

2013 DRAFTING REQUEST

Senate Amendment (SA-SB212)

Received: 1/18/2014 Received By: mduchek
Wanted: As time permits Same as LRB: a1471
For: Sheila Harsdorf (608) 266-7745 By/Representing: Melissa Weigand
May Contact: Drafter: mduchek
Subject: Health - miscellaneous Addl. Drafters:
Extra Copies:

Submit via email: YES
Requester's email: Sen.Harsdorf@legis.wisconsin.gov
Carbon copy (CC) to: tamara.dodge@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Nurse aide bridge training program amendment to clarify bill and allow for more individuals with work experience outside of WI to become nurse aides

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>
/?	mduchek 1/20/2014			_____			
/P1	mduchek 1/21/2014	wjackson 1/21/2014	chanaman 1/20/2014	_____	chanaman 1/20/2014		
/1		wjackson 1/21/2014	rschluet 1/21/2014	_____	lparisi 1/21/2014	lparisi 1/21/2014	

FE Sent For:

<END>

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/?	mduchek 1/20/2014			_____			
/P1		wjackson 1/20/2014	chanaman 1/20/2014	_____	chanaman 1/20/2014		

FE Sent For: 1 WJ 1/21

<END>

2013 DRAFTING REQUEST

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Carbon copy (CC) to: **tamara.dodge@legis.wisconsin.gov**

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No specific pre topic given

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Nurse aide bridge training program amendment to clarify bill and allow for more individuals with work experience outside of WI to become nurse aides ✓

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/?	mduchek	/p1 WLj 1/20		_____			

FE Sent For:

<END>



Wed-exec



LRBa1467/P1

MED:.....

Tues 10AM, ↗ at 9AM
if pass

WJ WJ

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
SENATE AMENDMENT,
TO SENATE BILL 212**

Draft

1 At the locations indicated, amend the bill as follows:

2 ↓ 1. Page 1, line 3: after "aides" insert ", exempting certain individuals from the
3 requirements to work as a nurse aide".

STET

4 ↓ 2. Page 2, line 7: after that line insert:

as created by 2013
Wisconsin Act 36g

5 "SECTION 1m. 108.227 (1) (e) 3. of the statutes is amended to read:

6 108.227 (1) (e) 3. A license, certificate of approval, provisional license,
7 conditional license, certification, certification card, registration, permit, training
8 permit or approval specified in s. 50.35, 50.49 (6) (a) or (10), 51.038, 51.04, 51.42 (7)
9 (b) 11., 51.421 (3) (a), 51.45 (8), 146.40 (3), (3g), or (3m), 252.23 (2), 252.24 (2),
10 254.176, 254.20 (3), 255.08 (2) (a), 256.15 (5) (a) or (b), (6g) (a), (7), or (8) (a) or (f) or
11 343.305 (6) (a) or a permit for operation of a campground specified in s. 254.47 (1)".

History: 2013 a. 36.

****NOTE: As I discussed with Melissa on the phone, this is a change that is largely technical to account for the passage of 2013 Wisconsin Act 36, which was enacted after

SB 212 was drafted. Section 108.227 allows DWD to revoke licenses for non-payment of UI contributions. It is modeled after s. 73.0301, stats., which is amended by SECTION 1 of SB 212 and allows DOR to revoke licenses for non-payment of taxes. This therefore makes a change to s. 108.227 identical to the change in SECTION 1 of the bill.

amendment

1 **3.** Page 2, line 19: after "or (3g)" insert ", or has been ^{issued} granted a waiver from
2 completing instruction in an instructional program under sub. (2g) (b)."

3 **4.** Page 3, line 2: after "(3m)." insert "In order to be eligible under this
4 paragraph, an individual who successfully completes instruction in an instructional
5 program for nurse aides that is approved under sub. (3g) and who previously
6 completed a competency evaluation program in another state must successfully
7 complete a competency evaluation program that is approved under sub. (3m),
8 regardless of whether the competency evaluation program that the individual
9 completed in another state is the same as or substantially similar to a competency
10 evaluation program that is approved under sub. (3m)."

****NOTE: This change provides that, in order to qualify as a nurse aide via the bridge program, an individual must still take the exam, even if they had already previously taken the same or a substantially similar exam in the other state in order to get certified there. (So, they would need to take it again.)

he or she

11 **5.** Page 3, line 2: after that line insert:
12 SECTION 3m. 146.40 (2) (ac) of the statutes is created to read:

13 146.40 (2) (ac) The individual has been added to the registry under sub. (4g)
14 pursuant to ^{as provided} (a determination) by the department under sub. (2g) (a)."

****NOTE: This allows nurse aides (to work) who have been added to the registry by DHS under sub. (2g) (a).

15 **6.** Page 3, line 12: after that line insert:

16 SECTION 4e. 146.40 (2) (g) of the statutes is renumbered 146.40 (2) (g) 1.

****NOTE: This current law provision provides that if an individual qualifies to work under sub. (2) (a), as amended by the bill and as further amended by this amendment, and then doesn't work for 2 years, that person will have to take the test again in order to work again. Let me know if that should not be the case for everyone who qualifies under sub. (2) (a).

SP

1 **SECTION 4m.** 146.40 (2) (g) 2. of the statutes is created to read:

2 146.40 (2) (g) 2. For hospitals, nursing homes, home health agencies, or
3 hospices, whether or not certified providers of medical assistance, and intermediate
4 care facilities for persons with an intellectual disability that are certified providers
5 of medical assistance, the individual, if he or she has performed no nursing-related
6 service for monetary compensation for 24 consecutive months after having satisfied
7 the requirement under par. (ac), successfully completes a competency evaluation
8 program for nurse aides that is approved by the department under sub. (3m).

 ****NOTE: This provides that if an individual is added to the registry by DHS under
* sub. (2g) (a) and then doesn't work for ^{also} 2 years, that person will have to take the test again in
in order to work again. (Sp)

9 **SECTION 4s.** 146.40 (2g) of the statutes is created to read:

10 146.40 (2g) (a) An individual who has previously been employed in another
11 state as a nurse aide for 2,088 hours or more within the prior 2-year period and who
12 has successfully completed a competency evaluation program in that other state that
13 is the same as or substantially similar to one approved under sub. (3m) may apply
14 to the department to be eligible to be employed or contracted as a nurse aide under
15 sub. (2) (ac). The department shall verify that the individual was employed in that
16 state as a nurse aide for 2,088 hours in the 2-year period prior to the date of
17 application. If the individual is so eligible, the department shall add the individual
18 to the registry under sub. (4g).

 ****NOTE: This is for nurse aides who have a year of experience in the past 2 years AND who have taken an exam substantially similar to Wisconsin's. Since these people will not be required to take any additional instruction or test, I wrote it such that DHS must verify the number of hours worked in the other state and add them to the registry. (Sp)

19 (b) An individual who has previously been employed in another state as a nurse
20 aide for 2,088 hours or more within the prior 2-year period but who has not
21 successfully completed a competency evaluation program that is the same as or

1 substantially similar to one approved under sub. (3m) may apply to the department
 2 to be eligible for a waiver from completing instruction in an instructional program
 3 for nurse aides under subs. (3) and (3g). The department shall verify that the
 4 individual was employed in that state as a nurse aide for 2,088 hours in the 2-year
 5 period prior the date of application. If the individual is so eligible, the department
 6 shall issue the individual a certification of waiver so that the individual may
 7 complete a competency evaluation program under sub. (3m) without completing
 8 instruction in an instructional program for nurse aides under sub. (3) or (3g).

****NOTE: This is for nurse aides who have a year of experience in the past ^{after taking the test,} 2 years but who have NOT taken an exam that is substantially similar to Wisconsin's. Since these people will be required to take the test in Wisconsin, they will be added to the registry as ^{that is} other people are as provided in subs. (4) and (4g) (a) 1. Let me know if any changes are needed here. ^{SP}

9 (c) An individual who has previously been employed in another state as a nurse
 10 aide for 2,088 hours within a 2-year period that is older than the prior 2-year period
 11 may apply to the department to be eligible to complete instruction in an instructional
 12 program for nurse aides approved under sub. (3g) instead of an instructional
 13 program for nurse aides approved under sub. (3). The department shall verify that
 14 the individual was employed in that state as a nurse aide for 2,088 hours within a
 15 prior 2-year period. If the individual is so eligible, the department shall issue the
 16 individual a certification so that the individual may complete instruction in an
 17 instructional program for nurse aides under sub. (3g) instead of an instructional
 18 program for nurse aides approved under sub. (3).". ✓

^{after taking the test}
 (CA) ****NOTE: This is for nurse aides who have a year of experience in a 2-year period that is older than the past 2 years, regardless of what test they have taken. This is one I'm not sure I got entirely right, so let me know. But I wrote that these people can take the bridge program instead of the full program. They would then take the test in Wisconsin and be added to the registry as other people are, as provided in subs. (4) and ^{SP} (4g) (a) 1. ✓

****NOTE: I did not include the change from Senate Amendment 1 in this amendment. Let me know if you'd like me to do so.

⑤
^

1 **7.** Page 3, line 21: after “sub. (3)” insert “Only an individual so described, or
 2 an individual who presents a certification from the department under sub. (2g) (c),
 3 may complete an instructional program for nurse aides that is approved under this
 4 subsection.”. ✓

****NOTE: This change provides that only a person described in SECTION 5 of the bill,
 or a person who is permitted to take the bridge program under sub. (2g) (c) in this
 amendment, may take the bridge program. ✓

5 **8.** Page 4, line 3: after that line insert:

6 “**SECTION 5m.** 146.40 (3m) of the statutes is amended to read:

7 146.40 (3m) The department shall review competency evaluation programs for
 8 nurse aides and, except as provided in sub. (4d), may approve those competency
 9 evaluation programs that satisfy standards for approval that are specified in rules
 10 promulgated by the department. The department may only approve a competency
 11 evaluation program to be taken by an individual who completes an instructional
 12 program for nurse aides that is approved under sub. (3g) (that is the same as a
 13 competency evaluation program) to be taken by an individual who completes an
 14 instructional program for nurse aides that is approved under sub. (3). Under this
 15 subsection, the department may, after providing notice, suspend or revoke approval
 16 of a competency evaluation program or impose a plan of correction on the program
 17 if the competency evaluation program fails to satisfy the standards for approval or
 18 operates under conditions that are other than those contained in the application
 19 approved by the department. (c)

History: 1987 a. 128; 1989 a. 31, 84, 336; 1991 a. 39; 1993 a. 27, 399; 1995 a. 27; 1997 s. 27, 35, 156, 237, 252; 1999 a. 9, 22, 32; 2001 a. 74; 2007 a. 20
 ss. 2862, 9121 (6) (a); 2007 a. 45, 153; 2011 a. 32, 120, 126; 2013 a. 36; s. 13.92 (2) (i).

****NOTE: This change requires the competency evaluation program (test) for a
 bridge program to be the same test that is used for those who take the regular, Wisconsin
 training. So, with this change, DHS cannot approve a different test for bridge programs
 and has to use the same test(s) for bridge programs that are used for those who take the
 regular training.

1 ✓ **9.** Page 4, line 9: after that line insert:

2 “**SECTION 6m.** 146.40 (4g) (a) 1. of the statutes is amended to read:

3 146.40 (**4g**) (a) 1. A listing of all individuals who are added to the registry as
4 required under sub. (2g) ✓ and all individuals about whom the department is notified
5 under sub. (4).” ✓.

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); 2007 a. 45, 153; 2011 a. 32, 120, 126; 2013 a. 36; s. 13.92 (2) (i).

6 ✓ **10.** Page 5, line 2: after that line insert:

7 “**SECTION 7m.** 257.01 (7) (a) and (b) of the statutes are amended to read:

8 257.01 (7) (a) An individual who satisfies the requirements for a nurse aide
9 under s. 146.40 (2) (a), (ac) ✓, (c), (e), (em), or (g).

10 (b) An individual who did at any time within the previous 10 years, but does
11 not currently, satisfy the requirements for a nurse aide under s. 146.40 (2) (a), (ac) ✓,
12 (c), (e), (em), or (g), if the individual’s name has never been listed under s. 146.40 (4g)
13 (a) 2., 2005 stats., or s. 146.40 (4g) (a) 2.” ✓.

History: 2009 a. 42 ss. 245 to 250, 258 to 267; Stats. 2009 s. 257.01; 2009 a. 42.

****NOTE: This adds a cross-reference for nurse aides who qualify under sub. (2g)
(a) to the law regarding emergency volunteer health care practitioners.

14

(END)

I note →

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

LRBa1467/P1dn

MED: / : ...

WJ
WJ

Date

Melissa:

1

Given the short timeframe and the number of changes being made in this amendment, I did this amendment as a /P/draft and included explanatory notes below most of the items. Also, I would be happy to come over to review it with you personally if that would help.

Michael Duchek
Legislative Attorney
Phone: (608) 266-0130
E-mail: michael.duchek@legis.wisconsin.gov

1 yr of experience in last 2 yrs (full time)
Per Lavinia Rose's language

- 1.) 1 yr + different state w/ similar exam = nothing
- 2.) 1 yr + different state w/o same exam = retest
- 3.) Someone out of state whose work experience is older than 2 years and regardless of the exam, they have to take the bridge and exam, once they did they'd be like other people
- 4.) Bill bridge



2013 SENATE BILL 212

June 5, 2013 - Introduced by Senators HARDSORE, SHILLING, OLSEN, VINEHOUT, LASSA, SCHULTZ and LEHMAN, cosponsored by Representatives BERNIERE, T. LABSON, THIESFELDT, BEUCEAU, BROOKS, CRAIG, KOOVENGA, A. OTT, RINGHAND, SINICKI, SPIROS and WRIGHT. Referred to Committee on Health and Human Services.

1 AN ACT to amend 73.0301 (1) (d) 3., 146.40 (1) (d), 146.40 (2) (a), 146.40 (2) (c)
2 (intro.), 146.40 (4d) (a) and 146.40 (4m); and to create 146.40 (3g) of the
3 statutes; relating to: instructional programs for nurse aides and granting
4 rule-making authority.

Analysis by the Legislative Reference Bureau

Current law provides that, with certain exceptions, no hospital, nursing home, intermediate care facility for persons with an intellectual disability, home health agency, or hospice (health facility) may employ the services of a nurse aide unless the individual has successfully completed an instructional program and a competency evaluation program that are approved by the Department of Health Services (DHS). A nurse aide is defined as an individual who performs routine patient care duties that are delegated by a registered nurse or licensed practical nurse who supervises the individual, for the direct health care of a patient or resident. Current law requires DHS to promulgate rules that establish standards for the approval of nurse aide instructional programs and competency evaluation programs and requires DHS to approve programs that meet those standards.

This bill permits DHS to approve instructional programs for nurse aides that allow an individual who has successfully completed an instructional program for nurse aides in another state to receive instruction that, when combined with the instructional program in the other state, will result in the individual having received substantially the same instruction as an individual who successfully completes an instructional program approved by DHS under current law (bridge program). As

under current law and subject to the same exceptions, an individual who successfully completes a bridge program must successfully complete a competency evaluation program approved by DHS in order to work in a health facility.

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. 73.0301 (1) (d) 3. of the statutes is amended to read:

2 73.0301 (1) (d) 3. A license, certificate of approval, provisional license,
3 conditional license, certification, certification card, registration, permit, training
4 permit or approval specified in s. 50.35, 50.49 (6) (a) or (10), 51.038, 51.04, 51.42 (7)
5 (b) 11., 51.421 (3) (a), 51.45 (8), 146.40 (3), (3g), or (3m), 252.23 (2), 252.24 (2),
6 254.176, 254.20 (3), 255.08 (2) (a), 256.15 (5) (a) or (b), (6g) (a), (7), or (8) (a) or (f) or
7 343.305 (6) (a) or a permit for operation of a campground specified in s. 254.47 (1).

8 SECTION 2. 146.40 (1) (d) of the statutes is amended to read:

9 146.40 (1) (d) "Nurse aide" means an individual who performs routine patient
10 care duties delegated by a registered nurse or licensed practical nurse who
11 supervises the individual, for the direct health care of a patient or resident. "Nurse
12 aide" does not mean a feeding assistant, an individual who is licensed, permitted,
13 certified, or registered under ch. 441, 448, 449, 450, 451, 455, 458, or 460, or an
14 individual whose duties primarily involve skills that are different than those taught
15 in instructional programs for nurse aides approved under sub. (3) or (3g) or evaluated
16 by competency evaluation programs for nurse aides approved under sub. (3m).

17 SECTION 3. 146.40 (2) (a) of the statutes is amended to read:

18 146.40 (2) (a) The individual has successfully completed instruction in an
19 instructional program for nurse aides that is approved under sub. (3) or (3g) and has

1 successfully completed a competency evaluation program that is approved under
2 sub. (3m).

3 **SECTION 4.** 146.40 (2) (c) (intro.) of the statutes is amended to read:

4 146.40 (2) (c) (intro.) For hospitals, nursing homes, home health agencies or
5 hospices, whether or not certified providers of medical assistance, and intermediate
6 care facilities persons with an intellectual disability that are certified providers of
7 medical assistance, the individual is enrolled in an instructional program for nurse
8 aides that is approved under sub. (3) or (3g) and is employed or under contract as a
9 nurse's assistant, home health aide or hospice aide fewer than 120 calendar days by
10 the hospital, nursing home, home health agency, hospice or intermediate care facility
11 for persons with an intellectual disability. All of the following applies to an
12 individual specified under this paragraph:

13 **SECTION 5.** 146.40 (3g) of the statutes is created to read:

14 146.40 (3g) Except as provided in sub. (4d), the department may approve
15 instructional programs for nurse aides that apply for approval; that satisfy
16 standards for approval that are promulgated by rule by the department; and that
17 allow an individual who has successfully completed an instructional program for
18 nurse aides in another state to receive instruction in this state that, when combined
19 with the instructional program in the other state, will result in the individual having
20 received substantially the same instruction as an individual who successfully
21 completes an instructional program approved under sub. (3). The department shall
22 review the curriculum of each approved instructional program at least once every 24
23 months following the date of approval to determine whether the program continues
24 to satisfy the requirements of this subsection. Under this subsection, the
25 department may, after providing notice, suspend or revoke the approval of an

1 instructional program or impose a plan of correction on the program if the program
2 fails to satisfy the requirements of this subsection or operates under conditions that
3 are other than those contained in the application approved by the department.

4 **SECTION 6.** 146.40 (4d) (a) of the statutes is amended to read:

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

10 **SECTION 7.** 146.40 (4m) of the statutes is amended to read:

11 146.40 (4m) An instructional program under sub. (3) or (3g) for which the
12 department has suspended or revoked approval or imposed a plan of correction or a
13 competency evaluation program under sub. (3m) for which the department has
14 suspended or revoked approval or imposed a plan of correction may contest the
15 department's action by sending, within 10 days after receipt of notice of the contested
16 action, a written request for hearing under s. 227.44 to the division of hearings and
17 appeals created under s. 15.103 (1). The administrator of the division may designate
18 a hearing examiner to preside over the case and recommend a decision to the
19 administrator under s. 227.46. The decision of the administrator of the division shall
20 be the final administrative decision. The division shall commence the hearing within
21 30 days after receipt of the request for hearing and shall issue a final decision within
22 15 days after the close of the hearing. Proceedings before the division are governed
23 by ch. 227. In any petition for judicial review of a decision by the division, the party,
24 other than the petitioner, who was in the proceeding before the division shall be the

1 named respondent. This subsection does not apply to a revocation of approval under

2 sub. (4d) (d).

3 (END)

a 1467 ~~10~~
has been
Submitted
electronically
CMT

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

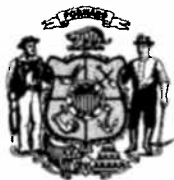
LRBa1467/P1dn
MED:wj:wj

January 20, 2014

Melissa:

Given the short timeframe and the number of changes being made in this amendment, I did this amendment as a /P1 draft and included explanatory notes below most of the items. Also, I would be happy to come over to review it with you personally if that would help.

Michael Duchek
Legislative Attorney
Phone: (608) 266-0130
E-mail: michael.duchek@legis.wisconsin.gov



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
SENATE AMENDMENT ,
TO SENATE BILL 212

Insert

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 1, line 3: after “aides” insert “, exempting certain individuals from the
3 requirements to work as a nurse aide,”.

4 **2.** Page 2, line 7: after that line insert:

5 “SECTION 1m. 108.227 (1) (e) 3. of the statutes, as created by 2013 Wisconsin
6 Act 36, is amended to read:

7 108.227 (1) (e) 3. A license, certificate of approval, provisional license,
8 conditional license, certification, certification card, registration, permit, training
9 permit or approval specified in s. 50.35, 50.49 (6) (a) or (10), 51.038, 51.04, 51.42 (7)
10 (b) 11., 51.421 (3) (a), 51.45 (8), 146.40 (3), ~~(3g)~~, or (3m), 252.23 (2), 252.24 (2),
11 254.176, 254.20 (3), 255.08 (2) (a), 256.15 (5) (a) or (b), (6g) (a), (7), or (8) (a) or (f) or
12 343.305 (6) (a) or a permit for operation of a campground specified in s. 254.47 (1).”.

****NOTE: As I discussed with Melissa on the phone, this is a change that is largely technical to account for the passage of 2013 Wisconsin Act 36, which was enacted after SB 212 was drafted. Section 108.227 allows DWD to revoke licenses for nonpayment of UI contributions. It is modeled after s. 73.0301, stats., which is amended by SECTION 1 of SB 212 and allows DOR to revoke licenses for nonpayment of taxes. This amendment, therefore, makes a change to s. 108.227 identical to the change in SECTION 1 of the bill.

1 **3.** Page 2, line 19: after “(3g)” insert “, or has been issued a waiver from
2 completing instruction in an instructional program under sub. (2g) (b).”.

3 **4.** Page 3, line 2: after “(3m).” insert “In order to be eligible under this
4 paragraph, an individual who successfully completes instruction in an instructional
5 program for nurse aides that is approved under sub. (3g) and who previously
6 completed a competency evaluation program in another state must successfully
7 complete a competency evaluation program that is approved under sub. (3m),
8 regardless of whether the competency evaluation program that the individual
9 completed in another state is the same as or substantially similar to a competency
10 evaluation program that is approved under sub. (3m).”.

****NOTE: This change provides that, in order to qualify as a nurse aide via the bridge program, an individual must still take the exam, even if he or she had already previously taken the same or a substantially similar exam in the other state in order to get certified there. (So, the individual would need to take it again.)

11 **5.** Page 3, line 2: after that line insert:
12 “**SECTION 3m.** 146.40 (2) (ac) of the statutes is created to read:
13 146.40 (2) (ac) The individual has been added to the registry under sub. (4g)
14 as provided under sub. (2g) (a).”.

****NOTE: This allows nurse aides who have been added to the registry by DHS under sub. (2g) (a) to work.

15 **6.** Page 3, line 12: after that line insert:
16 “**SECTION 4e.** 146.40 (2) (g) of the statutes is renumbered 146.40 (2) (g) 1.

****NOTE: This current law provision provides that if an individual qualifies to work under sub. (2) (a), as amended by the bill and as further amended by this amendment, and then doesn't work for two years, that person will have to take the test again in order

to work again. Let me know if that should not be the case for everyone who qualifies under sub. (2) (a).

1 **SECTION 4m.** 146.40 (2) (g) 2. of the statutes is created to read:

2 146.40 (2) (g) 2. For hospitals, nursing homes, home health agencies, or
3 hospices, whether or not certified providers of medical assistance, and intermediate
4 care facilities for persons with an intellectual disability that are certified providers
5 of medical assistance, the individual, if he or she has performed no nursing-related
6 service for monetary compensation for 24 consecutive months after having satisfied
7 the requirement under par. (ac), successfully completes a competency evaluation
8 program for nurse aides that is approved by the department under sub. (3m).

****NOTE: This provides that if an individual is added to the registry by DHS under sub. (2g) (a) and then doesn't work for two years, that person will also have to take the test again in order to work again.

9 **SECTION 4s.** 146.40 (2g) of the statutes is created to read:

10 146.40 (2g) (a) An individual who has previously been employed in another
11 state as a nurse aide for 2,088 hours or more within the prior 2-year period and who
12 has successfully completed a competency evaluation program in that other state that
13 is the same as or substantially similar to one approved under sub. (3m) may apply
14 to the department to be eligible to be employed or contracted as a nurse aide under
15 sub. (2) (ac). The department shall verify that the individual was employed in that
16 state as a nurse aide for 2,088 hours in the 2-year period prior to the date of
17 application. If the individual is so eligible, the department shall add the individual
18 to the registry under sub. (4g).

****NOTE: This is for nurse aides who have a year of experience in the past two years AND who have taken an exam substantially similar to Wisconsin's. Since these people will not be required to take any additional instruction or test, I wrote it such that DHS must verify the number of hours worked in the other state and add them to the registry.

19 (b) An individual who has previously been employed in another state as a nurse
20 aide for 2,088 hours or more within the prior 2-year period but who has not

1 successfully completed a competency evaluation program that is the same as or
2 substantially similar to one approved under sub. (3m) may apply to the department
3 to be eligible for a waiver from completing instruction in an instructional program
4 for nurse aides under subs. (3) and (3g). The department shall verify that the
5 individual was employed in that state as a nurse aide for 2,088 hours in the 2-year
6 period prior the date of application. If the individual is so eligible, the department
7 shall issue the individual a waiver so that the individual may complete a competency
8 evaluation program under sub. (3m) without completing instruction in an
9 instructional program for nurse aides under sub. (3) or (3g). ^u

****NOTE: This is for nurse aides who have a year of experience in the past two years but who have NOT taken an exam that is substantially similar to Wisconsin's. Since these people will be required to take the test in Wisconsin, they will be added to the registry as other people are, as provided in subs. (4) and (4g) (a) 1. after taking the test. Let me know if any changes are needed here.

10 (c) An individual who has previously been employed in another state as a nurse
11 aide for 2,088 hours within a 2-year period that is older than the prior 2-year period
12 may apply to the department to be eligible to complete instruction in an instructional
13 program for nurse aides approved under sub. (3g) instead of an instructional
14 program for nurse aides approved under sub. (3). The department shall verify that
15 the individual was employed in that state as a nurse aide for 2,088 hours within a
16 prior 2-year period. If the individual is so eligible, the department shall issue the
17 individual a certification so that the individual may complete instruction in an
18 instructional program for nurse aides under sub. (3g) instead of an instructional
19 program for nurse aides approved under sub. (3).”

****NOTE: This is for nurse aides who have a year of experience in a two-year period that is older than the past two years, regardless of what test they have taken. This is one I'm not sure I got entirely right, so let me know. But I wrote that these people can take the bridge program instead of the full program. They would then take the test in Wisconsin and be added to the registry as other people are, as provided in subs. (4) and (4g) (a) 1. after taking the test.

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****NOTE: I did not include the change from Senate Amendment 1 in this amendment. Let me know if you'd like me to do so.

1 **7.** Page 3, line 21: after "sub. (3)." insert "Only an individual so described, or
2 an individual who presents a certification from the department under sub. (2g) (c),
3 may complete an instructional program for nurse aides that is approved under this
4 subsection."

****NOTE: This change provides that only a person described in SECTION 5 of the bill, or a person who is permitted to take the bridge program under sub. (2g) (c) in this amendment, may take the bridge program.

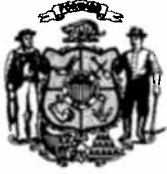
5 **8.** Page 4, line 3: after that line insert:

6 **"SECTION 5m.** 146.40 (3m) of the statutes is amended to read:

7 146.40 (3m) The department shall review competency evaluation programs for
8 nurse aides and, except as provided in sub. (4d), may approve those competency
9 evaluation programs that satisfy standards for approval that are specified in rules
10 promulgated by the department. The department may approve a competency
11 evaluation program to be taken by an individual who completes an instructional
12 program for nurse aides that is approved under sub. (3g) only if the competency
13 evaluation program is the same as the one to be taken by an individual who
14 completes an instructional program for nurse aides that is approved under sub. (3).

15 Under this subsection, the department may, after providing notice, suspend or
16 revoke approval of a competency evaluation program or impose a plan of correction
17 on the program if the competency evaluation program fails to satisfy the standards
18 for approval or operates under conditions that are other than those contained in the
19 application approved by the department."

****NOTE: This change requires the competency evaluation program (test) for a bridge program to be the same test that is required for those who take the regular, Wisconsin training. So, with this change, DHS cannot approve a different test for bridge programs.



State of Wisconsin
2013 - 2014 LEGISLATURE



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Insert

**SENATE AMENDMENT 1,
TO SENATE BILL 212**

September 23, 2013 - Offered by Senator HARSDORF.

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At the locations indicated, amend the bill as follows:

1. Page 3, line 14: delete "may" and substitute "shall".

(END)

Insert