



**ASSEMBLY AMENDMENT 2,
TO ASSEMBLY BILL 249**

February 11, 2014 – Offered by Representative BERNIER.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 1, line 3: after “aides” insert “, exempting certain individuals from the
3 requirements to work as a nurse aide,”.

4 **2.** Page 2, line 7: after that line insert:

5 “**SECTION 1m.** 108.227 (1) (e) 3. of the statutes, as created by 2013 Wisconsin
6 Act 36, is amended to read:

7 108.227 (1) (e) 3. A license, certificate of approval, provisional license,
8 conditional license, certification, certification card, registration, permit, training
9 permit or approval specified in s. 50.35, 50.49 (6) (a) or (10), 51.038, 51.04, 51.42 (7)
10 (b) 11., 51.421 (3) (a), 51.45 (8), 146.40 (3), 3g, or (3m), 252.23 (2), 252.24 (2),
11 254.176, 254.20 (3), 255.08 (2) (a), 256.15 (5) (a) or (b), (6g) (a), (7), or (8) (a) or (f) or
12 343.305 (6) (a) or a permit for operation of a campground specified in s. 254.47 (1).”.

1 **3.** Page 2, line 19: after “(3g)” insert “, or has been issued a waiver from
2 completing instruction in an instructional program under sub. (2g) (b),”.

3 **4.** Page 3, line 2: after “(3m).” insert “In order to be eligible under this
4 paragraph, an individual who successfully completes instruction in an instructional
5 program for nurse aides that is approved under sub. (3g) and who previously
6 completed a competency evaluation program in another state must successfully
7 complete a competency evaluation program that is approved under sub. (3m),
8 regardless of whether the competency evaluation program that the individual
9 completed in another state is the same as or substantially similar to a competency
10 evaluation program that is approved under sub. (3m).”.

11 **5.** Page 3, line 2: after that line insert:

12 “**SECTION 3m.** 146.40 (2) (ac) of the statutes is created to read:

13 146.40 (2) (ac) The individual has been added to the registry under sub. (4g)
14 as provided under sub. (2g) (a).”.

15 **6.** Page 3, line 12: after that line insert:

16 “**SECTION 4e.** 146.40 (2) (g) of the statutes is renumbered 146.40 (2) (g) 1.

17 **SECTION 4m.** 146.40 (2) (g) 2. of the statutes is created to read:

18 146.40 (2) (g) 2. For hospitals, nursing homes, home health agencies, or
19 hospices, whether or not certified providers of medical assistance, and intermediate
20 care facilities for persons with an intellectual disability that are certified providers
21 of medical assistance, the individual, if he or she has performed no nursing-related
22 service for monetary compensation for 24 consecutive months after having satisfied
23 the requirement under par. (ac), successfully completes a competency evaluation
24 program for nurse aides that is approved by the department under sub. (3m).

1 **SECTION 4s.** 146.40 (2g) of the statutes is created to read:

2 146.40 **(2g)** (a) An individual who has previously been employed in another
3 state as a nurse aide for 2,088 hours or more within the prior 2-year period and who
4 has successfully completed a competency evaluation program in that other state that
5 is the same as or substantially similar to one approved under sub. (3m) may apply
6 to the department to be eligible to be employed or contracted as a nurse aide under
7 sub. (2) (ac). The department shall verify that the individual was employed in that
8 state as a nurse aide for 2,088 hours in the 2-year period prior to the date of
9 application. If the individual is so eligible, the department shall add the individual
10 to the registry under sub. (4g).

11 (b) An individual who has previously been employed in another state as a nurse
12 aide for 2,088 hours or more within the prior 2-year period but who has not
13 successfully completed a competency evaluation program that is the same as or
14 substantially similar to one approved under sub. (3m) may apply to the department
15 to be eligible for a waiver from completing instruction in an instructional program
16 for nurse aides under subs. (3) and (3g). The department shall verify that the
17 individual was employed in that state as a nurse aide for 2,088 hours in the 2-year
18 period prior the date of application. If the individual is so eligible, the department
19 shall issue the individual a waiver so that the individual may complete a competency
20 evaluation program under sub. (3m) without completing instruction in an
21 instructional program for nurse aides under sub. (3) or (3g).”.

22 **7.** Page 3, line 14: delete “may” and substitute “shall”.

1 **8.** Page 3, line 21: after “sub. (3).” insert “Only an individual so described may
2 complete an instructional program for nurse aides that is approved under this
3 subsection.”.

4 **9.** Page 4, line 3: after that line insert:

5 “**SECTION 5m.** 146.40 (3m) of the statutes is amended to read:

6 146.40 (**3m**) The department shall review competency evaluation programs for
7 nurse aides and, except as provided in sub. (4d), may approve those competency
8 evaluation programs that satisfy standards for approval that are specified in rules
9 promulgated by the department. The department may approve a competency
10 evaluation program to be taken by an individual who completes an instructional
11 program for nurse aides that is approved under sub. (3g) only if the competency
12 evaluation program is the same as one to be taken by an individual who completes
13 an instructional program for nurse aides that is approved under sub. (3). Under this
14 subsection, the department may, after providing notice, suspend or revoke approval
15 of a competency evaluation program or impose a plan of correction on the program
16 if the competency evaluation program fails to satisfy the standards for approval or
17 operates under conditions that are other than those contained in the application
18 approved by the department.”.

19 **10.** Page 4, line 9: after that line insert:

20 “**SECTION 6m.** 146.40 (4g) (a) 1. of the statutes is amended to read:

21 146.40 (**4g**) (a) 1. A listing of all individuals who are added to the registry as
22 required under sub. (2g) and all individuals about whom the department is notified
23 under sub. (4).”.

24 **11.** Page 5, line 2: after that line insert:

