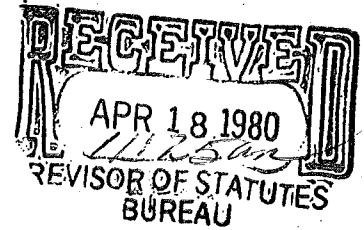


NHA 1 to 7

CERTIFICATE



STATE OF WISCONSIN )  
 )  
NURSING HOME ADMINISTRATOR EXAMINING BOARD ) SS

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Wilma Morris, director of the Bureau of Business Professions, and custodian of the official records of said board do hereby certify that the annexed rules relating to authority and definitions; requirements for examination; educational programs meeting licensing and continuing educational requirements; licensure; standards of conduct; access to public records; and, rules of procedure, were duly approved and adopted by this board on April 17, 1980.

I further certify that said copy has been compared by me with the original on file in this board 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 board at 1400 East Washington Avenue, Madison, Wisconsin, this 17th day of April, A.D. 1980.

*Wilma Morris*

Wilma Morris, Director  
Bureau of Business Professions  
Department of Regulation and Licensing

STATE OF WISCONSIN  
BEFORE THE  
NURSING HOME ADMINISTRATOR EXAMINING BOARD

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IN THE MATTER OF RULEMAKING : ORDER OF THE NURSING  
PROCEEDINGS BEFORE THE NURSING : HOME ADMINISTRATOR EXAMINING  
HOME ADMINISTRATOR EXAMINING : BOARD REPEALING, AMENDING OR  
BOARD : ADOPTING RULES  
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Relating to authority and definitions; requirements for examination; educational programs meeting licensing and continuing educational requirements; licensure; standards of conduct; access to public records; and, rules of procedure.

Analysis prepared by the Department of Regulation and Licensing.

ANALYSIS

The proposed rules of the Nursing Home Administrator Examining Board represent a revision of current board rules. Because the rules have not been substantially revised since 1972, many provisions are obsolete or repetitious of sections in the statutes.

The proposed rules are reorganized, renumbered and reworded to place them in an orderly sequence and to simplify language. The content contains additional provisions which are explained below in a description of each chapter.

Following is a brief description of each proposed chapter:

Chapter NHA 1 Authority and Definitions

This chapter cites board authority to adopt rules and defines terms relating to prelicensure educational requirements.

Chapter NHA 2 Requirements for Examination

Chapter NHA 2 specifies examination eligibility requirements for applicants and lists subject areas of the board examination.

In current rules, there are provisions for an administrator-in-training program that were adopted under authority in s. 456.02(7), Stats. The proposed rules do not establish a similar program but offer options to enable individuals to become eligible for licensure with minimal post-secondary education combined with a general experience requirement in the field of institutional administration. The options provide flexibility to substitute academic programs for proportionally increased practical experience.

The proposed rules define terms used in the statutes, i.e., "regular course of study", "program of study" and "specialized courses" which replace a two-year college requirement that has been repealed since the rules were last revised.

### Chapter NHA 3 Educational Programs Meeting Licensing and Continuing Educational Requirements

In this chapter, rules specify that the board must approve all prelicensure educational and continuing educational programs and explain which continuing educational programs may be approved for credit and the means by which approval for programs may be obtained.

### Chapter NHA 4 Licensure

Chapter 4 describes the methods by which applicants may become licensed and licensees may renew, reinstate or receive reciprocal licenses.

### Chapter NHA 5 Standards of Conduct

The purpose of proposed Chapter NHA 5 is to interpret s. 456.10, Stats., by defining specific violations of standards of professional practice to further delineate statutory authority for taking disciplinary action against persons licensed by the board. Analysis by section follows:

Section NHA 5.01 cites board authority to promulgate rules;

Section NHA 5.02 enumerates violations which constitute unprofessional conduct. All grounds represent violations of professional practice which endanger public health, safety or welfare. Specifically,

Subsections (1), (2) and (7) emphasize negligent practices that endanger the health and safety of patients;

Subsection (3) enables the board to take appropriate action against impaired administrators who cannot practice competently;

Subsection (4) prohibits falsification of patient records;

Subsections (5) and (6) describe confidentiality and reporting requirements;

Subsections (8)-(13) prohibit unprofessional business practices which are contrary to public interest;

Subsection (14) authorizes the board to take action against licensees who have been disciplined in other states, if action is warranted to protect the Wisconsin public; and

Subsection (15) defines violations of any prior disciplinary order of the board as unprofessional conduct.

### Chapter NHA 6 Access to Public Records

In response to a request by the Center for Public Representation, proposed rules in this chapter interpret Chapter 19, Stats., relating to public access to records.

## Chapter NHA 7 Rules of Procedure

This chapter states that the board's procedures for disciplinary proceedings are established in Chapter RL-2, Wis. Adm. Code.

### ORDER

Now therefore it is ordered that pursuant to authority vested in the Nursing Home Administrator Examining Board in sections 15.08(5), 227.014 and 456.02(1), Stats., the Nursing Home Administrator Examining Board hereby repeals, recreates and adopts rules interpreting sections 19.21, 456.03, 456.04, 456.05, 456.07, 456.08, 456.10 and 456.11 of the statutes as follows:

1. CHAPTER NHA 1 of the WISCONSIN ADMINISTRATIVE CODE is repealed and recreated to read:

#### Chapter NHA 1

##### AUTHORITY AND DEFINITIONS

NHA 1.01 The rules in chapters NHA 1 through 7 are adopted pursuant to sections 15.08(5), 227.014 and 456.02, Wis. Stats.

NHA 1.02 Definitions. As used in section 456.04, Stats., and in rules of the Nursing Home Administrators Examining Board, (1) "One Credit Hour" means a period of at least 50 minutes of instruction for a term of not less than 16 sessions.

(2) "One Contact Hour" means a period of attendance in a continuing education program of at least 50 minutes.

(3) "Regular Course of Study" means a prescribed program of courses in an established university or college which leads to an associate, baccalaureate, master or doctoral degree and which includes a program of study in the area of nursing home administration.

(4) "Program of Study" means a prescribed sequence of courses comprised of at least one course of 3 credit hours in EACH of the following:

- (a) Laws governing the operation of long-term care facilities;
- (b) Elements of proper and effective administration of long-term care facilities;
- (c) Protection of the interests, safety and well-being of residents;  
and
- (d) Psychological, physical, medical and social needs of residents.

(5) "Specialized Courses" means individual courses offered by one or more educational institutions or course providers which lead to adequate preparation in general subject areas in nursing home administration as described in section NHA 2.03, Wis. Adm. Code.

(6) "Experience in the field of institutional administration" means work experience acquired as an employee, student, trainee or intern in the total operation and activities of a regulated health care facility, under the supervision of persons licensed under Chapters 441, 448 and 456, Stats., and exposure to and knowledge of the following:

A. Fiscal Management, including, but not limited to:

financial planning, forecasting and budgeting,  
accounting practices and principles,  
fiscal intermediaries,  
public finance programs, and  
management of residents' funds.

B. Environmental Services, including, but not limited to,

preventive maintenance programs for buildings and  
equipment;  
sanitation procedures, practices and policies;  
design needs of the disabled;  
environmental safety practices, policies and procedures  
and accident prevention;  
maintenance, housekeeping, laundry and security  
functions; and  
relationship between health facility management and  
governmental environmental service providers.

C. Resident Services, including, but not limited to,

therapy services,  
medical directors,  
social services,  
resident food services,  
resident activities,  
patient care,  
drug handling and control,  
nursing services, and  
rehabilitative/restorative.

D. Personnel Management, including, but not limited to,

recruiting, interviewing, hiring, training,  
reviewing, disciplining, supervising of employees,  
record-keeping,  
preparation of statistical reports,  
wage and salary administration,  
health care staffing patterns,  
human relations,  
administering fringe benefit programs, and  
state and Federal employment regulations.

2. CHAPTER NHA 2 of the WISCONSIN ADMINISTRATIVE CODE is repealed and recreated to read:

## Chapter NHA 2

### REQUIREMENTS FOR EXAMINATION

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 the examinations shall be the same for all candidates.

(2) Examinations shall be held at a time and place designated by the board.

NHA 2.02 Application for examination. An applicant for examination for license as a nursing home administrator shall make application on a form approved by the board at least 30 days prior to the date of the examination, and shall also submit to the board:

- (1) Two letters which attest to the applicant's suitability for practice as a nursing home administrator from individuals not related to or employed by the applicant who have known the applicant for at least 3 years.
- (2) A current, passport-type photograph of the applicant.
- (3) Evidence of having completed a regular course of study; or
- (4) Evidence of having completed a program of study and 6 months of experience in the field of institutional administration; or
- (5) Evidence of having completed specialized courses and one year of experience in the field of institutional administration.

NHA 2.03 Subject Areas for Examination. Every applicant for a license as a nursing home administrator after meeting the requirements for qualification for examination shall successfully pass an examination which may include any of the following general subject areas in nursing home administration:

- (1) General administration of a long-term health care facility.
- (2) Long-term patient care.
- (3) Organization of health-care systems.

3. CHAPTER NHA 3 of the WISCONSIN ADMINISTRATIVE CODE is repealed and recreated to read:

## Chapter NHA 3

### EDUCATIONAL PROGRAMS MEETING LICENSING AND CONTINUING EDUCATIONAL REQUIREMENTS

NHA 3.01 Board Approval. All regular courses of study, programs of study and specialized courses in the subject area of nursing home administration shall be approved by the board.

NOTE: A list of approved regular courses of study, programs of study and specialized courses is available upon request to the board office at 1400 East Washington Avenue, Madison, Wisconsin 53702.

NHA 3.02 Continuing Education. (1) Every nursing home administrator shall complete at least 24 contact hours in approved continuing education programs in each biennial renewal period.

(2) Continuing education contact hours may apply only to the biennial renewal period in which the contact hours are acquired.

(3) To obtain credit for completion of continuing education programs, a nursing home administrator shall submit to the board a certificate of attendance issued by the provider or other evidence of attendance satisfactory to the board.

NHA 3.03 Approval of Continuing Education Programs. (1) To obtain approval of a continuing education program, an application on forms provided by the department shall be submitted to the office of the Nursing Home Administrator Examining Board, 1400 East Washington Avenue, Madison, Wisconsin 53702, and shall include a general description of the subject matter, the time and location, and the name and title of the instructor, of the program.

(2) An application for a continuing education program shall be approved if:

(a) The program relates to one or more of the general subject areas specified in s. NHA 2.03 or the Federal Register, Vol. 35, No. 41, Feb. 1970, and is specifically related to long-term care or health care administration.

(b) The program is available to all nursing home administrators regardless of membership in any organization.

(c) The provider of the continuing education program agrees to monitor the attendance and furnish to each participant evidence of having completed the program.

(3) A separate application must be submitted for each continuing education program.

(4) Continuing education programs may include subject matter other than that specified in sub. (1); however, the board shall limit its approval to only that part of the program which relates to subject matter described in sub. (1).

(5) Home study programs and courses taken for academic credit shall be eligible for credit, if approved by the board.

(6) In-service programs sponsored by long-term care facilities are not eligible for approval unless the programs are available to all licensed nursing home administrators.

4. CHAPTER NHA 4 of the WISCONSIN ADMINISTRATIVE CODE is repealed and recreated to read:

#### Chapter NHA 4

#### LICENSURE

NHA 4.01 Registration of license. Every person granted a license as a nursing home administrator shall be deemed registered for the current registration period. Registrants must qualify biennially for certificates of renewal.

#### NHA 4.02 Biennial Renewal.

(1) Requirements for renewal. To renew and obtain a new certificate of registration a licensee must, by July 1 of the even-numbered year following initial licensure and every 2 years thereafter, file with the board:

- (a) An application for renewal on a form prescribed by the board,
- (b) Evidence that the licensee has, during the biennial period immediately preceding application, completed the continuing education requirements specified in s. NHA 3.02;
- (c) A fee in the amount required by s. 440.05(3), Stats.

(2) Requirements for late renewal. A licensee who fails to meet the requirements of sub. (1) of this section by the renewal date shall cease and desist from acting as a nursing home administrator. A licensee who has failed to meet the requirements of sub. (1) may renew and obtain a new certificate of registration by filing with the board:

- (a) An application for renewal on a form prescribed by the board; and,
- (b) An affidavit that the licensee has not acted as a nursing home administrator after July 1 of the biennial period for which the licensee was last currently registered, and;
- (c) Evidence that the licensee has, within the 24 months immediately preceding application, completed the continuing education requirements specified in s. NHA 3.02, and;
- (d) A fee in the amount required by s. 440.05(3) plus a late renewal fee in the amount required by s. 440.05(4) or (5), Stats.

(3) Requirements for Reinstatement. A licensee who did not hold a certificate of registration in the immediately preceding two-year registration period may be reinstated as a nursing home administrator by:

- (a) Meeting the requirements for renewal in sub (1);
- (b) Filing an affidavit that the licensee has not practiced as a nursing home administrator during the period in which a certificate of registration was not renewed; and



(c) Successfully completing an examination on Wisconsin laws governing long-term care facilities.

(4) Display of license and current registration certificate. The license and certificate of biennial registration shall be displayed in a prominent place by every person licensed and currently registered by the board.

NHA 4.03 Reciprocity. The board at its discretion and otherwise subject to laws pertaining to licensure of nursing home administrators may grant a license as a nursing home administrator to an applicant who holds a current license issued by the proper authorities of any other state, upon payment of the fee specified in s. 440.05(1), Stats., and submission of evidence satisfactory to the board:

(1) That the 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;

(2) That the applicant holds a valid license as a nursing home administrator which has not been revoked or suspended in any state; and

(3) That the applicant has passed the reciprocal examination on Wisconsin law governing long-term care facilities;

NHA 4.04 Scheduling of reciprocal examinations. If an applicant submits a written request, the reciprocal examination must be scheduled at a time mutually convenient to the applicant and the board except that no reciprocal examination will be given within the 30-day period immediately preceding the examinations scheduled under s. NHA 2.01.

5. CHAPTER NHA 5 of the WISCONSIN ADMINISTRATIVE CODE is repealed and recreated to read:

#### Chapter NHA 5

#### STANDARDS OF CONDUCT

NHA 5.01 AUTHORITY. The rules in this chapter are adopted pursuant to authority under s. 456.10, Stats.

NHA 5.02 The following conduct, without limitation because of enumeration, constitutes unfitness to practice as a nursing home administrator:

(1) Violating in a negligent manner, by an act or acts of omission or commission, or aiding or abetting the violation of any law substantially relating to the practice of nursing home administration;

(2) Practicing in a manner which substantially departs from the standard of care ordinarily exercised by a nursing home administrator which harms or could have harmed a patient;

(3) Practicing while the ability of the nursing home administrator to competently perform duties is impaired by physical, mental or emotional disorder or drug or alcohol abuse;

- (4) Intentionally falsifying patient records;
- (5) Failing to report to the board any practice by a licensee that constitutes a consistent danger to the health, welfare, or safety of patient or public;
- (6) Engaging in any practice as a nursing home administrator which constitutes a substantial danger to the health, welfare, or safety of patient or public;
- (7) Refusing to render services to a person because of race, color, sex, religion, or age;
- (8) Obtaining or attempting to obtain any compensation by fraud;
- (9) Impersonating another nursing home administrator;
- (10) Advertising in a manner which is false, deceptive, or misleading;
- (11) Exercising undue influence on or taking unfair advantage of a patient;
- (12) Participating in rebate or fee-splitting arrangements with health care practitioners;
- (13) Having one's license revoked or suspended in another state or United States jurisdiction; or,
- (14) Violating or attempting to violate any formal disciplinary order of the board.

6. CHAPTER NHA 6 of the WISCONSIN ADMINISTRATIVE CODE is created to read:

#### Chapter NHA 6

##### ACCESS TO PUBLIC RECORDS

NHA 6.01 Authority and Purpose. Rules in this chapter are adopted pursuant to authority granted by sections 15.08(5) and 227.014, Stats. Rules in this chapter implement s. 19.21, Stats.

NHA 6.02 Definitions. In this chapter

- (1) "Board" means the Nursing Home Administrator Examining Board.
- (2) "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.

(3) "Legal custodian" means the chairman of the board or the chairman's designee.

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

NHA 6.03 Access to board public records. (1) Requests to inspect or copy board public records made in person.

(a) Requests to inspect or copy board public records shall be made to the legal custodian during regular business hours.

(b) A request must identify with reasonable particularity the public record sought.

(2) Requests to inspect or copy board public records made by mail or telephone.

(a) Requests for copies of board public records made by mail or telephone must identify with reasonable particularity the public record sought.

(b) 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.

(3) Time for complying with requests. The legal custodian shall attempt to respond immediately to reasonable requests made in person at the office. The custodian shall respond to requests made by mail or telephone within 10 days from receipt of the requests.

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) of this section.

(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.

7. CHAPTER NHA 7 of the WISCONSIN ADMINISTRATIVE CODE is created to read:

Chapter NHA 7

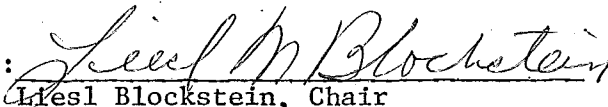
RULES OF PROCEDURE

NOTE: Rules of procedure for disciplinary proceedings are set forth in Wis. Adm. Code Chapter RL 2.

The rule repeals and recreations and adoptions contained in this order shall take effect on the first day of the month following publication in the Wisconsin administrative register, pursuant to section 227.026, Stats.

Dated this 17<sup>th</sup> day of April, 1980.

By:



Liesl Blockstein, Chair  
Nursing Home Administrator  
Examining Board

309-467