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STATE OF WISCONSIN

BEFORE THE NURSING HOME ADMINISTRATOR EXAMINING BOARD

IN THE MATTER OF THE
APPLICATION FOR A LICENSE OF
LINDA C. LONDO,

APPLICANT.

FINAL DECISION
AND ORDER
LS9902011NHA

The State of Wisconsin, Nursing Home Administrator Examining Board, having considered the above-captioned matter and having reviewed the record and the Proposed Decision of the Administrative Law Judge, makes the following:

ORDER

NOW, THEREFORE, it is hereby ordered that the Proposed Decision annexed hereto, filed by the Administrative Law Judge, shall be and hereby is made and ordered the Final Decision of the State of Wisconsin, Nursing Home Administrator Examining Board.

The rights of a party aggrieved by this Decision to petition the department for rehearing and the petition for judicial review are set forth on the attached "Notice of Appeal Information."

Dated this 29th day of April, 1999.

Shirley Kellar

STATE OF WISCONSIN

BEFORE THE NURSING HOME ADMINISTRATOR EXAMINING BOARD

IN THE MATTER OF
THE APPLICATION FOR A LICENSE OF
LINDA C. LONDO

LS9902011NHA

Applicant

PROPOSED DECISION

The parties to this proceeding for the purposes of sec. 227.53, Stats., are:

Linda C. Londo
7551 34th Avenue
Kenosha, WI 53142

Nursing Home Administrator Examining Board
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708

Department of Regulation & Licensing

A hearing was held in the above-captioned matter on February 8, 1999, at 1400 East Washington Avenue, Madison, Wisconsin. Linda C. Londo, applicant herein, appeared personally and without legal counsel. The Division of Enforcement appeared by Attorney Steven M. Gloe. The transcript was received on February 25, 1999.

Based upon the entire record in this case, the administrative law judge recommends that the Nursing Home Administrators Examining Board adopt as its final decision in the matter the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. Linda C. Londo, 7551 34th Avenue, Kenosha, Wisconsin, filed her application for Examination with the Nursing Home Administrator Examining Board by application dated September 8, 1998. Ms. Londo seeks licensure by reciprocity from Illinois, where she currently holds an active license as a nursing home administrator.

2. An applicant for licensure by reciprocity must meet the requirements set forth at sec NHA 4.03, Code. That section states as follows:

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 in any other jurisdiction, which has not been revoked or suspended, upon payment of the fee required under s. 440.05 (2), Stats., and submission of evidence satisfactory to the board that:

(1) The other jurisdiction 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; or,

(2) The applicant has been engaged in practice as a nursing home administrator for no fewer than 2,000 hours in any consecutive 36 month period within the 5-year period immediately preceding the date of application for licensure; and,

(3) The applicant has passed the examination on Wisconsin law governing nursing homes under s. NHA 2.01 (3) (b).

(4) The applicant does not have an arrest or conviction record, subject to ss. 111.321, 111.322 and 111.335, Stats. An applicant who has a pending criminal charge or has a conviction record shall provide the board with all related information necessary for the board to determine whether the circumstances of the pending charge or conviction substantially relate to the practice of nursing home administration.

3. Ms. Londo has not practiced as a nursing home administrator for 2000 hours in any consecutive 36 month period within the five-year period immediately preceding the date of her application, and must therefore qualify under sec. NHA 4.03(1), Code.

4. The educational requirement for an applicant for licensure as a nursing home administrator in Illinois is set forth at Title 68, Chapter VII, Subchapter b, Section 1310.30 a) 1) & 2) of the Illinois Administrative Rules. That section reads in relevant part as follows:

a) An applicant for a license as a nursing home administrator shall file an application on forms supplied by the department, at least 60 days prior to an examination date, together with:

1) Certification of graduation from high school or a GED

2) Certified records of education and experience in any one of the following:

A) Graduation from an accredited college or university with a minimum of a baccalaureate degree:

B) Satisfactory completion of an approved course of instruction in nursing home administration as outlined in Section 1310.40

C) Graduation from a three year diploma nursing program and an Employer's affidavit certifying two years of qualifying experience as described in Section 1310.50; or

D) An associate degree or a minimum of 60 semester hours or 90 quarter hours of credit earned from an accredited college or university and an Employer's affidavit certifying the applicant's qualifying experience as described in Section 1310.50.

4. The educational requirement for an applicant for licensure as a nursing home administrator in Wisconsin is set forth at sec. NHA 2.02(1), Code, which states as follows:

NHA 2.02 Application for examination. An applicant for examination for a license as a nursing home administrator shall apply on a form provided by the board at least 60 calendar days prior to the date of the examination. An applicant shall also submit to the board:

(1) Evidence satisfactory to the board of having completed any one of the following:

(a) A regular course of study.

(b) A program of study.

(c) Specialized courses.

5. "Regular course of study," "program of study" and "specialized courses" are defined at sec. NHA 1.02, Code, as follows:

NHA 1.02 Definitions.

* * * *

(6) "Program of study" means a prescribed sequence of courses offered by a university or college, accredited by a regional or national accrediting agency recognized by the U.S. department of education, which consists of at least one course of 3 credit hours in each of the following:

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

(7) "Regular course of study" means a prescribed program of courses offered by a university or college, accredited by a regional or national accrediting agency recognized by the U.S. department of education, which leads to an associate, baccalaureate, master or doctoral degree and which includes a program of study and a supervised clinical practicum.

(8) "Specialized courses" means individual courses offered by one or more educational institutions or course providers which lead to adequate preparation in each of the following general subject areas in nursing home administration:

- (a) Administration of a nursing home.
- (b) Long-term patient care.
- (c) Organizations of health care systems.

(9) "Supervised clinical practicum" means work experience acquired in a nursing home in conjunction with a regular course of study.

6. Because the Illinois educational requirement permits licensure with any baccalaureate degree granted by an accredited college or university, while a qualifying baccalaureate degree in Wisconsin requires a "program of study," as defined at NHA 1.02, Code, the Nursing Home Administrators Examining Board concluded for the purposes of sec. NHA 4.03(1), Code, that Illinois does not maintain a system and standard of qualification and examination for a nursing home administrator license which are substantially equivalent to those required in this state.

7. Because Ms. Londo has not engaged in the practice of a nursing home administrator for at least 2000 hours within any consecutive 36 month period within the previous five years, and because the requirements for licensure in Illinois are not deemed to be substantially equivalent to the requirements in Wisconsin, Ms. Londo's application for examination as a reciprocity candidate must demonstrate that she has completed one of the educational prerequisites set forth at NHA 2.02(1), Code

8. Ms. Londo was notified that the board had denied her application by letter dated December 17, 1998 from Program Assistant Judy Mender. That letter states in part as follows:

PLEASE TAKE NOTICE that the Nursing Home Administrator Examining Board has reviewed your application for the examination by reciprocity and denies the application for the following reasons:

You have not satisfied the reciprocity requirements. According to your application, you have not practiced as a nursing home administrator for at least 2,000 hours within the last five years and have not completed a regular course of study or equivalent specialized courses or a program of study which the examining board considers adequate academic preparation for nursing home administration.

9. Ms. Londo's educational preparation includes a Bachelor of Science degree in Nursing awarded by Loyola University in June, 1969, and a Master of Science degree in Nursing Service Administration awarded by the University of Illinois at Chicago in August, 1990.

10. The curricula for Ms. Londo's baccalaureate degree in nursing included numerous courses relating to geriatric care, including eleven credits in courses designated "Foundations of Nursing," a three credit course in developmental psychology, ten credits in medical-surgical nursing, two credit course in nutrition, and a five credit course in community health nursing. Each of these courses has a significant component relating to treatment and care of the geriatric patient.

11. The Master of Science Degree in Nursing Service Administration curriculum emphasized management and

administrative skills rather than nursing clinical skills. The titles and partial descriptions of courses taken in completing the program, as set forth in the school's program brochure, include the following:

- (a) **Advanced Psychosocial Theory and Practice.** 4 hours. Advanced occupational therapy evaluation and remediation of psychosocial dysfunction (Course 441).
- (b) **Nursing research design.** 3 hours. Concerned with the application of the scientific research method to professional nursing practice (Course 410).
- (c) **Field Experience in Nursing Service Administration.** 4 hours. Students observe and participate in various organizational functions: departmental organization, budgeting, staffing, communications, and directing personnel toward goals (Course 423).
- (d) **Intermediate statistics.** 3 hours. Focuses on parametric statistics (Course 395).
- (e) **Administrative Functions in Nursing Services.** 4 hours. Examines the role and functions of a nurse executive in a health care organization, with emphasis on control functions: responsibility/accountability, delegation, decision making, human resources, fiscal planning, and effectiveness evaluation (Course 414).
- (f) **Fiscal Management for Nursing Services.** 4 hours. Prepares the nursing service administrator to (a) understand the financial systems found within health organizations; (b) plan, prepare and manage a nursing service budget; and (c) apply accounting and cost-control principles to programs of a nursing department (Course 402)
- (g) **Field Experience in Nursing Service Administration.** 4 hours. Field observations . . . in personnel and employee relations, selected health care organizations, and industrial firms; evaluation of personnel services, staff procurement, development, performance appraisal; job evaluation and payment scales; employee organizations and negotiations; employment contracts, rewards, discipline and rewards (Course 424).
- (h) **Management Strategies in Nursing Service Administration.** 3 hours. Examines facilitative thought processes for managers as well as related managerial tools and techniques (Course 452)
- (i) **Organization of Nursing Services.** 4 hours. Examines the role and management of nursing services in a health care organization.

12. The coursework completed by Ms. Londo, as described above, included at least 3 credit hours in each of the areas required for a "program of study," defined at sec. NHA 1.02(6), Code.

CONCLUSIONS OF LAW

- 1. The Nursing Home Administrators Examining Board has jurisdiction in this matter pursuant to sec. 456.02, Stats.
- 2. Ms. Londo has met the educational requirements set forth at sec. NHA 2.02(1)(b), Code and is therefore eligible to be admitted to examination to the State Law Examination as a reciprocity candidate.

ORDER

NOW, THEREFORE, IT IS ORDERED that the Application for Examination as a reciprocity candidate of Linda C. Londo be, and hereby is, granted.

OPINION

Ms. Londo does not claim that she has completed 2000 hours of practice as a nursing home administrator within any 36 month period within the past five years. She does, however, claim that the coursework taken by her in completing the requirements for the Master of Science degree in Nursing Service Administration meets the definition of a "program of study" at sec. NHA 1.02(6), Code, and that she therefore has met the educational requirement for a license set forth at sec. NHA 2.02(1), Code. Section NHA 1.02(6) states as follows:

- (6) "program of study" means a prescribed sequence of courses offered by a university or college, accredited by a regional or national accrediting agency recognized by the U.S. department of education, which consists of at least one course of 3 credit hours in each of the following:
 - (a) Laws governing the operation of licensed nursing homes;
 - (b) Elements of proper and effective administration of licensed nursing homes;
 - (c) Protection of the interests, safety and well-being of residents; and

(d) Psychological, physical, medical and social needs of residents.

It appears from the description of courses taken at both the undergraduate and graduate level, as set forth in Findings of Fact 10 and 11, that the required coursework set forth at subsections (b), (c) and (d) was more than satisfied in Ms. Londo's formal education.

First, Ms. Londo completed at least 16 credits at the graduate level in the administration of health care facilities, including nursing homes, in course numbers 423, 413, 402 and 424.

Next, protection of the interests, safety and well-being of the elderly; and of the psychological, physical, medical and social needs of the elderly would appear to be well covered in both Ms. Londo's undergraduate nursing curriculum as well as her graduate coursework, including course number 441 (Advanced Psychosocial Theory and Practice) and, by Ms. Londo's testimony, course numbers 424 and 452. In terms of the latter two courses, Ms. Londo testified in part as follows:

[In my field experience] I first went to the hospital. I worked with the administrator there. We talked about . . . the future of the nursing homes in relation to hospitals. And how were they going to be successful. I dealt with the nursing director there. I dealt with the discharge planners there. And learned what their focus was in terms of patients in the hospital discharging them into the community. And what their relationship to this -- this hospital had a particular relationship with a nursing home. . . . They discharged most of their residents to that nursing home in another part of Chicago. And then after that experience I went to the nursing home, and had the rest of my field experience in that nursing home with the administrator, and the different departments there. (tr., pages 16-17)

The two transcripts in evidence do not specifically reference any formal coursework devoted to sub. NHA 1.02, Code, "laws governing the operation of licensed nursing homes," but Ms. Londo's testimony is that she has had formal coursework in (as well as considerable professional experience related to) federal and state laws governing nursing homes. Referring to her postgraduate studies, Ms. Londo testified as follows (tr., page 19):

When we did comparative studies, the basis for some of that comparison had to do with how nursing homes are managed, which are reflected from the laws that govern them, so we had to -- to point that out or to be specific in terms of how that compared to let's say a hospital. Or to home health. Because you can't understand the difference in what makes one a nursing home and what makes one a hospital or a home health agency, unless you understand some of those laws. And they are very specific. Because that was part of, as I said, part of what this program gave each individual who attended was a broader understanding of how the health system fits together. It's a continuum. And so, you have to understand the laws in order to understand some of the funding, which is a big part of what makes any institution tick is the funding.

Additionally, Ms. Londo has completed a number of continuing education courses related to the laws governing nursing homes, including 15 hour and six hour courses in treating persons with dementia, which included the legal aspects of the subject, a six hour course in federal nondiscrimination law, and 11 CEU's in Medicare law and prospective payment systems. All of these courses were approved for continuing education credit for nursing home administrators.

Finally, at the time Ms. Londo sat for the national examination in Illinois, she completed a three day (24 hour) course in state and federal laws governing the administration of nursing homes, sponsored as best she can recall by the Illinois nursing home administrators association.

While of limited relevance to the question whether Ms. Londo qualifies for examination by reciprocity, it should be pointed out that while she has not practiced as a nursing home administrator for the minimum required time, she is currently successfully practicing as a nursing home administrator in Wisconsin and has for approximately four months. By her testimony, her nursing home underwent a state survey in January and "did well."

While also of perhaps limited relevance to the question of the formal prerequisites to licensure, it should also be pointed out that Ms. Londo has practiced professionally for a number of years in employment positions related to elderly care, including the laws governing such care. The board is encouraged to read Ms. Londo's description of those positions at pages 40 to 45 of the transcript.

Based upon the foregoing, it is my conclusion that Ms. Londo has met the educational requirements set forth at secs. NHA 2.02(1)(b) and NHA 1.02(6), Code. It is therefore my recommendation that Ms. Londo be admitted to the examination on state laws relating to the practice of a nursing home administrator and, upon successfully completing that examination, that she be licensed in Wisconsin as a nursing home administrator.

Dated at Madison, Wisconsin this 3rd day of March, 1999.

Respectfully submitted,

Wayne R. Austin

Administrative Law Judge

