

Report From Agency
DEPARTMENT OF HEALTH SERVICES
REPORT TO THE LEGISLATURE
CLEARINGHOUSE RULE 16-088

Ch. DHS 129 relating to certification of programs for training and testing nurse aides, medication aides, and feeding assistants.

Basis and Purpose of Proposed Rule

Currently, under chapter DHS 129, a person must have completed 120 hours of instruction through a department-approved nurse aide training program and pass a competency examination in order to be employed as a nurse aide in Wisconsin. However, s. 146.40 (3g), Stats., directed the department to establish standards, by rule, for the approval of instructional programs that provide a pathway to certification for nurse aides who have received similar instruction in another state (hereinafter “bridge programs”). Therefore, the department proposes to establish standards for approval of bridge programs, as directed by the Wisconsin Legislature. Pursuant to the authority granted in s. 146.40 (5) Stats., the department proposes to revise existing standards of approval for instructional programs to address requirements relating to training hours in a clinical setting and curriculum requirements addressing the needs of persons with dementia, the effects of certain medications, restorative services, and client rights.

Department Response to Legislative Council Rules Clearinghouse Recommendations

The department accepted the recommendations made by the Legislative Council Rules Clearinghouse and modified the proposed rule where suggested.

Final Regulatory Flexibility Analysis

The proposed changes codify statutory provisions created at s. 146.40 (3g), Stats. Pursuant to s. 227.114 (2), Stats, the department considered the methods for reducing the impact of proposed rule revisions on small businesses. The revisions result in simplified compliance requirements and will not have an economic impact on training programs or small businesses.

Changes to the Analysis or Fiscal Estimate/Economic Impact Analysis

No changes were made to the rule’s analysis or economic impact analysis.

Public Hearing Summary

The department began accepting public comments on the proposed rule via the Wisconsin Administrative Rules website and the department’s own website on February 6, 2017. A public hearing was held on February 17, 2017 in Conference Room 450 at 1 West Wilson Street, Madison, Wisconsin. No persons attended the hearing. Public comments on the proposed rule were accepted until February 24, 2017.

List of Public Hearing Attendees and Commenters

No person attended the public hearing or submitted comments on the proposed rule.