

NHA 1105

Filed Aug 9-1972
1:00 P.M.

CERTIFICATE

STATE OF WISCONSIN

DEPARTMENT OF REGULATION AND LICENSING

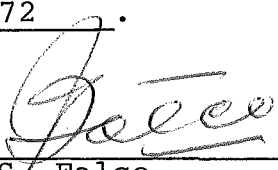
TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, John S. Falco, Secretary of the Nursing Home Administrator Examining Board, and custodian of the official records of said Board, do hereby certify that the annexed rules and regulations relating to Rules of Board of Examiners of Nursing Home Administrators, were duly approved and adopted by this board on July 7, 1972.

I further certify that said copy has been compared by me with the original on file in this Department of Regulation and Licensing and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Nursing Home Administrator Examining Board at 110 North Henry Street in the city of Madison this _____ day of August A.D.

19 72.



John S. Falco
Secretary of the Board

ORDER OF THE NURSING HOME ADMINISTRATOR
EXAMINING BOARD ADOPTING RULES

Pursuant to authority vested in the Nursing Home
Administrator Examining Board by Section 456.02 Wisconsin
Statutes, the Nursing Home Administrator Examining Board
hereby adopts rules as follows:

Rules and Regulations of the
Nursing Home Administrator Examining Board

CHAPTER NHA 1

DEFINITIONS, DUTIES

- NHA 1.01 Source of Authority; title
- NHA 1.02 General Definitions
- NHA 1.03 Licensed Administrator Required
- NHA 1.04 Board of examiners; meetings
- NHA 1.05 Board of examiners; general powers
- NHA 1.06 Board of examiners; officers and duties

NHA 1.01 Source of authority; title. The rules and regulations herein contained constitute, comprise and shall be known as the rules and regulations of the Nursing Home Administrator Examining Board of the State of Wisconsin, and are hereby promulgated pursuant to the authority granted to, and imposed upon the said board under and pursuant to the provisions of the state licensing statute, Chapter 456.

NHA 1.02 General definitions. Whenever used in these rules and regulations, unless expressly otherwise stated, or unless the context or subject matter requires a different meaning, the following terms shall have the respective meanings hereinafter set forth or indicated:

- (1) "Board" means the Nursing Home Administrator Examining Board of the State of Wisconsin.
- (2) "Nursing home administrator" means any individual or individuals 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, or acts as the designated administrative agent for the responsible individual or individuals.
- (3) "Assistant administrator" means a designated individual licensed as an administrator who is regularly in charge of the facility during the absence of the nursing home administrator and who assumes responsibility for the total operation of the facility during such periods.

NHA 1.02 (con't)

- (4) "Provisional license" is a temporary license issued to a nursing home administrator under chapter 456.
- (5) "Preliminary license" is a temporary license issued by the Board to applicants who do not meet the standards set forth in the unassembled examination.
- (6) "Practice of nursing home administration" means the planning, organizing, directing and control of the operation of a nursing home.
- (7) "Provisional nursing home administrator" means an individual who has been licensed as such under chapter 456.
- (8) "Regular license" is a full license issued to applicants who meet all the standards set by the board.
- (9) "Nursing home" has the same meaning as the term nursing home or medical institution under s. 146.30 and includes all public medical institutions under ss. 49.14, 49.16, and 49.171.
- (10) "Individual" means a person and does not include the terms firm, corporation, association, partnership, institution, public body, joint stock association, or any other group of individuals.
- (11) "Administrator-in-training" means an individual registered as such with the board, under and pursuant to the laws of Wisconsin and these regulations.
- (12) "Preceptor" means an individual registered as such with the board.
- (13) "Advisory council" means the body representative of the health professions and the public as provided in paragraph (8) 456.02 - chapter 456.
- (14) "Unassembled examination" is the examination used for the initial licensing period.
- (15) "Examination" is the examination used after the initial licensing period.

NHA 1.03 Licensed administrator required.

- (1) Nursing home administrators and assistant nursing home administrators shall be licensed in accordance with the provisions of chapter 456.
- (2) Persons employed as area or district supervisor involving supervision of two or more licensed administrators shall be licensed under the provision of chapter 456.

NHA 1.04 Board; meetings.

- (1) The board shall meet at least quarterly.
- (2) The chairman, or other presiding officer of the board, may call special meetings thereof when, in his judgment, circumstances or functioning of the board require it.
- (3) Upon written petition of three voting members of the board, to the secretary, a special meeting of the board must be called within 30 days. Two weeks notification in advance of such special meeting is required.
- (4) The presence of 5 voting members of the board constitutes a quorum for transacting official business at regular or special meeting.

NHA 1.05 Board; general powers.

- (1) The board shall exercise such powers as provided by the laws of the state of Wisconsin pertaining to the licensing and registration of nursing home administrators.
- (2) The board shall make and publish such rules and regulations not inconsistent with law as it may deem necessary and proper for the execution and enforcement of the laws governing the licensing and registration of nursing home administrators.
- (3) The board shall exercise quasi-judicial powers not inconsistent with law, including the power to issue subpoenas; compel the attendance of witnesses, and administer oaths.

NHA 1.06 Board; officers and duties

- (1) The board shall elect annually from among its members a chairman, vice-chairman and secretary. The board may employ an executive secretary who may be a member of the board.
 - (a) The chairman shall preside at all meetings of the board and shall sign all official documents of the board. In the absence of the chairman, the vice-chairman shall preside and perform all duties normally the responsibility of the chairman.
 - (b) In the absence of the chairman and vice-chairman at any meeting where a quorum of members are present, the secretary shall call the meeting to order, at which time a temporary chairman will be elected for the purpose of temporarily assuming the duties and responsibilities of the regular chairman. This responsibility shall cease upon adjournment of the meeting.
- (2) The board secretary shall countersign all licenses and certificates of registration and official certificates of approval and certification issued by the board.

CHAPTER NHA 2

EXAMINATION

- NHA 2.01 Scheduling of examinations
- NHA 2.02 Pre-examination requirements
- NHA 2.03 Application for examination
- NHA 2.04 Conditional admission to examination; disqualification; re-application
- NHA 2.05 Subjects for examination
- NHA 2.06 Scoring examinations

NHA 2.01 Scheduling of examinations.

- (1) The board shall determine the subjects for examination of applicants for license as a nursing home administrator; the scope, content, form and character of such examinations shall be the same for all candidates.
- (2) Examinations shall be held as necessary at such time and place designated by the board. Announcement of an examination will be made at least 15 days prior to the date scheduled.
- (3) Following the close of every examination the questions submitted and the answers made thereto by the applicant together with a record stating in detail the results of the examination for each candidate, shall be kept by the board for a period of two years. These may be destroyed at the end of such period, in accordance with section 16.80.

NHA 2.02 Pre-examination requirements. No person shall be permitted to take an examination for license as a nursing home administrator unless he shall have first submitted evidence satisfactory to the board and in compliance with section 456.04.

NHA 2.03 Application for examination.

- (1) An applicant for examination for license as a nursing home administrator shall make application therefore in writing to the department of Regulation and Licensing on forms provided by the board at least 30 days prior to the scheduled date.
- (2) An applicant for examination shall have submitted to support his application evidence satisfactory to the board that he is at least eighteen years of age.

NHA 2.03 (con't)

- (3) An applicant for examination shall have submitted in support of his application two letters from individuals, not related to or employed by the applicant, who have known the applicant for at least three (3) years.
- (4) Prior to being permitted to take the examination for license as a nursing home administrator, the applicant shall furnish evidence of a recent medical examination satisfactory to the board.
- (5) Applicants may be required to submit letters of satisfactory performance covering at least the calendar year preceding the date of application.
- (6) The applicant shall attach to his application a current, finished, unmounted individual, passport-type photograph of himself.
- (7) The basic requirements for suitability set forth herein are to be considered minimal and may not be waived.
- (8) The board may designate a time and place at which an applicant may be required to present himself for inquiry as to his suitability as provided for herein.

NHA 2.04 Conditional admission to examination; disqualification, re-application.

- (1) The board may conditionally admit to examination for license as a nursing home administrator an applicant who 30 days prior to a scheduled examination has not fully established his qualifications, if, in the judgment of the board, it appears that he is otherwise qualified. Unless such applicant submits satisfactory evidence that he qualifies for examination within 30 days following the date of such examination, the board shall notify the applicant that he is not qualified for licensure.
- (2) An applicant for examination who has been disqualified shall be given written notification by the board of his disqualification and the reasons therefore and his right to a hearing.
- (3) An applicant for examination who has been disqualified may petition the board in writing within thirty days of notification of disqualification for a hearing and a review of his application.
- (4) Where an applicant for examination has been disqualified, he may submit a new application for examination, provided, however, that he shall meet the requirements for licensing as shall be in force at the time of such re-application.

NHA 2.05 Subjects for examination.

- (1) Every applicant for a license as a nursing home administrator after meeting the requirements for qualification for examination as set forth in these rules and regulations, shall successfully pass an examination which may include, but need not be limited to the following subjects:
 - (a) applicable standards of environmental health and safety
 - (b) local health and safety regulations
 - (c) general administration
 - (d) psychology of patient care
 - (e) principles of medical care
 - (f) personal and social care
 - (g) therapeutic and supportive care and services in long-term care
 - (h) departmental organization and management
 - (i) community interrelationships

- (2) The following shall be considered as guidelines with respect to the subjects for the examination required in paragraph (1) above:
 - (a) applicable standards of environmental health and safety
 1. hygiene and sanitation
 2. communicable diseases
 3. management of isolation
 4. the total environment (noise, color, orientation, stimulation, temperature, lighting, air circulation)
 5. elements of accident prevention
 6. special architectural needs of nursing home
 7. drug handling and control
 8. safety factors in oxygen usage
 - (b) local health and safety regulations
 - (c) general administration
 1. institutional administration
 2. planning, organizing, directing, controlling, staffing, coordinating, and budgeting
 3. human relations
 - a. management/employee interrelationships
 - b. employee/employer interrelationships
 - c. employee/patient interrelationships
 - d. employee/family interrelationships
 4. Training of personnel
 - a. training of employees to become sensitive to patient needs
 - b. on-going in-service training/education

NHA 2.05 (2) (con't)

- (d) psychology of patient care
 - 1. anxiety
 - 2. depression
 - 3. drugs, alcohol, and their effects
 - 4. motivation
 - 5. separation reaction

- (e) principles of medical care
 - 1. anatomy and physiology
 - 2. psychology
 - 3. disease recognition
 - 4. disease processes
 - 5. nutrition
 - 6. aging processes
 - 7. medical terminology
 - 8. materia medica
 - 9. medical social service
 - 10. utilization review
 - 11. professional and medical ethics

- (f) personal and social care
 - 1. resident and patient-care planning
 - 2. activity programming
 - a. patient participation
 - b. recreation
 - 3. environmental adjustment
 - a. interrelationships between patient and:
 - 1) other patient
 - 2) staff (staff sensitivity to patient needs as a therapeutic function)
 - 3) family and friends
 - 4) administrator
 - 5) management (self-government/patient council)
 - 4. rehabilitation and restorative activities
 - a. training in activities of daily living
 - b. techniques of group therapy
 - 5. interdisciplinary interpretation of patient care to:
 - a. the patient
 - b. the staff
 - c. the family

NHA 2.05 (2) (con't)

- (g) therapeutic and supportive care and services in long-term care
 - 1. individual care planning as it embraces all therapeutic care and supportive services
 - 2. meaningful observations of patient behavior as related to total patient care
 - 3. interdisciplinary evaluation and revision of patient care plans and procedures
 - 4. unique aspects and requirements of geriatric patient care
 - 5. professional staff interrelationships with patient's physician
 - 6. professional ethics and conduct
 - 7. rehabilitative and remotivational role of individual therapeutic and supportive services
 - 8. psychological, social, and religious needs, in addition to physical needs of patient

- (h) departmental organization and management
 - 1. criteria for coordinating establishment of departmental and unit objectives
 - 2. reporting and accountability of individual department to administrator
 - 3. criteria for departmental evaluation (nursing, food service, therapeutic services, maintenance, housekeeping)
 - 4. techniques of providing adequate professional, therapeutic supportive, and administrative services
 - 5. the following departments may be used in relating matters of organization and management:
 - a. nursing
 - b. housekeeping
 - c. dietary
 - d. laundry
 - e. pharmacy
 - f. social service
 - g. business office
 - h. recreation
 - i. medical records
 - j. admitting
 - k. physical therapy
 - l. occupational therapy
 - m. medical services
 - n. laboratories
 - o. x-ray
 - p. maintenance

- (i) community interrelationships
 - 1. community medical care, rehabilitative and social services resources
 - 2. other community resources
 - a. religious institutions
 - b. schools
 - c. service agencies
 - d. government agencies
 - 3. third-party payment organizations
 - 4. comprehensive health-planning agencies
 - 5. volunteers and auxiliaries

- (3) Nothing in the rules hereunder shall be construed to require an applicant for a license as a nursing home administrator of any nursing home licensed and qualifying for the exception in s. 146.30 (12m) to meet any medical educational qualifications or to pass an examination on any medical subjects. A nursing home administrator licensed under section 456.06 is not qualified to be an administrator of any nursing home except one licensed and qualifying for the exception in s. 146.30 (12m) and the license shall so state.

NHA 2.06. Scoring Examinations

- (1) Unassembled examination
 - (a) Every candidate for licensure as a nursing home administrator shall be required to pass the examination for such license with a point total of at least 60.
 - (b) Each section of the examination shall be scored separately, such methods shall be applied uniformly to all candidates taking that examination.
 - (c) The point values shall be established from the minimum to maximum points scoring systems of the unassembled examination. There shall be three categories; (1) experience (2) education, and (3) miscellaneous. A candidate shall be required to attain a minimum number of points in each category as determined by the board.
 - (d) The unassembled examination shall be processed for scoring in the following manner:
 - 1. three (3) members of the board shall review each application separately and score such application based on the scoring schedule for the unassembled examination.
 - 2. the board shall act on the recommendation of the three (3) reviewing members by simple majority.

NHA 2.06 (d) (con't.)

3. the board shall not disclose the point scores of candidate by individual identity to any of its officers or employees responsible for determining the final scoring of an examination until such determination has been made.
4. the use of the unassembled examination shall be discontinued at midnight June 30, 1972.

(2) Written examination.

- (a) Those applicants for licensure who do not meet the requirements of the unassembled examination, shall be required to take a written examination on subjects determined by the board according to NHA 2.05.
- (b) A candidate for licensure as a nursing home administrator is required to have a passing grade level as determined by the board.
- (c) In the event that re-examination is required, the re-examination shall be at a time and place determined by the board.
- (d) A candidate for license as a nursing home administrator who does not meet the grade level shall be designated as an applicant for the administrator-in-training program by the board.

CHAPTER NHA 3

EDUCATIONAL PROGRAMS

NHA 3.01 Registration of institutions and courses of study

NHA 3.02 Approval of programs of study

NHA 3.03 Certification of program of study

NHA 3.04 Administrator-in-training

NHA 3.05 Advisory Councils

NHA 3.01 Registration of institutions and courses of study.
Any courses of study offered by an educational institution, association, professional society, or organization for the purpose of qualifying applicants for licensure as nursing home administrators and for renewal of licenses shall first be registered with the board and approved by the board.

NHA 3.02 Approval of programs of study.

- (1) Programs of study designed to train and qualify applicants for licensure as nursing home administrators as required by the state licensing statute and these rules and regulations which shall be offered by any accredited university or college shall be deemed acceptable and approved for such purpose, provided, however, that:
 - (a) such program shall have been registered with the board as required by NHA 3.01 of these rules and regulations; and,
 - (b) such program shall include the following general subject areas or their equivalents:
 1. applicable standards of environmental health and safety
 2. local health and safety regulations
 3. general administration
 4. psychology of patient care
 5. principles of medical care
 6. personal and social care
 7. therapeutic and supportive care and services in long-term care
 8. departmental organization and management
 9. community interrelationships; and,
 - (c) such programs shall meet the academic requirements of the college or university for awarding of academic credit; or, such program is within the jurisdiction of an academic department of an accredited university or college and does not offer academic credit.

NHA 3.02 (con't)

- (2) Jointly-sponsored programs of study. Any program offered by an educational institution except as provided under paragraph (1) of this rule, or association, professional society, or organization other than an accredited college or university, shall be approved by the board, provided however,
 - (a) such program shall have been registered with the board as required by NHA 3.01 of these rules and regulations; and,
 - (b) such program shall include the following general subject areas or their equivalents:
 1. applicable standards of environmental health and safety
 2. local health and safety regulations
 3. general administration
 4. psychology of patient care
 5. principles of medical care
 6. personal and social care
 7. therapeutic and supportive care and services in long-term care
 8. department organization and management
 9. community interrelationships; and,
 - (c) announcement and/or publication of the proposed program to include faculty assignments shall be submitted to the board for approval, by the provider, at least 60 days before the program is scheduled for presentation.
- (3) Continuing education. A program of study designed to meet the requirements for renewal of a license as nursing home administrator under and pursuant to the state licensing statute and these rules and regulations shall:
 - (a) be registered as required under NHA 3.01 of these rules and regulations; and
 - (b) include subject areas selected from the list of subjects provided for in paragraph (1) and (2) of this rule; and
 - (c) be submitted to the board for approval prior to announcement and/or publication at least 60 days before the program is scheduled for presentation.
- (4) Upon completion of an approved program of study, the sponsor or sponsors of the program shall issue certificates of attendance or other evidence of attendance.

NHA 3.03 Certification of program of study. Programs of study may be certified by the board in a manner consistent with the requirements of the federal government in order to qualify for federal financial participation.

NHA 3.04 Administrator-in-training.

(1) Application.

- (a) Every administrator-in-training shall register with the board at least thirty (30) days prior to the initial date of training on a form prescribed by the board.
- (b) A registration fee of \$35.00 shall accompany the application.
- (c) The fee shall be waived if an individual has made application for licensure and was denied a regular license because the applicant did not achieve the passing level of examination, if said applicant enters the administrator-in-training program within (12) twelve months of the date the application was evaluated.

(2) Qualifications of applicant.

- (a) No applicant shall be approved unless the application is accompanied by evidence satisfactory to the board that such applicant is:
 - 1. Age: not less than 18 years.
 - 2. Education: high school graduate or equivalency until July 1, 1972, thereafter as stated in chapter 456 of the Wisconsin statutes.
 - 3. Moral character and suitability: (1) written references from two persons (not related to or employed by the applicant) who have known the applicant for not less than two years,
(2) satisfactory completion of written suitability measurement instrument.
 - 4. Physical and mental health: a written statement from a regularly licensed physician that the applicant has no physical or mental impairments which would make the applicant unsuitable or unfit to be approved for the administrator-in-training program.
- (b) The board reserves the right to conduct a detailed investigation of the applicant.

NHA 3.04 (con't)

(3) Training program.

- (a) The administrator-in-training applicant shall be approved only if the applicant is to be trained in a nursing home administered by a licensed nursing home administrator who has been approved for preceptorial training by the board.
- (b) An application for registration as an administrator-in-training shall not be approved unless the following evidence is submitted to the board:
 - 1. That such training shall be obtained in a licensed nursing home approved for participation by the board. The board shall have the right to survey a facility to determine it's appropriateness as a training atmosphere.
 - 2. That such training shall be under supervision of a licensed nursing home administrator who meets the qualifications of a preceptor under these rules.
 - 3. That such training shall be approved by the board.
 - 4. A training program outlining the plan of instruction for the training period shall be submitted by the preceptor to the board.
 - 5. The training program shall provide for adequate instruction in all subjects outlined as the "Core of Knowledge", requirements for licensure in the Federal Register, Health, Education and Welfare, dated February 28, 1970.
 - 6. The training program agreement form shall be signed by the preceptor, the administrator-in-training, and representative(s) of the governing body of the approved facility.
 - 7. The training program shall include a provision for the continuation of the supervised training of the applicant in the event the original preceptor is relieved of this responsibility during the tenure of the agreement.
 - 8. The training program after final approval by the board may be signed by the representative(s) designated by the board.
 - 9. The training period for each administrator-in-training shall cover a period of twelve (12) months from the date supervised training actually begins, to be completed no later than twenty-four (24) months after date the training begins.

NHA 3.04 (3) (b) (con't)

10. The study of the core of knowledge (classroom or correspondence) should be provided by an accredited college, university or other educational providers approved by the board. Consideration may be given to other programs of instruction provided by the preceptor.
11. Training is to be given for a minimum of forty (40) hours weekly in steady bona fide employment and/or educational programs.
12. Alternating and rotating shifts of eight (8) working hours may be approved by the board as being acceptable upon request, provided that at least fifty (50) percent of the training hours will be held between the hours of 7:00 a.m. and 10:00 p.m., in full-time employment under the personal supervision of a preceptor.

(4) Preceptor qualifications.

- (a) The preceptor shall meet all requirements and qualifications established by the board and shall be approved as a preceptor by the board.
- (b) Shall have performed full-time duties as a nursing home administrator for a minimum of three years, all of which shall have been in the State of Wisconsin, and shall hold a current license in the State of Wisconsin.
- (c) The board shall have the right to investigate each preceptor applicant.
- (d) No preceptor shall be responsible for the supervision of more than one (1) administrator-in-training at any time, except with permission of the board.

(5) Reports.

- (a) Every administrator-in-training shall file quarterly detailed reports with the board on forms provided by the board.
- (b) Every report filed by the administrator-in-training shall be countersigned by the preceptor and submitted to the board not more than ten (10) days following the end of each calendar quarter.
- (c) If an administrator-in-training fails to file reports for a period of six (6) months from the date of registration as such trainee or for a period of six (6) months from the date filing last report, such trainee will be deemed to have abandoned the administrator-in-training program.

NHA 3.04 (con't)

(6) Interruption or discontinuance.

- (a) Discontinuance of the trainee as an administrator-in-training in the nursing home from which the trainee is registered shall be reported to the board by the preceptor and the trainee within ten (10) days after such discontinuance.
- (b) If a preceptor, after proper hearing, shall be found by the board to be guilty of failing to provide the administrator-in-training an opportunity adequately and generally for training under proper supervision in the administrative, operational activities and functions of the nursing home such preceptor shall not be permitted to act as a preceptor for such period prescribed by the board.
- (c) Any person who was a registered administrator-in-training whose training and experiences shall have been interrupted by mandatory service in the armed forces of the United States, shall be permitted to resume training at any time within one (1) year after the date of discharge from active service.

(7) Reciprocity. Any administrator-in-training in an approved preceptorial training program of another state that has entered into a reciprocity agreement with the State of Wisconsin, who transfers residence to the State of Wisconsin may receive credit at the discretion of the board toward an approved administrator-in-training program of this state; provided the said administrator-in-training applies for registration within sixty (60) days after leaving the former training program.

(8) Miscellaneous.

- (a) Any financial arrangements between preceptor and administrator-in-training are the joint responsibility of the parties involved and are not the responsibility of the board.
- (b) The arrest or conviction of a preceptor or an administrator-in-training for an infraction of the law affecting the competency of a man in his work, may be the basis for an immediate investigation by the board. Training may be suspended until the case is settled.

NHA 3.05 Advisory Councils. The board may appoint such advisory councils as are necessary for the proper and efficient administration of chapter 456.

CHAPTER NHA 4

LICENSURE

- NHA 4.01 License
- NHA 4.02 Registration of License
- NHA 4.03 Refusal, suspension and revocation of license
- NHA 4.04 Reciprocity
- NHA 4.05 Restoration and reinstatement of license
- NHA 4.06 Display of license and registration certificate
- NHA 4.07 Duplicate license
- NHA 4.08 Renewal of license
- NHA 4.09 Applicability, legal effect, separability

NHA 4.01 License. An applicant for a license as a nursing home administrator who had successfully complied with the requirements of the licensing laws and the standards provided for herein; passed the examination provided by the board; and where applicable, complied with the requirements for administrator-in-training, shall be issued a license on a form provided for that purpose by the board, certifying that such applicant has met the requirements of the laws, rules, and regulations entitling him to serve, act, practice, and otherwise hold himself out as a duly licensed nursing home administrator.

- (1) The board may issue a provisional license to any individual applying therefore who:
 - (a) has served as a nursing home administrator during all of the calendar year immediately preceding January 1, 1970 and
 - (b) meets the standards relating to good character, suitability and age.
- (2) Permission to register under a provisional license shall terminate at midnight June 30, 1972. On July 1, 1972, all provisional licenses are cancelled and have no legal effect thereafter. If, before the expiration of such provisional license, the licensee passes a qualifying examination, a nursing home administrator license shall be issued to him.

NHA 4.01 (con't)

- (3) If the board issues a provisional license to any individual under the provisions of subdivision (1) of this section, there shall be provided by the board a program of training and instruction designed to enable all provisional nursing home administrators to attain the educational qualifications necessary to assist such applicant to qualify for licensure as a nursing home administrator.
- (4) Preliminary license.
 - (a) The board may issue a preliminary license to any individual applying therefore, who meets the standards relating to good character, suitability and age, and
 - (b) who have achieved at least a high school education.
 - (c) Such preliminary licenses are canceled on July 1, 1972 and have no legal effect thereafter.
 - (d) If before the expiration of such preliminary license, the licensee passes a qualifying examination, a nursing home administrator license shall be issued.
 - (e) If the board issues a preliminary license to any individual under the provisions of subdivision (2) of this section, there shall be provided by the board a program of training and instruction designed to enable all preliminary nursing home administrators to attain the educational qualifications necessary to assist such applicant to qualify for licensure as a nursing home administrator.
 - (f) The issuance of preliminary licenses shall be discontinued as of midnight June 30, 1971.
- (5) Nothing in these rules shall be construed to require an applicant for a license as a nursing home administrator of any nursing home licensed and qualifying for the exception in s. 146.30 (12m) to meet any medical educational qualifications or to pass an examination on any medical subjects. A nursing home administrator licensed under this section is not qualified to be an administrator of any nursing home except one licensed and qualifying for the exception in s. 146.30 (12m) and the license shall so state.

NHA 4.02 Registration of License

- (1) Every person who holds a valid license as a nursing home administrator issued by the board shall immediately upon issuance be deemed registered with the board. Thereafter, such individual shall annually apply to the board for a certificate of renewal and report any facts requested by the board on forms provided for such purposes.

NHA 4.02 (con't)

- (2) Upon making an application for new certificate of renewal such licensee shall pay an annual registration fee not to exceed fifty dollars (\$50.00), and, at the same time, shall submit evidence satisfactory to the board that during the annual period immediately preceding such application for registration he had attended a continuation education program or course of study as provided in NHA 3.02 (3) of these rules and regulations.
- (3) Upon receipt of such application for the certificate of renewal the fee and the evidence required with respect to continuing education, the board shall issue a certificate of renewal, to such nursing home administrator.
- (4) The nursing home administrator who fails to comply with the provisions of the section, and who continues to practice as a nursing home administrator, may have his license suspended or revoked by the board.
- (5) Only an individual who holds a regular license as a nursing home administrator and who holds a valid current registration certificate pursuant to the provisions of Chapter 456 and these rules for the current annual registration period shall have the right and privilege of using the title "nursing home administrator", and have the right and the privilege of using the abbreviation "N.H.A." after his name.
 - (a) The board shall maintain a file of all applications for licensure.
 - (b) The board shall maintain a register of all licensed nursing home administrators which shall show the name and address of the administrator.

NHA 4.03 Refusal, suspension and revocation of license. The board may suspend, revoke, or refuse to issue a license or certificate of registration for a nursing home administrator, administrator-in-training, provisional, or a preliminary licensee, or may reprimand or otherwise discipline a licensee, administrator-in-training, provisional or preliminary licensee, after due notice and an opportunity to be heard at a formal hearing, upon substantial evidence that such applicant for license or registration, or such nursing home administrator, or administrator-in-training:

- (1) has violated any of the provisions of the law pertaining to the licensing of nursing home administrators or the rules and regulations of the board pertaining thereof;
- (2) has been convicted of a felony;

NHA 4.03 (con't)

- (3) has practiced fraud, deceit or misrepresentation in securing or procuring a nursing home administrator license;
- (4) is incompetent by acts of negligence or habits or failure to comply with standards and codes pertaining to nursing home administration;
- (5) has practiced fraud, deceit or misrepresentation in his capacity as a nursing home administrator;
- (6) has committed acts of misconduct in the operation of a nursing home under his jurisdiction;
- (7) is a habitual drunkard;
- (8) is addicted or dependent upon the use of morphine, opium, cocaine, or other drugs recognized as resulting in abnormal effect;
- (9) has practiced without annual registration;
- (10) has wrongfully transferred or surrendered possession, either temporarily or permanently, his license or certificate to any other person;
- (11) has falsely impersonated another licensee of a like or different name;
- (12) has failed to exercise regard for the safety, health and life of the patient;
- (13) has willfully permitted unauthorized disclosure of information relating to a patient or his records.

NHA 4.04 Reciprocity.

- (1) The board, in its discretion, and otherwise subject to the law pertaining to the licensing of nursing home administrators prescribing the qualifications for a nursing home administrator license issued by the proper authorities of any other state, upon payment of a fee not to exceed (50) Fifty Dollars, and upon submission of evidence satisfactory to the board;
 - (a) that such other state maintains a system and standard of qualification and examination for a nursing home administrator license, which are substantially equivalent to those required in this state;
 - (b) that such applicant shall be required to pass the state of Wisconsin Rules and Regulations Examination (Part I) at the grade level established by the board;

NHA 4.04 (con't) (1)

- (c) that such applicant for endorsement holds a valid license as a nursing home administrator which has not been revoked or suspended as such in each state from which he has ever received a nursing home administrator license or reciprocal endorsement.
- (2) The board shall also have power, and after due notice and an opportunity to be heard at a formal hearing, to revoke or suspend the endorsement of a nursing home administrator license issued to any person upon evidence satisfactory to the board that the duly constituted authorities of any state have lawfully revoked or suspended the nursing home administrator license issued to such person by such state.
- (3) The action of the board in revoking or suspending such license or registration shall be reviewable by the court under and pursuant to the provisions of law provided for in such cases.

NHA 4.05 Restoration and reinstatement of license.

- (1) Upon submission of evidence satisfactory to the board, a license may be restored after a period of one year after revocation.
- (2) Upon such application for restoration of a license, the board, in its discretion may grant the applicant a formal hearing upon notice.
- (3) If a conviction be subsequently reversed on appeal and the accused acquitted or discharged, his license shall become again operative from the date of such acquittal or discharge.

NHA 4.06 Display of license and registration certificate. Every person licensed as a nursing home administrator shall display such license and certificate of annual registration in a prominent place.

NHA 4.07 Duplicate license. Upon receipt of satisfactory evidence that a license or certificate of registration has been lost, mutilated, or destroyed, the board may issue a duplicate license or certificate upon such conditions as the board may prescribe, and upon payment of a fee of \$15.00.

NHA 4.08 Renewal of license.

- (1) Every individual who holds a license and registered as a nursing home administrator under Section 456.07 shall apply annually for renewal of registration on forms prescribed by the board.
- (2) Such application accompanied by a fee not to exceed \$50 shall be submitted to the state of Wisconsin Nursing Home Administrator Examining Board, Department of Regulation and Licensing, 110 North Henry Street, Madison, Wisconsin.

NHA 4.09 Applicability, legal effect, separability.

- (1) The rules and regulations of the board shall be supplemental to the law providing for the licensing of nursing home administrators and shall have the force and effect of law.
- (2) Every rule, regulation, order, and direction adopted by the board shall state the date on which it takes effect and a copy thereof signed by the chairman of the board, and the secretary of the board, shall be filed as a public record in the office of the board and as may be required by law.
- (3) The rules and regulations of the board are intended to be consistent with the applicable Federal and State law and shall be construed, whenever necessary, to achieve such consistency.
- (4) In the event that any provision of these rules and regulation is declared unconstitutional or invalid, or the application thereof to any person or circumstance is held invalid, the applicability of such provision to other persons and circumstances and the constitutionality or validity of every other provision of these rules and regulations shall not be affected thereby.
- (5) These rules and regulations shall not affect pending actions or proceedings, civil or criminal, but the same may be prosecuted or defended in the same manner and with the same effect as though these rules and regulations had not been promulgated.
- (6) The board shall furnish certified copies of these rules and regulations and amendments thereof and may charge a fee to be determined by the board.
- (7) Proposed amendments to these rules and regulations of the board shall be made only at a regularly called meeting thereof, by a majority vote of all members of the board. No proposed amendment shall be acted upon unless said proposed amendment was presented at a prior meeting and unless notice has been given to the members of the board that said proposed amendment is to be acted upon at a particular meeting of the board.
- (8) In addition to the above, the rules of parliamentary procedure as laid down in "Roberts' Rules of Order, Revised" shall govern all meetings of the board.

CHAPTER NHA 5

COMPLAINTS & HEARINGS

NHA 5.01 Complaints and hearing procedures

NHA 5.02 Conduct of Hearings

NHA 5.01 Complaints and hearing procedures.

- (1) Complaints shall be submitted to the board in writing and shall be signed by the complainant.
- (2)
 - (a) The board, or any person or persons appointed by the board for the said purpose, may hold a preliminary hearing to determine whether a formal hearing is necessary.
 - (b) The board or the person or persons may dismiss the complaint and take no action thereon by formal hearing or otherwise, in which event the complaint and the order dismissing the complaint shall be filed with the board.
- (3)
 - (a) If the board or the person or persons thus appointed by it decide that the charges shall be heard, the board shall designate a hearing officer to determine the charge (s) and set a time and place for a hearing.
 - (b) A copy of the charge, together with notice of the time and place of the hearing, shall be served on the individual charged at least ten days before the date fixed for the hearing.
 - (c) Where personal service cannot be effected and such fact is certified on oath by any person duly authorized to make legal service, the board shall cause to be published twice in each of two successive weeks a notice of the hearing in a newspaper published in the county of which the individual charged was last known to practice, and on or before the date of the first publication a copy of the charge and of such notice shall be mailed by certified mail, with a return receipt requested; to the last known address of the individual charged.
 - (d) When publication of the notice is necessary, the date of the hearing shall be not less than ten days after the last day of publication of the notice.

NHA 5.01 (con't)

- (4) (a) Upon the conclusion of the hearing, the board may revoke the license of the individual charged or suspend such license for a fixed period or reprimand, or take other disciplinary action, or dismiss the charge (s).
- (b) An order of suspension made by the board may contain such provisions as to reinstatement of the license as the board shall direct.
- (c) The board, in its discretion, may direct a rehearing or take additional evidence, and may rescind or affirm the prior determination after such rehearing, but nothing in the subdivision shall preclude appropriate relief under and pursuant to the laws of the state providing for the review of administrative determination by the courts of the state.

NHA 5.02 Conduct of hearings.

- (1) At any hearing conducted pursuant to these rules, any party to the proceedings may appear personally and with counsel, and shall be given the opportunity to produce evidence and witnesses and to cross-examine witnesses.
- (2) At any formal hearing conducted pursuant to these rules, if a party shall appear without counsel, the board or person(s) designated as hearing officers or hearing officer shall advise such party of his right to be represented by counsel; and that if he desires to proceed without counsel, that he may call witnesses, cross-examine witnesses, and produce evidence in his behalf.
- (3) Appearances shall be noted on the official record of hearings.
- (4) The board or designated hearing officer may grant adjournments upon request of any party to the proceedings, provided that an adjournment shall not be for an indefinite period of time, but shall be set down for a day certain.
- (5) If an adjournment is requested in advance of the hearing date, such request shall be submitted to the board or hearing officer in writing, and shall specify the reason for such request.
- (6) In considering an application for adjournment of a hearing the board or hearing officer, shall consider whether the purpose of the hearing will be affected or defeated by the granting of such adjournment.
- (7) The board or designated hearing officer shall issue subpoenas and subpoena duces tecum upon request of any party to the proceeding of any hearing set down by the board.

NHA 5.02 (con't)

- (8) The board or hearing officer shall not be bound by the common law rules of evidence in the conduct of a hearing, but the determination and recommendations of the hearing officer shall be founded upon sufficient legal evidence to sustain it.
- (9) Upon the conclusion of a hearing, the board shall take such action upon such written findings and determination as it deems proper, and shall execute an order in writing carrying such findings and determination into effect.
- (10) The record, minutes, and evidence of a formal hearing shall be made available to all parties for examination at the office of the board, or at such place as the board may direct. Copies of the minutes may be purchased at the rate per page covering the cost thereof.