

## Changes in DQA Staff

|   |      |    |
|---|------|----|
| Changes in DQA Staff  | Page | 1  |
| <a href="#">2008 LSC Information Release</a>                  |      | 2  |
| <a href="#">OCQ Update</a>                                    |      | 2  |
| <a href="#">FAQs on Declared Public Emergency</a>             |      | 4  |
| <a href="#">Initial Certification</a>                         |      | 4  |
| <a href="#">FDA Drug Safety Newsletter</a>                    |      | 5  |
| <a href="#">RAI Manual</a>                                    |      | 5  |
| <a href="#">NH Staffing Survey</a>                            |      | 5  |
| <a href="#">Basic Home Health Online Course</a>               |      | 5  |
| <a href="#">Fire Report for 2007</a>                          |      | 6  |
| <a href="#">Focus 2008 Update</a>                             |      | 6  |
| <a href="#">New Interpretive Guidelines for 42 CFR 482.42</a> |      | 7  |
| <a href="#">Home Health Information</a>                       |      | 7  |
| <a href="#">DQA Numbered Memos</a>                            |      | 8  |
| <a href="#">Latest CMS S&amp;C Letters</a>                    |      | 9  |
| <a href="#">Administrative Rules Update</a>                   |      | 10 |

### ***New Director in Bureau of Technology, Licensing and Education***

We are pleased to announce the appointment of Alfred Johnson as Director of the Bureau of Technology, Licensing and Education in the Division of Quality Assurance (DQA). Alfred succeeds retiring Director Janet Eakins and will start his new assignment on January 20, 2008. Alfred, a 2006 graduate of the State's Enterprise Leadership Academy, currently serves as the Southeast Region Assisted Living Regional Director (ALRD) in the Bureau of Assisted Living. Prior to his recent assignment, Alfred served as ALRD in the Green Bay Office and as an assisted living Licensing and Certification Specialist in the Milwaukee and Madison offices.

Before joining the State of Wisconsin as a Licensing and Certification Specialist in 2001, Alfred served in various staff and management capacities in private industry and county government serving vulnerable

populations since 1996, including the Director of Admissions for a state-licensed ICF/MR. While in DQA, he has been instrumental in establishing collaborative regional working relationships with counties, care management organizations, advocates and industry representatives to help improve the quality of care in assisted living settings not only in the region, but statewide.

Alfred is a 1995 graduate of the University of Wisconsin, Oshkosh with a Bachelor's degree in Human Services. He will be headquartered in the Madison Office.

### ***Jan Eakins Retires***

With a great deal of regret, and a mixture of sadness and good wishes, staff in the Division of Quality Assurance (DQA) Bureau of Technology, Licensing and Education bid farewell to Janet Eakins, Director of the Bureau. According to Otis Woods, DQA Administrator "Jan added a great deal in our ability to meet the training needs of the health care industry and DQA staff, and

her staff ushered in information technology advances to meet the needs of a growing and aging population of health care recipients. We wish Jan the best in her next career or in her pursuit of her lifelong dreams. She will be sorely missed.”

Jan’s service to Wisconsin citizens spanned nearly 30 years. Her career included serving persons with developmental disabilities at the Northern Wisconsin Center, coordinating assisted living licensure and certification activities for then Bureau of Quality Assurance, and finally, expanding DQA training, enforcement, records management and information technology capabilities in leading the Bureau of Technology, Licensing and Education. Good luck and enjoy your retirement Jan. As you wind down your last days as a fellow state employee, please carry with you the memories of an organization you helped to build. On their behalf and on behalf of DQA staff, thank you for all you’ve done.

### ***New Operations Program Associate***

The Bureau of Health Services is proud to announce our new Operations Program Associate (Plan Intake staff), Lindsey Lund. Lindsey started with the Bureau on January 7, 2008 and she will replace Alyssa Moore who has been a great asset to us. If you have questions regarding plan intake please contact Lindsey at (608) 264-7748.

### **2008 Life Safety Code Information Release**

The Department recently issued a Life Safety Code NFPA 101 (LSC) information release memorandum, an update to the successful release issued in 2006. It is DQA Memo 08-001.

The purpose of this memorandum is to proactively notify the health care provider community of common LSC items that have been cited in recent Medicare or Medicaid surveys. Facilities are encouraged to proactively correct these conditions to minimize impacts of a future survey.

### **Office of Caregiver Quality (OCQ) Updates**

#### ***OCQ Address – Avoid Mail Delays***

The DQA Office of Caregiver Quality moved to 1 W. Wilson Street, Madison, in July 2007, but continues to receive mail addressed to the International Lane address. To avoid delays, please be sure to mail nurse aide and caregiver information to:

Office of Caregiver Quality  
P. O. Box 2969  
Madison, WI 53701-2969

#### ***Feeding Assistant Training – New Curriculum Option Available***

Feeding assistant training programs must use a training curriculum which has been pre-approved by the Department and determined to comply with the federal requirements. There are now four pre-approved, standardized curriculum models to choose from at:

<http://dhfs.wisconsin.gov/caregiver/FeedingAssistant/FAstandCurr.htm>.

- Assisted Dining: The Role and Skills of Feeding Assistants, by Bonnie Walker, Ph.D., and Claire S. Cole, MA, RN, C., American Health Care Association publication
- Assisting with Nutrition and Hydration in Long-Term Care, Hartman Publishing, Inc. – NEW
- Eating Matters - A Training Manual for Feeding Assistants, an American Dietetic Association publication
- Wisconsin Feeding Assistant Training Program, by the Wisconsin Department of Health and Family Services

### ***Nurse Aide Testing – Promissor became Pearson VUE January 1<sup>st</sup>***

DQA contracts with Promissor (and their subcontractor, the American Red Cross of the Susquehanna Valley) for nurse aide testing and registry services. Please note that Promissor changed its name to Pearson VUE, effective January 1, 2008. Since January 2006, Pearson VUE and Promissor have been integrating the two businesses as they move to operate as a single company under one brand. There will be no changes in service, office locations, or phone contact information. Automated phone messages have been changed and Promissor URLs are redirected to the appropriate page of the Pearson VUE Web site (<http://www.pearsonvue.com>).

To speak with a customer service representative about scheduling an examination, reservations, or testing; please call the American Red Cross at 1-866-257-5424. For questions regarding the nurse aide registry, contact Pearson VUE's Customer Service Department at 1-877-329-8760.

### ***Caregiver Background Checks – Four-Year Renewal Coming Soon***

DQA is required to complete caregiver background checks on license holders, board members, and non-client residents every four years, or at any time within that period that the Department considers appropriate. When you receive notification from DQA, you must complete the four-year renewal caregiver background check process.

Information on the required four-year background check renewal for existing license holders will be posted soon. Do not submit paperwork until notified to do so. Please check the website at <http://dhfs.wisconsin.gov/caregiver/fouryear.htm> for updates.

### ***Questions?***

Contact the DQA Office of Caregiver Quality at the address above or:

(608) 261-8319 phone

(608) 264-6340 fax

[Caregiver\\_intake@dhfs.state.wi.us](mailto:Caregiver_intake@dhfs.state.wi.us)

## **Survey & Certification Emergency Preparedness Initiative: Provider Survey & Certification Declared Public Health Emergency FAQs – All Hazards**

On October 24, 2007, CMS issued a Survey and Certification memo (S&C 08-01), which is a Frequently Asked Question (FAQ) document using an all hazards approach to address allowable deviations from provider survey and certification requirements during a declared public health emergency.

CMS developed these FAQs with the input and feedback of the Survey and Certification Emergency Preparedness Stakeholder Communication Forum, based on the experience and lessons learned during Hurricane Katrina.

This memo, one of the survey and certification (S&C) communication and outreach strategies, provides a FAQ document to provide direction on allowable deviations from provider survey and certification requirements during a declared public health emergency. Similar to other aspects of the S&C Emergency Preparedness Initiative, the FAQs have been developed using an “all hazards” approach, e.g., hurricane, tornado, earthquake, flood, fire, chemical spill, nuclear or biological attack, pandemic flu, etc.

The memo also contains information on how to access this document on the CMS website.

## **Prospective Medicare or Medicaid Providers Seeking Initial Certification through the Division of Quality Assurance.**

The Centers for Medicare and Medicaid Services recently issued Survey and Certification Memo 08-03 regarding the prioritization of initial surveys for new Medicare providers. S&C Memo 08-03 instructs all State Survey Agencies to conduct complaint investigations, recertification surveys, and other work prior to conducting any initial certification surveys of new providers. State Survey Agencies may not conduct initial certification surveys unless all of the higher priority CMS work is completed. End stage renal dialysis facilities and organ transplant organizations are exempt from this directive.

S&C Memo 08-03 provides prospective providers with available alternatives to initial certification surveys. Initial applicants are encouraged to seek accreditation (if such programs are deemed by CMS), or may request an exemption from CMS if they can demonstrate that beneficiaries would experience significant access to care problems if Medicare certification was not granted.

While the Division of Quality Assurance is not prohibited from conducting initial state licensure surveys under CMS S&C Memo 08-03, a simultaneous CMS certification survey will not be conducted.

If you have any questions about CMS S&C Memo 08-03, please contact:

For all non-long term care programs:

Crenear Mims, Director  
Bureau of Health Services  
[mimsch@dhfs.state.wi.us](mailto:mimsch@dhfs.state.wi.us)

414-227-4556 or

For nursing homes or FDD programs:

Paul Peshek, Director  
Bureau of Nursing Home Resident Care  
[pesheph@dhfs.state.wi.us](mailto:pesheph@dhfs.state.wi.us)  
608-267-0351

## **FDA Drug Safety Newsletter**

The FDA has released its first Drug Safety Quarterly Newsletter. The section containing all drug alerts and affiliated web links may be very useful to you. The newsletter can be accessed at: [http://www.fda.gov/cder/dsn/2007\\_fall/2007\\_fall.pdf](http://www.fda.gov/cder/dsn/2007_fall/2007_fall.pdf).

## **RAI Manual – January 2008 Revisions**

January 2008 revisions to the MDS 2.0 RAI User's Manual are available on the Centers for Medicare and Medicaid Services (CMS) MDS 2.0 website at: [http://www.cms.hhs.gov/NursingHomeQualityInits/20\\_NHQIMDS20.asp](http://www.cms.hhs.gov/NursingHomeQualityInits/20_NHQIMDS20.asp). The updates can be found under the Downloads area. Select "RAI Manual January Update 2008".

## **Nursing Home Staffing Survey**

The Annual Nursing Home Staffing Survey was mailed to the administrators of all Wisconsin nursing homes and facilities for the developmentally disabled on December 21, 2007.

Completion of the survey is required under the terms of Wisconsin Statutes 50.095(2). The survey provides staff turnover, retention, and resident-to-staff ratios for the annual Consumer Information Report.

Please complete the survey by February 1, 2008, and fax to 608-267-7119 to the attention of Carey Fleischmann. If you are unable to fax the survey, please mail to: Division of Quality Assurance, Attention: Carey Fleischmann, P. O. Box 2969, Madison, WI 53701-2969. You may also scan the survey and e-mail it to: [fleiscl@dhfs.state.wi.us](mailto:fleiscl@dhfs.state.wi.us). If you have questions, please call Carey at 608-267-7230.

## **Basic Home Health Online Course**

The Division of Quality Assurance is pleased to announce the availability of a Home Health online educational course that provides individuals who take the training with the opportunity to learn the basic federal home health regulations. This interactive course is intended to build a foundation of understanding about the home health agency federal regulations. The federal home health agency Conditions of Participation (CoPs) and Appendix B of the State Operations

Manual (SOM), are the basis for this course. Appendix B includes the regulations, interpretative guidelines, and questions to consider when determining if home health agencies are following federal regulations.

Register Online at: [https://wisccharge.wisc.edu/quality/current\\_courses.asp](https://wisccharge.wisc.edu/quality/current_courses.asp). The cost to take the course is \$25.00 per person. The course is available 24/7 via the Internet. Additional information is included in the course description located on the registration website.

## Health Facility Fire Report Summary for 2007

Below is a table summarizing fires reported to DQA from Wisconsin hospitals, nursing homes and assisted living facilities for the year 2007:

| Sources             | Nursing Homes | Hospitals | Assisted Living Facilities |
|---------------------|---------------|-----------|----------------------------|
| <b>Electrical</b>   | 12            | 6         | 6                          |
| <b>Smoking</b>      | 2             | 1         | 7                          |
| <b>Kitchen</b>      | 2             | 0         | 9                          |
| <b>Laundry</b>      | 4             | 1         | 1                          |
| <b>Occupant</b>     | 1             | 1         | 1                          |
| <b>Construction</b> | 4             | 1         | 1                          |
| <b>Injured</b>      | 3             | 1         | 0                          |

**60%** of all fires resulted in activation of the building's fire alarm system with the number one source being **electrical** in nature. Staff played a vital role in activating and responding to many of these situations.

**6%** of all fires resulted in activation of the sprinkler system. Majority of the fires lacked the heat build-up to activate a sprinkler head. Most fires had minimal fuel load or were caught in the early stages of development.

**All fires in a licensed hospital, nursing home or assisted living facility in Wisconsin must be reported within 72 hours to the Department of Health & Family services. The Fire Report form (OQA-2500) is located on the Internet at: <http://dhfs.wisconsin.gov/forms1/oqa/oqa2500.pdf> or forward a self report to fax number: (608) 267-7119.**

## Division of Quality Assurance Focus 2008 Conference

The Division of Quality Assurance (DQA) is pleased to announce the 8th Annual Conference for health care providers and DQA staff on **August 6, 2008**. This year's conference, developed in collaboration with health care providers and associations, is designed to bring together a variety of experts to share strategies and provide learning opportunities for all caregivers and managers. The conference will be held at the Stevens Point Holiday Inn and Convention Center in Stevens Point, WI.



Wisconsin Administrative HFS 133 for Home Health Agencies was revised and became effective December 2, 2007, and reflects current state law in Chapter 50 related to advanced practice nurse prescribers.

However, the guidance given in August 2006 continues to be accurate and that is that the authority given to APNPs in Chapter 50 and HFS 133 applies only to state licensed-only home health agencies. Agencies that are federally certified for participation in the Medicare program must abide by 42 CFR 484, which has no provisions for physician extenders or APNPs.

## DQA Numbered Memos

| <b>MEMO</b> | <b>TITLE</b>  | <b>SUMMARY</b>  | <b>PROVIDERS AFFECTED</b>           |
|-------------|---|---|-------------------------------------|
| 07-017      | <a href="#">Approval of the Modular Education Program for Activity Professionals</a>  | Approves the Modular Education Program for Activity Professionals developed by the National Association of Activity Professionals (NAAP) and the National Certification Council of Activity Professionals (NCCAP).  | Nursing Homes                       |
| 07-018      | <a href="#">Self Report/Facility Reporting Requirements, Including Adult-At-Risk Reporting Requirements</a>   | Reference regarding types of incidents that need to be reported to DQA, according to Ch. 50, Wis. Stats., Ch.s 83, 88, and 13, HFS Wis. Admin. Code and the reporting requirements for Adults-at-Risk under Wis. Stats. §§ 46.90, and 55.043  | CBRFs, AFHs, RCACs, Adult Day Cares |
| 07-019      | <a href="#">Variance of Section HFS 124.12(5)(b)11, Wis. Admin. Code: Authentication of Physician Orders in Hospitals: Additional Clarification Regarding Advanced Practice Nurse Prescriber Practice</a> | The current variance has not changed. The interpretation and guidance in OQA-07-004 and 07-013 related to verbal orders issued by advanced practice nurse prescribers (APNPs), however, has been revised to reflect the position recently published by the Board of Nursing regarding the scope of APNP practice. | Hospitals                           |
| 07-020      | <a href="#">Revisions of Ch. HFS 133</a>  | Highlights changes made to HFS 133, effective December 1, 2007.   | Home Health Agencies                |
| 07-021      | <a href="#">Consultant and Management Company List</a>  | Notes a DQA website where management companies and consultants can add their name to a list that will be posted on the DQA internet site.   | All Providers                       |
| 07-022      | <a href="#">Home Health Update Ch. HFS 133, Wis. Admin. Code, Effective December 1, 2007</a>  | Contains updated information related to patient discharge information   | Home Health Agencies                |

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| 08-001 | <a href="#">Life Safety Informational Release.</a> | Memo notifies the health care provider community of common Life Safety Code NFPA 101 (LSC) items that have been cited in recent Medicare or Medicaid surveys. | Hospitals<br>Hospices<br>Nursing Homes<br>ASCs<br>FDDs |
|--------|--|---|--|

Access these memos via: [http://dhfs.wisconsin.gov/rl\\_DSL/Publications/BQAnodMems.htm](http://dhfs.wisconsin.gov/rl_DSL/Publications/BQAnodMems.htm) or from individual providers' publications pages via: [http://dhfs.wisconsin.gov/rl\\_DSL/](http://dhfs.wisconsin.gov/rl_DSL/).

## Latest CMS Survey & Certification Letters

Listed below are Survey and Certification (S&C) Letters distributed by CMS during the last quarter. Please note that the CMS Internet site where you can review all S&C memos is: <http://www.cms.hhs.gov/SurveyCertificationGenInfo/PMSR/list.asp>.

| S&C NUMBER | TITLE   | SUMMARY  | PROVIDERS     |
|------------|---|--|---------------|
| 08-01      | Survey & Certification Emergency Preparedness Initiative: Provider Survey & Certification Declared Public Health Emergencies FAQs – All Hazards       | FAQ document which uses an all hazard approach to address allowable deviations from provider survey and certification requirements during a declared public health emergency.  | All Providers |
| 08-02      | Improvements to the National Special Focus Facility (SFF) Program for Nursing Facilities—Notice Requirements  | This memo amends S&C Memorandum 05-13 to improve the national “Special Focus Facility (SFF)” initiative. The revisions emphasize improved notification, public notice and focus on quality of care and quality of life deficiencies.   | Nursing Homes |
| 08-03      | Initial Surveys for New Medicare Providers  | Appendix A contains revised survey priorities and procedures as they pertain to initial surveys.   | All providers |
| 08-04      | Revisions to the Hospital Interpretive Guidelines for Infection Control   | Interpretive Guidelines for 42 CFR 482.42, Hospital Condition of Participation: Infection Control, are updated to reflect changing infectious and communicable disease threats as well as current knowledge and best practices.  | Hospitals     |
| 08-05      | Waiver of Emergency Medical Treatment and Labor Act (EMTALA) Sanctions in Hospitals Located in Areas Covered by a Public Health Emergency Declaration | The scope of the waiver of sanctions has been clarified. The regulation now specifies that the waiver applies to both inappropriate transfers and redirection or relocation of individuals for a medical screening examination pursuant to an appropriate State emergency preparedness plan or State | Hospitals     |

|       |   |   |               |
|-------|---|---|---------------|
|       |   | pandemic preparedness plan by a hospital located in an emergency area. In addition, a timeframe of 72 hours for the duration of the waiver has been added, consistent with the statute.   |               |
| 08-06 | Revisions to State Operations Manual Exhibits   | (CMS) has conducted a comprehensive review of the Exhibits to the State Operations Manual (SOM). A number of Exhibits have been added, deleted, or revised.   | All Providers |
| 08-07 | Enforcement of Requirements for Certain Hospital and Critical Access Hospital (CAH) Disclosures to Patients                           | The final inpatient prospective payment regulation requires, beginning October 1, 2007, certain disclosures to patients by physician-owned hospitals and CAHs and by hospitals and CAHs that do not have a physician on site 24 hours/day, seven days/week. | Hospitals     |
| 08-08 | Requirements for Provider-based Off-campus Emergency Departments and Hospitals that Specialize in the Provision of Emergency Services | Growth in the demand for hospital emergency services has resulted in a number of hospitals seeking to expand their emergency department (ED) services to off-site locations. This memo provides guidance for those interested in pursuing this.             | Hospitals     |
| 08-09 | Nursing Homes: Surveying Facilities that Receive Food Prepared by Off-Site Kitchens   | The purpose of this memorandum is to instruct surveyors on the appropriate action when surveying nursing homes that procure food prepared by sources external to the facility for the purpose of consumption by residents.                                  | Nursing Homes |

## Administrative Rules Update

### HFS 83 - Community Based Residential Facilities

On October 18, 2007, the Wisconsin Administrative Register published the Initial Proposed Rulemaking Order including a summary and text of the proposed rule, Wis. Admin. Code Ch. HFS 83. The goal of the proposed rule is to focus on resident outcomes and quality of life and quality of care, improve readability and organization, eliminate excess and prescriptive language, revise staff training standards establishing a more cost effective system for providers, and promote the use of nationally recognized standards of practice. Public hearings were held at five locations in December 2007: Eau Claire, Milwaukee, Green Bay, Rhinelander, and Madison. For more information, you may view the proposed rule on the Wisconsin Administrative Rules website at: <http://adminrules.wisconsin.gov/>.

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**HFS 83 - Community Based Residential Facilities, HFS - 88 Adult Family Homes, HFS 89 - Residential Care Apartment Complexes, HFS 132 - Nursing Homes and HFS 134 - Facilities for the Developmentally Disabled**

On November 1, 2007, revisions to Ch.s 83, 88, 89, 132 and 134, relating to involuntary administration of psychotropic medication, went into effect. 2005 Wisconsin Act 264 created s. 50.02 (2) (ad), Stats., which directed the Department to promulgate rules that require the above-named facilities to provide information to determine a facility's compliance with s. 55.14, Stats. The new rules were enacted allowing for flexibility in how facilities submit information. For more information, you may view the proposed rule on the Wisconsin Administrative Rules website at: <http://adminrules.wisconsin.gov/>.

**HFS 85 - Non-Profit Corporation as Guardian**

On September 19, 2006, the Wisconsin Administrative Register published a Statement of Scope of proposed rules to amend Ch. HFS 85, Non-profit Corporation as Guardian. Through this initiative, the Department proposes to make the rule reflect current standards of practice, recognizing the increase in the number of adults in need of guardianship, and the increase in the complexity of their needs. An Advisory Committee, including advocates, providers, registers in probate, and County adult protective services staff, meets regularly to review proposed rule language and make recommendations for revision to the rule. For more information, you may view the Statement of Scope on the Wisconsin Administrative Rules website at: <http://adminrules.wisconsin.gov/>.

**HFS 124 - Hospitals**

On April 1, 2005, the Wisconsin Administrative Register published a Statement of Scope of proposed rules to amend Ch. 124. The Department is planning to update Ch. HFS 124 to eliminate overly prescriptive and outdated regulations, clarify the Department's enforcement authority, and make the rule more consistent with the federal Medicare requirements. For more information, you may view the Statement of Scope on the Wisconsin Administrative Rules website at: <http://adminrules.wisconsin.gov/>.

**HFS 129 - Certification Programs for Training and Testing Nurse Assistants, Home Health Aides, and Hospice Aides**

On March 31, 2006, the Wisconsin Administrative Register published a Statement of Scope of proposed rules to amend Ch. HFS 129. Through this initiative, the Department proposes to make the rule more consistent with federal regulations, to include the feeding assistant and medication aide training and testing program requirements, and to reflect the Department's decision to standardize administration and operation of nurse aide competency evaluation by contracting for this service. An advisory committee, including advocates, educators, association representatives, workforce development specialists, and representatives from private industry, meets regularly to review the proposed revisions to the rule and make changes, as necessary. For more information, you may view the Statement of Scope on the Wisconsin Administrative Rules website at: <http://adminrules.wisconsin.gov/>.

**HFS 132 - Nursing Homes**

On September 4, 2007, revisions to Wis. Admin Code, Ch. HFS 132 went into effect. The revised rule eliminated rules that were outdated or overly prescriptive or were essentially duplicated in Ch. 50, Wisconsin Statutes or in the Wisconsin Commercial Building Code or federal nursing home regulation. Two important additions were made to the rule. S. HFS 132.16 creates a Quality Assurance and Improvement Committee composed of representatives from nursing homes, advocates, staff from the Department, and representatives from other interest organizations. The committee will distribute funds to facilities that have submitted innovative, cost effective proposals for improving the operations of a nursing home and the quality of life for residents. S.132.12 (4) (b) was amended to require applicants for nursing home licensure to disclose information to the department regarding past regulatory compliance and financial history in the operation of a health care facility. You may view the rule on the Wisconsin Administrative Rules website at: <http://adminrules.wisconsin.gov/>.

### **HFS 133 - Home Health Agencies**

On December 1, 2007, revisions to Wis. Admin. Code Ch. HFS 133 went into effect. The revised Ch. HFS 133 eliminates rules that were overly prescriptive and modifies rules to be consistent with federal regulations. Other revisions were made to reflect current terminology and standards of practice and to include standards promulgated in other statutes and administrative codes since the last code revision in 2001. The rule was also revised to recognize that Wisconsin now allows advanced practice nurse prescribers to be the primary care providers for home health care patients. For more information, you may view the rule on the Wisconsin Administrative Rules website at: <http://adminrules.wisconsin.gov/>.