

Chapter NHA 4

LICENSURE

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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.

(3) If the board issues a provisional license to any individual under the provisions of sub. (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 sub. (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 section 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 section 146.30 (12m) and the license shall so state.

History: Cr. Register, December, 1972, No. 204, eff. 1-1-73.

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.

(2) Upon making application for new certificates of renewal, such licensee shall pay an annual registration fee not to exceed \$50., and, at the same time, shall submit evidence satisfactory to the board that during the annual period immediately preceding such application, that he had attended a minimum of 12 hours of continuing education or course of study as provided in section 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, Wis. Stats., 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.

History: Cr. Register, December, 1972, No. 204, eff. 1-1-73; am. (2) emerg., effective 9-11-73; am. (2), Register, February, 1974, No. 218, eff. 3-1-74.

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

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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;

(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.

History: Cr. Register, December, 1972, No. 204, eff. 1-1-73.

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., 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;

(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.

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(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.

History: Cr. Register, December, 1972, No. 204, eff. 1-1-73.

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.

History: Cr. Register, December, 1972, No. 204, eff. 1-1-73.

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.

History: Cr. Register, December, 1972, No. 204, eff. 1-1-73.

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.

History: Cr. Register, December, 1972, No. 204, eff. 1-1-73.

NHA 4.08 Renewal of license. (1) Every individual who holds a license and registered as a nursing home administrator under section 456.07, Wis. Stats., 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.

History: Cr. Register, December, 1972, No. 204, eff. 1-1-73.

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 regulations 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.

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(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.

History: Cr. Register, December, 1972, No. 204, eff. 1-1-73.