

**STATE OF WISCONSIN
NURSING HOME ADMINISTRATOR EXAMINING BOARD**

**IN THE MATTER OF RULEMAKING :
PROCEEDINGS BEFORE THE : REPORT TO THE LEGISLATURE
NURSING HOME ADMINISTRATOR : CR 14-078
EXAMINING BOARD :
:**

I. THE PROPOSED RULE:

The proposed rule, including the analysis and text, is attached.

II. REFERENCE TO APPLICABLE FORMS:

None

III. FISCAL ESTIMATE AND EIA:

The Fiscal Estimate and EIA are attached.

IV. DETAILED STATEMENT EXPLAINING THE BASIS AND PURPOSE OF THE PROPOSED RULE, INCLUDING HOW THE PROPOSED RULE ADVANCES RELEVANT STATUTORY GOALS OR PURPOSES:

These rules address changes instituted by the passage of 2013 Wisconsin Act 114. The Act requires the department and its attached boards to allow applicants for licensure to take their credentialing examination before completing any post-secondary education, program of study, or specialized courses. These proposed rules carry out the legislative intent by amending Wis. Admin. Code ss. NHA 2, and 4. These rules also address the reinstatement of a license by adding the term to Wis. Admin. Code s. NHA 4.02. The new provision sets forth what applicants should do to reinstate a suspended or revoked license with unmet disciplinary requirements.

V. SUMMARY OF PUBLIC COMMENTS AND THE BOARD'S RESPONSES, EXPLANATION OF MODIFICATIONS TO PROPOSED RULES PROMPTED BY PUBLIC COMMENTS:

The Nursing Home Administrator Examining Board held a public hearing on February 5, 2015. No one testified at the hearing or submitted written comments.

VI. RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS:

1. Statutory Authority

Comment: In s. NHA 4.02 (3), the proposed rule creates a process by which a licensee whose license has been surrendered, revoked, or not renewed may apply for reinstatement of the license. The proposed rule appears to interpret s. 456.11, Stats. The agency should review the proposed rule to ensure that it is consistent with s. 456.11, Stats., and any other applicable statutes. For example, reinstatement under s. 456.11, Stats., does not apply to revocations under s. 440.12, Stats., and s. 456.11, Stats., also states that application for reinstatement may not be made in the first year after a revocation. However, s. NHA 4.02 (3) does not explicitly contain these two limitations. In addition, should s. NHA 4.02 (3) explain how the board determines whether to reinstate a license?

Response: Section NHA 4.02 (3) was amended by adding a provision regarding the reinstatement of a license until 1 year after revocation to make the section more consistent with s. 456.11, Stats.

2. Form, Style, Placement in Administrative Code

Comment g: With the creation of s. NHA 4.02 (3), the agency might consider amending the title of s. NHA 4.02 so that the title captures the content of sub. (3).

Response: Section NHA 4.02 (3) sets forth the instructions on how to reinstate a license that has not been renewed due to unmet disciplinary conditions. This provision falls within the category of biennial renewal.

All of the remaining recommendations suggested in the Clearinghouse Report have been accepted in whole.

VII. REPORT FROM THE SBRRB AND FINAL REGULATORY FLEXIBILITY ANALYSIS:

This rule will not have an effect on small business and as such was not submitted to the SBRRB as part of the rule promulgation process.