate care facility for ~~the mentally retarded~~ persons  
23 with mental retardation" has the meaning given ~~in~~ for "intermediate care facility for  
24 the mentally retarded" under 42 USC 1396d (d).

25           **SECTION 35.** 51.06 (8) (b) (intro.) of the statutes is amended to read:

1           51.06 (8) (b) (intro.) Annually by October 1, the department shall submit to the  
2 joint committee on finance and to the appropriate standing committees of the  
3 legislature under s. 13.172 (3) a report that includes information collected from the  
4 previous fiscal year on the relocation or diversion of individuals who are Medical  
5 Assistance eligibles or recipients from nursing homes, intermediate care facilities for  
6 ~~the mentally retarded persons with mental retardation~~, and centers for the  
7 developmentally disabled. The report shall include all of the following information:

8           **SECTION 36.** 51.06 (8) (b) 4. of the statutes is amended to read:

9           51.06 (8) (b) 4. An accounting of the costs and savings under the Medical  
10 Assistance program of relocations and diversions and the resulting reduction in  
11 capacity for services of nursing homes, intermediate care facilities for ~~the mentally~~  
12 ~~retarded persons with mental retardation~~, and centers for the developmentally  
13 disabled. The accounting shall include the per individual savings as well as the  
14 collective savings of relocations and diversions.

15           **SECTION 37.** 51.06 (8) (b) 7. of the statutes is amended to read:

16           51.06 (8) (b) 7. Staff turnover rates for nursing homes, intermediate care  
17 facilities for ~~the mentally retarded persons with mental retardation~~, and centers for  
18 the developmentally disabled in communities in which an individual relocated or  
19 diverted from a nursing home, intermediate care facility for ~~the mentally retarded~~  
20 ~~persons with mental retardation~~, or center for the developmentally disabled  
21 currently resides.

22           **SECTION 38.** 51.62 (4) of the statutes is amended to read:

23           51.62 (4) DEPARTMENTAL DUTIES. The department shall provide the protection  
24 and advocacy agency with copies of annual surveys and plans of correction for  
25 intermediate care facilities for ~~the mentally retarded persons with mental~~

1 retardation on or before the first day of the 2nd month commencing after completion  
2 of the survey or plan.

3 SECTION 39. 146.40 (title) of the statutes is amended to read:

4 146.40 (title) **Instructional programs for nurse's nurse aides; reporting**  
5 **client abuse.**

6 SECTION 40. 146.40 (1) (aw) of the statutes is created to read:

7 146.40 (1) (aw) "Feeding assistant" means an individual who has completed a  
8 state-approved training and testing program, as specified by the department by  
9 rule, to perform one nursing-related duty. *as defined by the department by rule*

10 SECTION 41. 146.40 (1) (bm) of the statutes is repealed.

11 SECTION 42. 146.40 (1) (bo) of the statutes is amended to read:

12 146.40 (1) (bo) "Hospice" means a hospice that is licensed under subch. IV of  
13 ch. 50 and that is certified as a provider of services under 42 USC 1395 to 1395ccc.

14 SECTION 43. 146.40 (1) (bp) of the statutes is repealed.

15 SECTION 44. 146.40 (1) (bt) of the statutes is amended to read:

16 146.40 (1) (bt) "Intermediate care facility for ~~the mentally retarded persons~~  
17 with mental retardation" has the meaning given for "intermediate care facility for  
18 the mentally retarded" under 42 USC 1396d (e) and (d).

19 SECTION 45. 146.40 (1) (d) of the statutes is amended to read:

20 146.40 (1) (d) "Nurse's assistant Nurse aide" means an individual who  
21 performs routine patient care duties delegated by a registered nurse or licensed  
22 practical nurse who supervises the individual, for the direct health care of a patient  
23 or resident. "Nurse's assistant Nurse aide" does not mean a feeding assistant, an  
24 individual who is licensed, permitted, certified, or registered under ch. 441, 448, 449,  
25 450, 451, 455, 459, or 460, or an individual whose duties primarily involve skills that

1 are different than those taught in instructional and ~~competency evaluation~~  
2 programs for nurse's assistants certified nurse aides approved under sub. (3) or  
3 evaluated by competency evaluation programs for nurse's assistants nurse aides  
4 approved under sub. (3m).

5 SECTION 46. 146.40 (2) (intro.) of the statutes is amended to read:

6 146.40 (2) (intro.) A hospital, nursing home ~~or~~, intermediate care facility for the  
7 mentally retarded persons with mental retardation, home health agency, or hospice  
8 may not employ or contract for the services of an individual as a nurse's assistant,  
9 a home health agency may not employ or contract for the services of an individual  
10 as a home health aide and a hospice may not employ or contract for the services of  
11 an individual as a hospice nurse aide, regardless of the title under which the  
12 individual is employed or contracted for, unless one of the following is true:

13 SECTION 47. 146.40 (2) (a) of the statutes is amended to read:

14 146.40 (2) (a) For hospitals, nursing homes, home health agencies or hospices,  
15 ~~whether or not certified providers of medical assistance, except as provided in par.~~  
16 ~~(g), and intermediate care facilities for the mentally retarded that are certified~~  
17 ~~providers of medical assistance, the~~ The individual has successfully completed  
18 instruction in an instructional and competency evaluation program for nurse's  
19 assistants, home health aides or hospice nurse aides that is certified ~~approved~~ by the

20 department approved under sub. (3). and has successfully completed  
a competency evaluation program  
21 SECTION 48. 146.40 (2) (am) of the statutes is repealed. that is approved  
22 SECTION 49. 146.40 (2) (b) of the statutes is repealed. under sub.  
23 SECTION 50. 146.40 (2) (bm) of the statutes is repealed. (3m) ✓

24 ~~SECTION 51. 146.40 (2) (c) of the statutes is repealed.~~

25 SECTION 52. 146.40 (2) (d) of the statutes is amended to read:

INSERT 13-24 ✓

1           146.40 (2) (d) For hospitals, nursing homes, home health agencies, or hospices,  
2 whether or not certified providers of medical assistance, and intermediate care  
3 facilities for ~~the mentally retarded persons with mental retardation~~ that are certified  
4 providers of medical assistance, the individual has successfully completed  
5 ~~instruction in an instructional and competency evaluation program or has~~  
6 ~~successfully completed~~ and a competency evaluation program for nurse's assistants,  
7 ~~for home health aides or for hospice nurse aides~~ that is certified in another state that  
8 meets criteria for acceptance in this state as specified by the department by rule, ~~or~~  
9 ~~the individual is certified as a nurse's assistant, home health aide or hospice aide in~~  
10 ~~another state that meets criteria for acceptance in this state as specified by the~~  
11 ~~department by rule, except that after December 31, 1991, par. (a) applies.~~

12           **SECTION 53.** 146.40 (2) (e) of the statutes is amended to read:

13           146.40 (2) (e) For hospitals, home health agencies, or hospices, whether or not  
14 certified providers of medical assistance, nursing homes that are not certified  
15 providers of medical assistance and intermediate care facilities for ~~the mentally~~  
16 ~~retarded~~ persons with mental retardation that are certified providers of medical  
17 assistance, the individual is a student nurse who has successfully completed a basic  
18 nursing course from a school that is on the accredited list of schools specified under  
19 s. 441.01 (4) or who successfully completes a competency evaluation program for  
20 ~~nurse's assistants, home health aides or hospice nurse~~ nurse aides that is approved by the  
21 department under sub. (3m).

22           **SECTION 54.** 146.40 (2) (em) of the statutes is amended to read:

23           146.40 (2) (em) For nursing homes that are certified providers of medical  
24 assistance, the individual is a student nurse who successfully completes a

1 competency evaluation program for ~~nurse's assistants~~ nurse aides that is approved  
2 by the department under sub. (3m).

3 **SECTION 55.** 146.40 (2) (f) of the statutes is repealed.

4 **SECTION 56.** 146.40 (2) (g) of the statutes is amended to read:

5 146.40 (2) (g) For hospitals, nursing homes, home health agencies, or hospices,  
6 whether or not certified providers of medical assistance, and intermediate care  
7 facilities for persons with mental retardation that are certified providers of medical  
8 assistance, the individual, if he or she has performed no nursing-related service for  
9 monetary compensation for 24 consecutive months after having satisfied the  
10 requirement under par. (a), again successfully completes ~~instruction in an~~  
11 ~~instructional and a~~ competency evaluation program for ~~nurse's assistants~~ nurse  
12 aides that is certified approved by the department under sub. (3) or a competency  
13 evaluation program for ~~nurse's assistants~~ that is approved by the department under  
14 sub. (3m).

15 **SECTION 57.** 146.40 (2m) of the statutes is created to read:

16 146.40 (2m) A nursing home or intermediate care facility for persons with  
17 mental retardation, whether or not the nursing home or intermediate care facility  
18 is a certified provider of medical assistance, may not employ or contract for the  
19 services of an individual as a feeding assistant, regardless of the title under which  
20 the individual is employed or contracted for, unless the individual has successfully  
21 completed a state-approved training and testing program, as specified by the  
22 department by rule.

23 **SECTION 58.** 146.40 (3) of the statutes is amended to read:

24 146.40 (3) Except as provided in sub. (4d), the department shall certify approve  
25 ~~instructional and competency evaluation~~ programs for ~~nurse's assistants~~, for home

1 ~~health aides and for hospice nurse aides that apply for certification,~~ and satisfy  
2 standards for certification approval that are promulgated by rule by the  
3 department. The department shall review the curriculum of each certified approved  
4 instructional ~~and competency evaluation~~ program at least once every ~~36~~ 24 months  
5 following the date of certification approval to determine whether the program  
6 satisfies continues to satisfy the standards for certification approval. Under this  
7 subsection, the department may, after providing notice, suspend or revoke the  
8 certification approval of an instructional ~~and competency evaluation~~ program or  
9 impose a plan of correction on the program if the program ~~does not~~ fails to satisfy the  
10 standards for certification approval or operates under conditions that are other than  
11 those contained in the application approved by the department.

12 **SECTION 59.** 146.40 (3m) of the statutes is amended to read:

13 146.40 (3m) The department shall review competency evaluation programs for  
14 nurse's assistants, ~~for home health aides and for hospice nurse aides and,~~ except as  
15 provided in sub. (4d), may approve those competency evaluation programs that  
16 satisfy standards for approval that are specified in rules of promulgated by the  
17 department. Under this subsection, the department may, after providing notice,  
18 suspend or revoke approval of a competency evaluation program or impose a plan of  
19 correction on the program if the competency evaluation program fails to satisfy the  
20 standards for approval or operates under conditions that are other than those  
21 contained in the application approved by the department.

22 **SECTION 60.** 146.40 (4) of the statutes is amended to read:

23 146.40 (4) ~~An instructional and A~~ competency evaluation program certified  
24 under sub. (3) or a competency evaluation program approved under sub. (3m) shall  
25 notify the department, ~~on a form provided by the department, within 30 days to~~



1 include an individual on the registry under sub. (4g) (a) 1. after an the individual has  
2 successfully completed the program competency examination.

3 **SECTION 61.** 146.40 (4d) (a) of the statutes is amended to read:

4 146.40 (4d) (a) Except as provided in par. (am), the department shall require  
5 each applicant to provide the department with his or her social security number, if  
6 the applicant is an individual, or the applicant's federal employer identification  
7 number, if the applicant is not an individual, as a condition of issuing a certification  
8 an approval under sub. (3) or an approval under sub. (3m).

9 **SECTION 62.** 146.40 (4d) (am) of the statutes is amended to read:

10 146.40 (4d) (am) ~~If an individual who applies for a certification or approval~~  
11 ~~specified under par. (a) does not have a social security number, the individual, as a~~  
12 ~~condition of obtaining certification or approval, shall submit a statement made or~~  
13 ~~subscribed under oath or affirmation to the department that the applicant does not~~  
14 ~~have a social security number. The form of the statement shall be prescribed by the~~  
15 ~~department of workforce development. A certification or An approval issued in~~  
16 ~~reliance upon a false statement submitted under this paragraph is invalid.~~

17 **SECTION 63.** 146.40 (4d) (am) of the statutes, as affected by 2007 Wisconsin Acts

18 20 and ~~this act~~, is repealed and recreated to read:

19 146.40 (4d) (am) If an individual specified under par. (a) does not have a social  
20 security number, the individual, as a condition of obtaining approval, shall submit  
21 a statement made or subscribed under oath or affirmation to the department that the  
22 applicant does not have a social security number. The form of the statement shall  
23 be prescribed by the department of children and families. An approval issued in  
24 reliance upon a false statement submitted under this paragraph is invalid.

25 **SECTION 64.** 146.40 (4d) (c) of the statutes is amended to read:

1           146.40 (4d) (c) Except as provided in par. (am), the department shall deny an  
2 application for the issuance of ~~a certification or~~ an approval specified in par. (a) if  
3 the applicant does not provide the information specified in par. (a).

4           **SECTION 65.** 146.40 (4d) (d) of the statutes is amended to read:

5           146.40 (4d) (d) The department shall deny an application for the issuance of  
6 ~~a certification or~~ an approval specified in par. (a) or shall revoke ~~a certification or~~  
7 an approval if the department of revenue certifies under s. 73.0301 that the applicant  
8 for or holder of ~~a certification or~~ an approval is liable for delinquent taxes.

9           **SECTION 66.** 146.40 (4m) of the statutes is amended to read:

10           146.40 (4m) An instructional ~~and competency evaluation~~ program under sub.  
11 (3) for which the department has suspended or revoked ~~certification~~ approval or  
12 imposed a plan of correction or a competency evaluation program under sub. (3m) for  
13 which the department has suspended or revoked approval or imposed a plan of  
14 correction may contest the department's action by sending, within 10 days after  
15 receipt of notice of the contested action, a written request for hearing under s. 227.44  
16 to the division of hearings and appeals created under s. 15.103 (1). The  
17 administrator of the division may designate a hearing examiner to preside over the  
18 case and recommend a decision to the administrator under s. 227.46. The decision  
19 of the administrator of the division shall be the final administrative decision. The  
20 division shall commence the hearing within 30 days after receipt of the request for  
21 hearing and shall issue a final decision within 15 days after the close of the hearing.  
22 Proceedings before the division are governed by ch. 227. In any petition for judicial  
23 review of a decision by the division, the party, other than the petitioner, who was in  
24 the proceeding before the division shall be the named respondent. This subsection  
25 does not apply to a revocation of ~~certification~~ approval under sub. (4d) (d).

1           **SECTION 67.** 146.40 (4r) (am) 1. of the statutes is amended to read:

2           146.40 (4r) (am) 1. ~~Except as provided in subd. 2., an~~ An entity shall report to  
3 the department any allegation of misappropriation of the property of a client or of  
4 neglect or abuse of a client by any ~~person~~ individual employed by or under contract  
5 with the entity if the ~~person~~ individual is under the control of the entity.

6           **SECTION 68.** 146.40 (4r) (am) 2. of the statutes is repealed.

7           **SECTION 69.** 146.40 (4r) (b) of the statutes is amended to read:

8           146.40 (4r) (b) ~~Except as provided in pars. (em) and (er),~~ the department shall  
9 review and investigate any report received under par. (a) or (am) and, if the  
10 allegation is substantiated, make specific, documented findings concerning the  
11 misappropriation of property or the neglect or abuse. The department shall, in  
12 writing ~~by certified mail,~~ notify the ~~person~~ individual specified in the report that the  
13 ~~person's~~ individual's name and the department's findings about the ~~person~~  
14 individual shall be listed in the registry under sub. (4g) (a) 2. and 3. unless the ~~person~~  
15 individual contests the listings in a hearing before the division of hearings and  
16 appeals created under s. 15.103 (1). The written notification shall describe the  
17 investigation conducted by the department, enumerate the findings alleging  
18 misappropriation of property or neglect or abuse of a client and explain the  
19 consequence to the ~~person~~ individual specified in the report of waiving a hearing to  
20 contest the findings. The ~~person~~ individual specified in the report shall have 30  
21 calendar days after receipt of the notification to indicate to the department in writing  
22 whether he or she intends to contest the listing or to waive the hearing.

23           **SECTION 70.** 146.40 (4r) (c) of the statutes is amended to read:

24           146.40 (4r) (c) ~~If the nurse's assistant or home health aide~~ an individual under  
25 par. (b) notifies the department that he or she waives a hearing to contest the listings

1 in the registry under par. (b), or fails to notify the department within 30 calendar  
2 days after receipt of a notice under par. (b), the department shall enter the name of  
3 the individual under sub. (4g) (a) 2. and the department's findings about the  
4 individual under sub. (4g) (a) 3.

5 **SECTION 71.** 146.40 (4r) (e) of the statutes is amended to read:

6 146.40 (4r) (e) The ~~nurse's assistant or home health aide~~ individual may  
7 provide the department with a brief statement disputing the department's findings  
8 under par. (b) or the hearing officer's findings under par. (d) and, if so provided, the  
9 department shall enter the statement under sub. (4g) (a) 4.

10 **SECTION 72.** 146.40 (4r) (em) of the statutes is amended to read:

11 146.40 (4r) (em) If the department of ~~health and family services~~ receives a  
12 report under par. (a) or (am) and determines that ~~a person~~ an individual who is the  
13 subject of the report holds a credential that is related to the ~~person's~~ individual's  
14 employment at, or contract with, the entity, the department of ~~health and family~~  
15 ~~services~~ shall refer the report to the department of regulation and licensing.

16 **SECTION 73.** 146.40 (5) (a) of the statutes is amended to read:

17 146.40 (5) (a) The department, ~~in consultation with the technical college~~  
18 ~~system board,~~ shall promulgate rules specifying standards for certification approval  
19 in this state of instructional programs and competency evaluation programs for  
20 ~~nurse's assistants, home health aides and hospice~~ nurse aides. The standards shall  
21 include specialized training in providing care to individuals with special needs.

22 **SECTION 74.** 146.40 (5) (b) (intro.) of the statutes is amended to read:

23 146.40 (5) (b) (intro.) The department shall promulgate rules specifying  
24 criteria for acceptance by this state of an instructional program and a competency  
25 evaluation program ~~or a competency evaluation program~~ that is certified in another

1 state, including whether the other state grants ~~nurse's assistant privileges, home~~  
2 ~~health aide privileges or hospice~~ nurse aide privileges to persons who have completed  
3 instruction in an instructional ~~and competency evaluation~~ program that is ~~certified~~  
4 approved under sub. (3) and whether one of the following is true:

5 **SECTION 75.** 146.40 (5) (b) 1. of the statutes is amended to read:

6 146.40 (5) (b) 1. If the other state certifies instructional programs and  
7 competency evaluation programs for ~~nurse's assistants, home health aides or hospice~~  
8 nurse aides, the state's requirements are substantially similar, as determined by the  
9 department, to certification requirements in this state.

10 **SECTION 76.** 146.40 (5) (b) 2. (intro.) of the statutes is amended to read:

11 146.40 (5) (b) 2. (intro.) If the other state certifies ~~nurse's assistants, home~~  
12 ~~health aides or hospice~~ nurse aides, that state's requirements are such that one of  
13 the following applies:

14 **SECTION 77.** 146.40 (5) (b) 2. a. of the statutes is amended to read:

15 146.40 (5) (b) 2. a. The instructional ~~and competency evaluation~~ programs  
16 required for attendance by persons receiving certificates are substantially similar,  
17 as determined by the department, to instructional ~~and competency evaluation~~  
18 programs ~~certified~~ approved under sub. (3).

19 **SECTION 78.** 155.20 (2) (a) 2. of the statutes is amended to read:

20 155.20 (2) (a) 2. An intermediate care facility for ~~the mentally retarded persons~~  
21 with mental retardation, as defined in s. 46.278 (1m) (am).

22 **SECTION 79.** 155.30 (3) of the statutes is amended to read:

23 155.30 (3) The department shall prepare and provide copies of a power of  
24 attorney for health care instrument and accompanying information for distribution  
25 in quantities to health care professionals, hospitals, nursing homes, multipurpose

1 senior centers, county clerks, and local bar associations and individually to private  
2 persons. The department shall include, in information accompanying the copy of the  
3 instrument, at least the statutory definitions of terms used in the instrument,  
4 statutory restrictions on who may be witnesses to a valid instrument, a statement  
5 explaining that valid witnesses acting in good faith are statutorily immune from civil  
6 or criminal liability and a statement explaining that an instrument may, but need  
7 not, be filed with the register in probate of the principal's county of residence. The  
8 department may charge a reasonable fee for the cost of preparation and distribution.  
9 The power of attorney for health care instrument distributed by the department  
10 shall include the notice specified in sub. (1) and shall be in the following form:

11 **POWER OF ATTORNEY**

12 **FOR HEALTH CARE**

13 Document made this.... day of.... (month),.... (year).

14 **CREATION OF POWER OF**

15 **ATTORNEY FOR HEALTH CARE**

16 I,.... (print name, address and date of birth), being of sound mind, intend by this  
17 document to create a power of attorney for health care. My executing this power of  
18 attorney for health care is voluntary. Despite the creation of this power of attorney  
19 for health care, I expect to be fully informed about and allowed to participate in any  
20 health care decision for me, to the extent that I am able. For the purposes of this  
21 document, "health care decision" means an informed decision to accept, maintain,  
22 discontinue or refuse any care, treatment, service or procedure to maintain, diagnose  
23 or treat my physical or mental condition.

24 In addition, I may, by this document, specify my wishes with respect to making  
25 an anatomical gift upon my death.

## DESIGNATION OF HEALTH CARE AGENT

1  
2           If I am no longer able to make health care decisions for myself, due to my  
3 incapacity, I hereby designate.... (print name, address and telephone number) to be  
4 my health care agent for the purpose of making health care decisions on my behalf.  
5 If he or she is ever unable or unwilling to do so, I hereby designate.... (print name,  
6 address and telephone number) to be my alternate health care agent for the purpose  
7 of making health care decisions on my behalf. Neither my health care agent nor my  
8 alternate health care agent whom I have designated is my health care provider, an  
9 employee of my health care provider, an employee of a health care facility in which  
10 I am a patient or a spouse of any of those persons, unless he or she is also my relative.  
11 For purposes of this document, "incapacity" exists if 2 physicians or a physician and  
12 a psychologist who have personally examined me sign a statement that specifically  
13 expresses their opinion that I have a condition that means that I am unable to receive  
14 and evaluate information effectively or to communicate decisions to such an extent  
15 that I lack the capacity to manage my health care decisions. A copy of that statement  
16 must be attached to this document.

GENERAL STATEMENT OF  
AUTHORITY GRANTED

17  
18  
19           Unless I have specified otherwise in this document, if I ever have incapacity I  
20 instruct my health care provider to obtain the health care decision of my health care  
21 agent, if I need treatment, for all of my health care and treatment. I have discussed  
22 my desires thoroughly with my health care agent and believe that he or she  
23 understands my philosophy regarding the health care decisions I would make if I  
24 were able. I desire that my wishes be carried out through the authority given to my  
25 health care agent under this document.







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STATEMENT OF DESIRES, SPECIAL  
PROVISIONS OR LIMITATIONS

In exercising authority under this document, my health care agent shall act consistently with my following stated desires, if any, and is subject to any special provisions or limitations that I specify. The following are specific desires, provisions or limitations that I wish to state (add more items if needed):

- 1) -
- 2) -
- 3) -

INSPECTION AND DISCLOSURE OF INFORMATION  
RELATING TO MY PHYSICAL OR MENTAL HEALTH

Subject to any limitations in this document, my health care agent has the authority to do all of the following:

- (a) Request, review and receive any information, oral or written, regarding my physical or mental health, including medical and hospital records.
  - (b) Execute on my behalf any documents that may be required in order to obtain this information.
  - (c) Consent to the disclosure of this information.
- (The principal and the witnesses all must sign the document at the same time.)

SIGNATURE OF PRINCIPAL

(person creating the power of attorney for health care)

Signature.... Date....

(The signing of this document by the principal revokes all previous powers of attorney for health care documents.)

STATEMENT OF WITNESSES

1 I know the principal personally and I believe him or her to be of sound mind and  
 2 at least 18 years of age. I believe that his or her execution of this power of attorney  
 3 for health care is voluntary. I am at least 18 years of age, am not related to the  
 4 principal by blood, marriage or adoption and am not directly financially responsible  
 5 for the principal's health care. I am not a health care provider who is serving the  
 6 principal at this time, an employee of the health care provider, other than a chaplain  
 7 or a social worker, or an employee, other than a chaplain or a social worker, of an  
 8 inpatient health care facility in which the declarant is a patient. I am not the  
 9 principal's health care agent. To the best of my knowledge, I am not entitled to and  
 10 do not have a claim on the principal's estate.

11 Witness No. 1:  
 12 (print) Name.... Date....  
 13 Address....  
 14 Signature....

15 Witness No. 2:  
 16 (print) Name.... Date....  
 17 Address....  
 18 Signature....

19 STATEMENT OF HEALTH CARE AGENT  
 20 AND ALTERNATE HEALTH CARE AGENT

21 I understand that.... (name of principal) has designated me to be his or her  
 22 health care agent or alternate health care agent if he or she is ever found to have  
 23 incapacity and unable to make health care decisions himself or herself. .... (name of  
 24 principal) has discussed his or her desires regarding health care decisions with me.

25 Agent's signature....

1 Address....

2 Alternate's signature....

3 Address....

4 Failure to execute a power of attorney for health care document under chapter  
5 155 of the Wisconsin Statutes creates no presumption about the intent of any  
6 individual with regard to his or her health care decisions.

7 This power of attorney for health care is executed as provided in chapter 155  
8 of the Wisconsin Statutes.

9 ANATOMICAL GIFTS (optional)

10 Upon my death:

11 .... I wish to donate only the following organs or parts: .... (specify the organs or  
12 parts).

13 .... I wish to donate any needed organ or part.

14 .... I wish to donate my body for anatomical study if needed.

15 .... I refuse to make an anatomical gift. (If this revokes a prior commitment that  
16 I have made to make an anatomical gift to a designated donee, I will attempt to notify  
17 the donee to which or to whom I agreed to donate.)

18 Failing to check any of the lines immediately above creates no presumption  
19 about my desire to make or refuse to make an anatomical gift.

20 Signature....

Date....

21 SECTION 80. 250.042 (4) (a) 3. of the statutes is amended to read:

22 250.042 (4) (a) 3. "Health care provider" means an individual who, at any time  
23 within 10 years before a state of emergency is declared under s. 166.03 (1) (b) 1. or  
24 166.23, has met requirements for a nurse's assistant nurse aide under s. 146.40 (2)

25 (a), ~~(b)~~, ~~(bm)~~, ~~(c)~~, (e), (em), ~~(f)~~, or (g), has been licensed as a physician, a physician

plain

RESTORE TO PLAIN TEXT

1 assistant, or a podiatrist under ch. 448, licensed as a registered nurse, licensed  
2 practical nurse, or nurse-midwife under ch. 441, licensed as a dentist under ch. 447,  
3 licensed as a pharmacist under ch. 450, licensed as a veterinarian under ch. 453, or  
4 has been certified as a respiratory care practitioner under ch. 448.

5 **SECTION 81.** 250.042 (4) (b) of the statutes is amended to read:

6 250.042 (4) (b) A behavioral health provider, health care provider, pupil  
7 services provider, or substance abuse prevention provider who, during a state of  
8 emergency declared under s. 166.03 (1) (b) 1. or 166.23, provides behavioral health  
9 services, health care services, pupil services, or substance abuse prevention services  
10 for which the behavioral health provider, health care provider, pupil services  
11 provider, or substance abuse prevention provider has been licensed or certified or, as  
12 a ~~nurse's assistant~~ nurse aide, has met requirements under s. 146.40, is, for the  
13 provision of these services a state agent of the department for purposes of ss. 165.25  
14 (6), 893.82, and 895.46 and is an employee of the state for purposes of worker's  
15 compensation benefits. The behavioral health services, health care services, pupil  
16 services, or substance abuse prevention services shall be provided on behalf of a  
17 health care facility on a voluntary, unpaid basis, except that the behavioral health  
18 provider, health care provider, pupil services provider, or substance abuse  
19 prevention provider may accept reimbursement for travel, lodging, and meals.

20 **SECTION 82.** 250.042 (4) (c) 12. of the statutes is amended to read:

21 250.042 (4) (c) 12. A ~~nurse's assistant~~ nurse aide whose name is listed under  
22 s. 146.40 (4g) (a) 2., 2005 stats., or a nurse aide whose name is listed under s. 146.40  
23 (4g) (a) 2.

24 **SECTION 83.** 440.03 (3q) of the statutes is amended to read:

1 440.03 (3q) Notwithstanding sub. (3m), the department of regulation and  
2 licensing shall investigate any report that it receives under s. 146.40 (4r) (am) 2. or  
3 (em).

4 SECTION 84. 632.895 (1) (b) 2. of the statutes is amended to read:

5 632.895 (1) (b) 2. Part-time or intermittent home health aide services which  
6 that are medically necessary as part of the home care plan, under the supervision of  
7 a registered nurse or medical social worker, which consist solely of caring for the  
8 patient.

9 SECTION 85. 632.895 (2) (d) of the statutes is amended to read:

10 632.895 (2) (d) Each visit by a person providing services under a home care plan  
11 or evaluating the need for or developing a plan shall be considered as one home care  
12 visit. The policy may contain a limit on the number of home care visits, but not less  
13 than 40 visits in any 12-month period, for each person covered under the policy. Up  
14 to 4 consecutive hours in a 24-hour period of home health aide service shall be  
15 considered as one home care visit.

16 SECTION 86. Effective dates. This act takes effect on the day after publication.

17 except as follows:

18 (1) The treatment of sections ~~48.685 (8) (by SECTION 12)~~ and ~~146.40 (4d) (am)~~  
19 of the statutes takes effect on July 1, 2008.

20 (2) The repeal and recreation of section 49.45 (8) (a) 4. of the statutes takes  
21 effect on the date stated in the Wisconsin Administrative Register by the department  
22 of health and family services under section 49.471 (12) (b) of the statutes as the  
23 implementation date for Badger Care Plus.

24 (END) ✓

# (#)

January 1, 2009.

Fix Component

Handwritten annotations and boxes around the effective date sections.

Section #. 146.40 (2) (c) <sup>x</sup> of the statutes is renumbered 146.40 (2) (c) (intro.) and amended to read:

enrolled in an instructional program for nurse aides that is approved under sub. (3) <sup>x</sup> and is

(intro.)  
146.40 (2) (c) For hospitals, nursing homes, home health agencies or hospices, whether or not certified providers of medical assistance, and intermediate care facilities for the mentally retarded that are certified providers of medical assistance, the individual is employed or under contract as a nurse's assistant, home health aide or hospice aide fewer than 120 calendar days by the hospital, nursing home, home health agency, hospice or intermediate care facility for the mentally retarded.

History: 1987 a. 128; 1989 a. 31, 84, 336; 1991 a. 39; 1993 a. 27, 399; 1995 a. 27; 1997 a. 27, 35, 156, 237, 252; 1999 a. 9, 22, 32; 2001 a. 74; 2007 a. 20 ss. 2862, 9121 (6) (a).

NO # All of the following applies to an individual specified under this <sup>x</sup> paragraph:

→ SECTION # <sup>x</sup> CR; 146.40 (2) (c) 1.  
<sup>min @</sup> 146.40 (2) (c) 1. He or she may perform only services for which he or she has received training and has been found proficient by an instructor under the instructional <sup>x</sup> program.

→ SECTION # <sup>x</sup> CR; 146.40 (2) (c) 2.  
<sup>min @</sup> 146.40 (2) (c) 2. The hospital, nursing home, home health agency, hospice, or intermediate care facility <sup>x</sup> for the mentally retarded may not include the individual in meeting or complying with a requirement for <sup>@</sup> nursing care staff and functions, including <sup>minimum</sup> nursing staffing requirement.

**Kennedy, Debora**

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**From:** Rose, Laura  
**Sent:** Tuesday, February 26, 2008 7:55 AM  
**To:** Kennedy, Debora  
**Subject:** LRB 1127/P2 (nurse aide training technical changes)

Hi Debora,

The Law Revision Committee voted to introduce this bill at the meeting. Could you please have this jacketed as a Senate bill?

Thanks,

Laura