

2009 DRAFTING REQUEST

Bill

Received: 09/03/2009

Received By: rnelson2

Wanted: As time permits

Identical to LRB:

For: Kevin Petersen (608) 266-3794

By/Representing: Waylon

This file may be shown to any legislator: NO

Drafter: rnelson2

May Contact:

Addl. Drafters:

Subject: Veterans - facilities

Extra Copies:

Submit via email: YES

Requester's email: Rep.Petersen@legis.wisconsin.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Licensure of commandant of veterans nursing homes.

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?							
/P1	melson2 09/10/2009	bkraft 09/14/2009	phenry 09/15/2009	_____	mbarman 09/15/2009		
/1	melson2 09/16/2009	bkraft 09/16/2009	rschluet 09/16/2009	_____	cduerst 09/16/2009	mbarman 09/16/2009	

FE Sent For:

<END>

↳ Not Needed

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FE Sent For: 1 bjk 9/16

Handwritten signatures and notes: "PH", "<END> 9/16", and other illegible marks.

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1/2	rnelson2	1/Pl bjk 9/14	9/15 ph	9/15 [Signature]			

FE Sent For:

<END>

**Nelson, Robert P.**

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**From:** Hurlburt, waylon  
**Sent:** Thursday, September 03, 2009 1:21 PM  
**To:** Nelson, Robert P.  
**Subject:** RE: Veterans Nursing Home Commandant Licensing Bill

And make the bill prospective. Meaning, current commandants would be grandfathered in and have 3 months to begin the licensing process after enactment of the bill if they don't already have a license.

---

**From:** Hurlburt, waylon  
**Sent:** Wednesday, September 02, 2009 3:23 PM  
**To:** Nelson, Robert P.  
**Subject:** Veterans Nursing Home Commandant Licensing Bill

Hello Robert,

Can we get a bill drafted up that would require the commandant of the veterans nursing homes in Wisconsin be a state licensed nursing home administrator and approved by the nursing home administrators examining board?

Can I get this one done ASAP as well?

456.03

Thanks,

Waylon Hurlburt  
Legislative Aide  
Office of Representative Kevin Petersen  
40<sup>th</sup> Assembly District  
(608)266-3794

**Related Statutes:**

**45.50 Veterans homes; management.**

**45.50(1)**

45.50(1)(a) The department shall operate the Wisconsin Veterans Home at King and employ a commandant for the home. The department shall employ a commandant for the Wisconsin Veterans Home at Union Grove and may employ a commandant for the Wisconsin Veterans Home at Chippewa Falls. The department may employ any personnel that are necessary for the proper management and operation of veterans homes. In compliance with the compensation plan established pursuant to s. 230.12 (3), a commandant may recommend to the director of personnel charges for meals, living quarters, laundry, and other services furnished to employees and members of the employees' family maintained at veterans homes. The department shall provide complete personal maintenance and medical care, including programs and facilities that promote comfort, recreation, well-being, or rehabilitation, to all members of veterans homes.

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456.01(3) "Nursing home administrator" means any individual responsible for planning, organizing, directing and controlling the operation of a nursing home, or who in fact performs such functions, whether or not such functions are shared by one or more other persons.

**456.03 Licenses.** An applicant for a license as a nursing home administrator who has successfully complied with the requirements for licensure under this chapter and passed the examination shall be granted a license by the examining board, certifying that the applicant has met the requirements of the laws and rules entitling the applicant to serve, act, practice and otherwise hold himself or herself out as a duly licensed nursing home administrator.

**456.04 Examination requirements.** The examining board shall allow any person to take the examination for licensure as a nursing home administrator who satisfies all of the following requirements:

456.04(1) Pays the fee under s. 440.05 (1).

456.04(2) Subject to ss. 111.321, 111.322 and 111.335, does not have an arrest or conviction record.

456.04(3) Is 18 years of age.

456.04(4) Completes a regular course of study or equivalent specialized courses or a program of study which the examining board considers adequate academic preparation for nursing home administration.

**456.05 Examinations.** The examining board shall determine the subjects of examination for applicants for licensure as nursing home administrators, and the scope, content and format of such examinations. The examinations shall include examination of the applicant's knowledge of:

456.05(1) The laws governing the operation of long-term care facilities and the protection of the interests, safety and well-being of the residents therein; and

456.05(2) The elements of proper and effective administration of long-term care facilities; and

456.05(3) The psychological, physical, medical and social needs of persons served in such facilities.

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50.04(2)(a) No nursing home within the state may operate except under the supervision of an administrator licensed under ch. 456 by the nursing home administrators examining board. If the holder of a nursing home license is unable to secure a new administrator because of the departure of an administrator, such license holder may, upon written notice to the department and upon the showing of a good faith effort to secure a licensed administrator, place the nursing home in the charge of an unlicensed individual subject to conditions and time limitations established by the department, with advice from the nursing home administrator examining board. An unlicensed

individual who administers a nursing home as authorized under this subsection is not subject to the penalty provided under s. 456.09.

Board of Veterans Affairs Action at August 21, 2009 Board Meeting

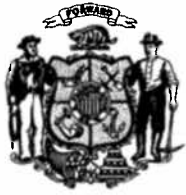
12. Board Discussion and Action on a Statement of Scope for the Purpose of Amending Chapter VA of the Wisconsin Administrative Code to Require the Administrator of the Division of Homes and all Commandants of Wisconsin Veterans Homes to be Licensed Nursing Home Administrators no Later than a Date Certain.

Mr. Freedman noted that the Legislative & Program Review Committee and the Long Term Care Committee recommended favorable Board action on this matter.

**MOTION #9:** It was moved by Mr. Moran, seconded by Mr. Naylor and carried unanimously on a roll call vote of the members present that the Board approve the statement of scope as set forth in the documentation provided to the Board and direct the Department to continue the promulgation process.

*Taco Moore*





9/10  
State of Wisconsin  
2009 - 2010 LEGISLATURE

LRB-3373/P1

RPN:.....

D-note

Lbjk

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

SA  
X-ref

requirements for  
employment as

1  
2

AN ACT <sup>gen.</sup> relating to: nursing home administrator licensure of the  
commandant <sup>at a</sup> at the <sup>of</sup> veteran's home

**Analysis by the Legislative Reference Bureau**

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

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

3  
4  
5  
6  
7  
8  
9  
10

SECTION 1. 45.50 (1) <sup>am</sup> of the statutes is created to read:

45.50 (1) <sup>am</sup> If a veterans home has a skilled nursing facility, the department may not employ a person as the commandant of <sup>a</sup> that veterans home unless that person is <sup>a</sup> a veteran and is licensed as a nursing home administrator under ch. 456.

**SECTION 2. Nonstatutory provisions.**

(1) Notwithstanding section 45.50 (1) <sup>am</sup> of the statutes, as created by this act, any person who <sup>is</sup> currently employed as the commandant of <sup>a</sup> that veterans home <sup>a</sup> that has a skilled nursing facility may continue as the commandant for not more than 6

6

1 months after the effective date of this subsection without obtaining a license<sup>e</sup> as a  
2 nursing home administrator.<sup>e</sup>

3

(END)

D-note

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-3373/P1dn

RPN:.....

l bjk

Date

I was unable to contact a person at the Department of Regulation and Licensing to determine what a proper time frame would be for obtaining a nursing home administrator's license, so I put in the 6-month language. OK?

Robert P. Nelson  
Senior Legislative Attorney  
Phone: (608) 267-7511  
E-mail: robert.nelson@legis.wisconsin.gov

**Nelson, Robert P.**

---

**From:** Hurlburt, waylon  
**Sent:** Friday, September 11, 2009 12:50 PM  
**To:** Nelson, Robert P.  
**Subject:** RE: Veterans Nursing Home Commandant Licensing Bill

Robert,

Can we add the requirement that the commandants be veterans as well? And is there an ETA for this one?

Thanks,

Waylon

---

**From:** Nelson, Robert P.  
**Sent:** Friday, September 04, 2009 9:02 AM  
**To:** Hurlburt, waylon  
**Subject:** RE: Veterans Nursing Home Commandant Licensing Bill

Thanks for the update. I will get to this draft as soon as I can.

Bob N

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**From:** Hurlburt, waylon  
**Sent:** Thursday, September 03, 2009 1:21 PM  
**To:** Nelson, Robert P.  
**Subject:** RE: Veterans Nursing Home Commandant Licensing Bill

And make the bill prospective. Meaning, current commandants would be grandfathered in and have 3 months to begin the licensing process after enactment of the bill if they don't already have a license.

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**From:** Hurlburt, waylon  
**Sent:** Wednesday, September 02, 2009 3:23 PM  
**To:** Nelson, Robert P.  
**Subject:** Veterans Nursing Home Commandant Licensing Bill

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Thanks,

Waylon Hurlburt  
Legislative Aide  
Office of Representative Kevin Petersen

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-3373/P1dn  
RPN:bjk:ph

September 15, 2009

I was unable to contact a person at the Department of Regulation and Licensing to determine what a proper time frame would be for obtaining a nursing home administrator's license, so I put in the 6-month language. OK?

Robert P. Nelson  
Senior Legislative Attorney  
Phone: (608) 267-7511  
E-mail: [robert.nelson@legis.wisconsin.gov](mailto:robert.nelson@legis.wisconsin.gov)



9/16  
State of Wisconsin  
2009 - 2010 LEGISLATURE

LRB-3373/23  
RPN:bjk:ph

1  
stays

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

SA - Insert 2009 Bill

- regen.

1 AN ACT *to create* 45.50 (1) (am) of the statutes; **relating to:** requirements for  
2 employment as the commandant at a veterans home.

ins and →

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

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

3 SECTION 1. 45.50 (1) (am) of the statutes is created to read:  
4 45.50 (1) (am) The department may not employ a person as the commandant  
5 of a veterans home unless that person is a veteran and is licensed as a nursing home  
6 administrator under ch. 456.

7 SECTION 2. **Nonstatutory provisions.**

8 (1) Notwithstanding section 45.50 (1) (am) of the statutes, as created by this  
9 act, any person who is currently employed as the commandant of a veterans home



2009-2010 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-3373/lins  
RPN:bjk:ph

insert anl:

> Currently, the department of veterans affairs (DVA) is required to employ a commandant ~~of~~<sup>for</sup> the veterans home at King and at Union Grove, and may employ a commandant ~~of~~ the veterans home at Chippewa Falls. The commandants are state unclassified civil servants. Current law does not include any specific requirements for employment as a commandant of a veterans home. ~~The~~ veteran homes ~~have~~ nursing home ~~facilities~~ as part of the home. ~~Each~~ ~~has~~

@ This bill prohibits DVA from employing a person as a commandant of a veterans home unless the person is a veteran and is licensed as a nursing home administrator. Under the bill, a person who is a current commandant of a veterans home has ~~6~~ months after the bill is enacted to obtain a license as a nursing home administrator. ~~Six~~



**Barman, Mike**

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**From:** Huriburt, waylon

**Sent:** Wednesday, September 16, 2009 2:56 PM

**To:** LRB.Legal

**Subject:** Draft Review: LRB 09-3373/1 Topic: Licensure of commandant of veterans nursing homes.

Please Jacket LRB 09-3373/1 for the ASSEMBLY.

09/16/2009