

## Chapter NHA 6

## ACCESS TO PUBLIC RECORDS

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**NHA 6.01 Authority and purpose.** Rules in this chapter are adopted pursuant to authority granted by ss. 15.08 (5) and 227.11, Stats. Rules in this chapter implement s. 19.21, Stats.

History: Cr. Register, June, 1980, No. 294, eff. 7-1-80; correction made under s. 13.93 (2m) (b) 7, Stats., Register, September, 1989, No. 405.

**NHA 6.02 Definitions.** In this chapter:

(1) "Board" means the nursing home administrator examining board.

(2) "Legal custodian" means the department secretary or the department secretary's designee.

(3) "Office" means the facilities located at 1400 East Washington Avenue, Madison, Wisconsin.

(4) "Public record" has the meaning described in s. 16.61 (2) (b), Stats., and includes property and other things referred to in s. 19.21 (1), Stats.

History: Cr. Register, June, 1980, No. 294, eff. 7-1-80; am. (intro.), renum. (2) to (4) to be (4), (2) and (3) and am. (2), Register, June, 1991, No. 426, eff. 7-1-91.

**NHA 6.03 Access to board public records.** (1) Requests to inspect or copy board public records made in person shall be made to the legal custodian during regular business hours. A request must identify with reasonable particularity the public record sought. The legal custodian shall attempt to respond immediately to reasonable requests made in person at the office.

(2) Requests to inspect or copy board public records made by mail or telephone must identify with reasonable particularity the public record sought. The legal custodian may withhold forwarding copies of any public record requested until payment for copies at the rate of \$.10 per page has been remitted. The legal custodian shall respond to requests made by mail or telephone within 10 days from receipt of the requests.

History: Cr. Register, June, 1980, No. 294, eff. 7-1-80; am. (1) and (2), r. (3), Register, June, 1991, No. 426, eff. 7-1-91.

**NHA 6.04 Records available; records not available.** (1) All public records of the board are available for inspection and copying by the public unless exempt under sub. (2).

(2) The legal custodian shall refuse inspection or copying of any of the following:

(a) Transcripts of high school or college courses received as part of an application for a permit, certificate of registration or other license;

(b) Examinations, grades for examinations, and materials used in preparing examinations;

(c) Records obtained as the result of a clear pledge of confidentiality if the pledge was made in order to obtain the record;

(d) Records of or relating to an active investigation if release of the record would impede the investigation;

(e) Records which include information which if disclosed would unduly damage reputation;

(f) Records which concern advice from legal counsel concerning strategy, opinions, conclusions or legal theories with respect to litigation in which the board is or is likely to become involved, and other information;

(g) Minutes of closed meetings;

(h) Records of board deliberations on quasi-judicial proceedings.

(i) Records the release of which would result in harm to the public to an extent greater than failure to release.

History: Cr. Register, June, 1980, No. 294, eff. 7-1-80; correction in (1) made under s. 13.93 (2m) (b) 4, Stats., Register, September, 1989, No. 405.