

1969 Assembly Bill 875

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**CHAPTER 478, LAWS OF 1969**

AN ACT to create 15.401 (8m), 15.405 (7m), 20.165 (2) (ih), 20.435 (4) (em), 146.30 (4m) and chapter 456 of the statutes, relating to the creation of an examining board for nursing home administrators, granting rule-making authority and providing a penalty.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. 15.401 (8m) of the statutes is created to read:

15.401 (8m) NURSING HOME ADMINISTRATOR EXAMINING BOARD. The nursing home administrator examining board shall have the program responsibilities specified for the examining board under ch. 456.

SECTION 2. 15.405 (7m) of the statutes is created to read:

15.405 (7m) NURSING HOME ADMINISTRATORS. There is created a nursing home administrator examining board in the department of regulation and licensing consisting of 9 members appointed for staggered 3-year terms and the secretary of health and social services or his designee, who shall serve as a nonvoting member. Any organization which is to submit a list of names from which the governor may appoint members of the examining board shall, upon request of the governor, submit additional names. One member shall be a nursing home administrator of a voluntary nonprofit home who may be appointed from a list of names submitted by the Wisconsin council of homes for the aging. One member shall be a nursing home administrator of a proprietary home who may be appointed from a list of names submitted by the Wisconsin association of nursing homes, inc. One member shall be an administrator of a general acute care hospital who may be appointed from a list of names submitted by the Wisconsin hospital association. One member shall be an administrator of a public medical care facility who may be appointed from a list of names submitted by the association of Wisconsin county homes. One member shall be a member of the Wisconsin chapter of the American college of nursing home administrators, who may be selected from a list of names submitted by the college. One member shall be a physician who may be selected from a list of names submitted by the state medical society of Wisconsin. One member shall be a nurse who may be selected from a list of names submitted by the Wisconsin nurses association, inc. Two members shall represent the public at large. No more than 2 members may be officials or full-time employes of the state and less than a majority of the examining board shall be representatives of a single profession or institutional category. The secretary may receive such additional compensation as the examining board directs.

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SECTION 3. 20.165 (2) (ih) of the statutes is created to read:

20.165 (2) (ih) *Nursing home administrator examining board.* For the nursing home administrator examining board, 90% of all moneys received under ch. 456 for the licensing, rule-making and regulatory functions of the examining board.

Item  
Veto

~~Section 4. 20.435 (4) (em) of the statutes is created to read:~~

~~20.435 (4) (em) *Nursing home administrator training program.* A sum sufficient to provide training services for nursing home administrators under P.L. 90-248. Any federal funds received by the department for purposes of providing such training services shall be paid by the department into the general fund.~~

SECTION 5. 146.30 (4m) of the statutes is created to read:

146.30 (4m) LICENSED ADMINISTRATOR REQUIRED. No nursing home within the state may be allowed to operate except under the supervision of an administrator licensed under ch. 456 or for a period of time, not exceeding 90 days, as determined by the nursing home administrator examining board.

SECTION 6. Chapter 456 of the statutes is created to read:

CHAPTER 456.

NURSING HOME ADMINISTRATOR EXAMINING BOARD.

456.01 DEFINITIONS. In this chapter:

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

(2) "Nursing home administrator" means any individual 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.

(3) "Provisional license" is a temporary license issued to a provisional nursing home administrator under this chapter.

(4) "Provisional nursing home administrator" means an individual who has been licensed as such under this chapter.

(5) "Practice of nursing home administration" means the planning, organizing, directing and control of the operation of a nursing home.

(6) "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.

456.02 DUTIES. The examining board shall:

(1) Develop, impose and enforce standards which must be met by individuals in order to receive a license as a nursing home administrator, which standards shall be designed to insure that nursing home administrators will be individuals who are of good character and are otherwise suitable, and who, by training or experience in the field of institutional administration, are qualified to serve as nursing home administrators;

(2) Develop and apply appropriate techniques, including examinations and investigations, for determining whether an individual meets such standards;

(3) Issue licenses to individuals determined, after the application of such techniques, to meet such standards, and revoke or suspend licenses previously granted by the examining board in any case where the individual holding any such license is determined substantially to have failed to conform to the requirements of such standards;

(4) Establish and carry out procedures designed to insure that individuals licensed as nursing home administrators will, during any period that they serve as such, comply with the requirements of such standards;

(5) Receive, investigate, and take appropriate action with respect to, any charge or complaint filed with the examining board to the effect that any individual licensed as a nursing home administrator has failed to comply with the requirements of such standards;

(6) In cooperation with other agencies and appropriate organizations, conduct a continuing study of the practice of nursing home administration within the state with a view to the improvement of the standards imposed for the licensing of such administrators and of procedures and methods for the enforcement of such standards with respect to administrators of nursing homes who have been licensed as such;

(7) Develop and enforce standards for the supervised practical experience to be required for licensure; and

(8) Appoint such advisory councils as are necessary for the proper and efficient administration of this chapter.

456.03 LICENSES. (1) An applicant for a license as a nursing home administrator who has a) successfully complied with the requirements of this chapter, and b) passed the examination, shall be granted a license by the examining board, certifying that such applicant has met the requirements of the laws and rules entitling him to serve, act, practice and otherwise hold himself out as a duly licensed nursing home administrator.

(2) (a) The examining board may grant a provisional license to any individual applying therefor who has served as a nursing home administrator during all of the period from January 1, 1969, to December 31, 1969, who qualifies under s. 456.04 (2) and (3), and pays a fee determined by the examining board but not exceeding \$50.

(b) Permission to register under a provisional license shall terminate at midnight, June 30, 1972. On July 1, 1972, all provisional licenses are canceled 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.

(c) The examining board shall develop or sponsor or approve a program of training and instruction designed to enable all provisional nursing home administrators to attain the qualifications necessary for licensure as a nursing home administrator.

456.04 EXAMINATION REQUIREMENTS. The examining board shall allow any person to take the examination for licensure as a nursing home administrator who:

(1) Pays a fee in an amount determined by the examining board but not exceeding \$50; and

(2) Submits satisfactory evidence of good moral character and suitability; and

(3) Is 21 years of age; and

(4) Has:

(a) Successfully completed a course of study and graduated from a high school or secondary school or has obtained a certificate of high school or secondary school equivalency; however no person shall be admitted to the examination under this paragraph after July 1, 1972; or

(b) Successfully completed 2 years college level study after secondary school or its equivalent;

Item Veto { ~~(c) Meet any increased level of education based on a determination by the examining board that adequate educational opportunities are available for such an increased educational level.~~

(5) After July 1, 1972, any person who has not completed a regular course of study which the examining board considers as adequate academic preparation for nursing home administration in addition to that required under sub. (4) shall submit evidence satisfactory to the examining board

that he has attended specialized courses or a program of study in the area of nursing home administration.

(6) Any person who has provisional license as a nursing home administrator need not meet the educational requirements of sub. (4).

456.05 EXAMINATIONS. The examining board shall determine the subjects of examination for applicants for licensure as nursing home administrators, and the scope, content and format of such examinations. The examinations shall include examination of the applicant's knowledge of:

(1) The laws governing the operation of long-term care facilities and the protection of the interests, safety and well-being of the residents therein; and

(2) The elements of proper and effective administration of long-term care facilities; and

(3) The psychological, physical, medical and social needs of persons served in such facilities.

456.06 EXEMPTIONS. Nothing in this chapter or the rules hereunder shall be construed to require an applicant for a license or a temporary 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.

456.07 REGISTRATION. (1) Every individual who holds a license or a provisional license as a nursing home administrator issued by the department shall annually apply to the examining board for a new certificate of registration and report any facts requested by the examining board on forms provided for such purpose.

(2) The application for a new certificate of registration shall include an annual registration fee in an amount not less than \$10 nor more than \$50 as prescribed by the examining board and evidence satisfactory to the examining board that during the annual period immediately preceding such application for registration he has attended a continuation education program or course of study. All annual registration fees are payable on July 1 of every year except that any person who has paid a fee under s. 456.03 or 456.04 need not pay another fee until the next annual registration date.

(3) Upon approval of such application for registration the examining board shall issue a certificate of registration to such nursing home administrator. All fees paid after the due date shall be accompanied by a \$5 late filing fee.

(4) The license of a nursing home administrator who fails to comply with this section, and who continues to act as a nursing home administrator, may be suspended or revoked by the examining board.

(5) Only an individual who has qualified as a licensed and registered nursing home administrator under this chapter and who holds a valid current registration certificate under this section for the current annual registration period may use the title "Nursing Home Administrator", and the abbreviation "N.H.A." after his name. No other person shall use or shall be designated by such title or such abbreviation or any other words, letters, sign, card or device tending to or intended to indicate that such person is a licensed and registered nursing home administrator.

456.08 RECIPROCITY. The examining board, in its discretion, and subject to this chapter and the rules of the examining board may indorse a nursing home administrator license issued by the proper authorities of any other state, upon payment of a fee prescribed by the examining board and upon submission of satisfactory evidence of his qualifications.

456.09 PENALTIES. (1) No person shall:

(a) Sell or fraudulently obtain or furnish any license or aid or abet therein; or

(b) Practice as a nursing home administrator, under cover of any license or registration illegally or fraudulently obtained or unlawfully issued; or

(c) Practice as a nursing home administrator or use in connection with his name any designation tending to imply that he is a nursing home administrator unless duly licensed and registered to so practice under this chapter; or

(d) Practice as a nursing home administrator during the time his license or registration issued under this chapter is suspended or revoked; or

(e) Otherwise violates this chapter.

(2) Any person who violates sub. (1) may be fined not more than \$1,000 or imprisoned for not more than one year in the county jail or both.

456.10 SUSPENSION AND REVOCATION. (1) The license or registration of any person practicing or offering to practice nursing home administration or the license of a provisional nursing home administrator, may be revoked or suspended or the licensee may be reprimanded, censured or otherwise disciplined under this section upon decision and after due hearing if:

(a) Proof is submitted that such licensee is unfit or incompetent by reason of negligence, habits or other causes;

(b) Proof is submitted that such licensee has wilfully or repeatedly violated this chapter or the rules enacted in accordance therewith; or wilfully or repeatedly acted in a manner inconsistent with the health and safety of the patients of the home in which he is the administrator;

(c) Proof is submitted that such licensee is guilty of fraud or deceit in his or her admission to the practice of nursing home administration;

(2) The examining board shall have jurisdiction to hear all charges brought under this section against persons licensed and registered as nursing home administrators or licensed as provisional nursing home administrators and upon such hearings shall determine such charges upon their merits. If the examining board determines that such person is guilty of the charges, the license or registration may be revoked or suspended or the licensee may be reprimanded, censured or disciplined.

(3) Proceedings under this section shall be commenced by filing charges in writing and under oath with the examining board. Such charges may be preferred by any person or by the examining board. Thereupon the chairman of the examining board shall designate 3 or more members thereof as a hearing committee or any other qualified person, as a hearing officer to hear the charges and to report to the examining board.

(4) The licensee shall have the right to appear either personally or by counsel or both, to produce witnesses and evidence on his own behalf, to cross-examine witnesses and to have subpoenas issued in his behalf by the hearing committee or the hearing officer. The hearing committee or the hearing officer shall make a written report to the examining board of the findings and recommendations which shall be considered by the examining board in arriving at its determination.

(5) Members of the hearing committee or the hearing officer shall exercise any of the powers of the examining board as may be necessary for the proper conduct of the hearing.

456.11 RESTORATION OF LICENSES AND REGISTRATIONS. (1) The examining board may reinstate a license or registration to any person whose license or registration has been revoked.

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(2) Application for the reinstatement of a license or registration shall not be made prior to one year after revocation and shall be made in such manner as the examining board directs.

SECTION 7. INITIAL APPOINTMENTS. Three members of the initial examining board shall be appointed for a one-year term; 3 members of the initial examining board shall be appointed for a 2-year term; and 3 members of the initial examining board shall be appointed for a 3-year term. Thereafter, members shall be appointed for terms in accordance with s. 15.405 (7m).

SECTION 8. EFFECTIVE DATE. SECTION 5 of this act shall take effect July 1, 1970.

Approved February 24, 1970.

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