Wisconsin COVID-19 Health Emergency

Emergency Orders
Professional Board Actions
Emergency Staffing
Emergency Training Programs

November 5, 2020
Wisconsin COVID-19 Health Emergency

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  - Emergency Orders
  - Professional Board Actions
- DHS Presentation
  - Emergency Rules
  - Emergency Staffing
  - Emergency Training Programs
COVID-19 Health Emergency

- Emergency Orders
- Professional Board Actions

Dan Hereth, Assistant Deputy Secretary
Emergency Order 2
Order to Aid our Healthcare Facilities to Provide Treatment to Wisconsinites Impacted by COVID-19

- Nurse
- Chiropractor
- Dentist
- Physician, physician assistant, perfusionist, or respiratory care practitioner
- Physical therapist or physical therapist assistant
- Podiatrist
- Dietitian
- Athletic trainer
- Acupuncturist
- Occupational therapist or occupational therapy assistant
- Optometrist
- Pharmacist
- Psychologist
- Social worker, marriage and family therapist, or professional counselor
- Speech-language pathologist or audiologist
- Massage therapist or bodywork therapist
Emergency Order 2
Order to Aid our Healthcare Facilities to Provide Treatment to Wisconsinites Impacted by COVID-19

Interstate Reciprocity Eligibility

1. The practice is necessary for an identified health care facility to ensure the continued and safe delivery of health care services;

2. The health care provider is not currently under investigation and does not currently have any restrictions or limitations placed on their license by their credentialing state or any other jurisdiction;

3. The health care facility’s needs reasonably prevented in-state credentialing in advance of practice
Emergency Order 2 Continued

Interstate Reciprocity Steps

1. Ensure healthcare professional holds a license in good standing in another jurisdiction, is not currently under any administrative review or orders and has appropriate insurance

2. Provider may begin seeing and treating patients

3. Within 10 business days from the start of the provider seeing patients the facility or health system should submit:
   - **Instate:** Health Care Facility or System Notification of Temporary Provider Practice (Form EO2020-2)
   - **Out-of-State:** Health Care Facility or System Notification of Temporary Telehealth Provider Practice (Form EO2020-4)
4. Within 30 business days from the start of the provider seeing patients, the provider must submit
   Information for Interstate Reciprocity Temporary License Application (Form EO2020-1)

5. If the healthcare provider held a temporary interstate reciprocity license under a previous order the physician may be reinstated by submitting:
   Interstate Reciprocity Temporary License Reinstatement Attestation Form (Form EO2020-5)

6. This license Expires 30 Days after the Federal Public Health Emergency
Telemedicine

- A physician providing telemedicine in the diagnosis and treatment of a patient who is located in Wisconsin must have a valid and current license issued by this state, another state, or Canada.

- Where a requirement in Wis. Admin. Med. Ch. 24 applies to physicians licensed to practice by the medical examining board, such requirements extend to any physician practicing telemedicine in this state.
Telemedicine (Cont.)

• An out-of-state physician who provides telemedicine who does not hold a valid interstate reciprocity temporary license or another form of temporary or permanent license must provide notice that they have provided health care to a Wisconsin resident within 10-days to DSPS (dspsoffice@wisconsin.gov) by submitting Telemedicine Physician Notification of Healthcare Provision (Form EO2020-6).

• Facilities who have physicians who are providing telemedicine treatment to persons located in Wisconsin must submit: Health Care Facility or System Notification of Temporary Telehealth Provider Practice (Form EO2020-4)
Expired Health Credential Renewal

• No late fees

• No retroactive continuing education

• Professionals should visit their professions page at www.dspswi.gov and complete/submit the application for re-registration

• DSPS will issue a full license, which will be active until the next renewal
Physician Assistants Practice Adjustments

• Notification of a change in supervising physician or podiatrist is changed from 20 to 40 days

• So long as the physician or podiatrist providing supervision must be readily identifiable by the physician assistant through procedures commonly employed in the physician assistant's practice, the Requirement to identify a supervising physician or podiatrist is suspended.

• Practice is limited to the scope of their experience, education, training, and capabilities. A physician assistant may delegate a care task to another clinically trained health care provider if the physician assistant has knowledge, based on personal experience with the health care provider who is being delegated the task, that the task is within the health care provider's experience, education, training, and capabilities.

• The ratio for supervising physician or podiatrist is changed from 4 to 8.
Emergency Order 2 Continued
Order to Aid our Healthcare Facilities to Provide Treatment to Wisconsinites Impacted by COVID-19

Nursing Practice Adjustments

• Suspends limits on simulation-based training

• Suspends time limits on temporary licenses. Temporary license will remain valid until end of emergency or six months after availability of NCLEX, whichever occurs last.

• Suspends late renewal fees and requirements

• Suspends collaboration requirements
Board of Pharmacy COVID-19 Response

- Variance of Wis. Stat. § 450.072(2)(b) to temporarily allow wholesale distributors to deliver prescription drugs and devices to addresses approved by the board.

- Variance of Wis. Stat. § 450.03(1), to allow pharmacists who are licensed in good standing in other states, United States territories, and the District of Columbia to practice pharmacy in the state of Wisconsin without a Wisconsin license. This variance has been superseded by EO2 and all the previously described procedures are in effect.

- Variance of Wis. Admin. Code § Phar 7.01 (1)(e) and (em), to temporarily relax the consulting and delivery requirements when delivering medications or devices to a patient.
Board of Pharmacy COVID-19 Response
Continued

• Variance of Wis. Admin. Code § Phar 15.32(5), to allow pharmacists and compounding personnel to re-use personal protective equipment (PPE) subject to the pharmacist's professional judgment regarding the condition of the equipment and suitability for re-use.

• Variance of Wis. Stat. § 450.06(1), to allow pharmacists to dispense prescription medications and devices in locations that are not licensed pharmacies.
Podiatry Affiliated Credentialing Board
COVID-19 Response

• Pod 1 and 9: pertaining to physician assistants. The board is seeking to create practice standards for physician assistants practicing podiatry and establish the responsibilities of a supervising podiatrist.

• Pod 3: pertaining to continuing podiatric medical education. The board is seeking to establish continuing education related to the prescribing of controlled substances
NHA 1 to 4: pertaining to requirements for licensure and approval of educational programs. The board is seeking to conduct a comprehensive evaluation and update of the Board’s rules.
Radiography Examining Board COVID-19 Response

- RAD 2 and 3: pertaining to requirements for licenses and permits. The board is seeking to conduct a comprehensive evaluation and update of chs. RAD 2 and 3.

- RAD 7: pertaining to requirements for license and permit renewal and reinstatement. In line with the Emergency Orders the board is seeking to specify requirements for late renewal of a radiographer license or limited x-ray machine operator permit and the requirements for reinstatement of a license or permit that has not been renewed within 5 years.
OT 1 to 6: pertaining to telehealth. Due to the increased reliance on telehealth during the COVID-19 pandemic, the board is seeking to establish standards of practice and conduct for providing occupational therapy services using telehealth.
Hearing and Speech Examining Board COVID-19 Response

- HAS 1 and 2: pertaining to direct supervision of hearing instrument specialist temporary trainees. Due to the need to increase practicing professionals, the board is reviewing rules to increase opportunities for new applicants entering the profession while ensuring that trainee permit holders are directly supervised and for compliance with statutes.
Chiropractic Examining Board COVID-19 Response

- Chir 10: pertaining to requirements for certification of and delegation to Chiropractic Technicians (CT) and Chiropractic Radiography Technicians (CRT). The board is conducting a comprehensive review of provisions related to educational requirements for CTs and CRTs. The rule will reduce the length of the mechanical therapy and decompression educational program from 4 hours to 3 hours.

- Chir 12: pertaining to nutritional counseling certification. The board is conducting a comprehensive review of provisions related to nutritional counseling certification. The rule will create a definition of “patient” and simplify the criteria for approval of the subject matter of nutritional counseling programs.
DSPS COVID-19 Updates & Information
dsp.wi.gov/pages/home.aspx

- Resources available on the DSPS home page
  - Emergency orders
  - Individual license/provider temporary license forms
  - Health care facility temporary license forms
  - COVID-19 news, updates, and other helpful information
Nurse Aide Training Program (NATP) COVID-19 Health Emergency

- Emergency Rules
- Emergency Training Programs
- Emergency Staffing
- Emergency Training Program Timeline
- Nurse Aide Student Reporting
- DHS Web – COVID-19 Nurse Aide pages
- Questions

Presented by: WI DHS - Division of Quality Assurance, Bureau of Education Services and Technology
Nikki Andrews, Director
Therese Van Male, Nurse Consultant
Julia Lehman-Caldwell
Bridget O’Meara
Jennifer Padden
Nurse Aide Training Emergency Rules

- CMS issued **1135 Waivers**
  - Mid-march, 2020
- Governor Evers released **Emergency Order #21**
  - April 3, 2020
- DHS published **Emergency Rule 2029**
  - August 10, 2020
  - Related to DHS 129

*Not related:* DSPS Emergency Order #2 – Nurse Aides are not included in the list of ‘healthcare provider’ as defined in WI statute 146.81(1)(a) through (hp)
Outlines Emergency Training Program

- Streamlines training program application/approval process
- Reduces minimum training hours to 75 (16 clinical)
- Provides flexibility with primary instructor credentials
- Allows clinicals to be performed in a lab setting
- Students are employees, granting essential worker access
- Waives the “120 Day Rule” to allow competent nurse aide candidates to work as a CNA without being on the Registry

Please note what is NOT waived:

- Essential 16-hour training prior to providing resident care
- The fact that all staff must be competent in tasks assigned
Emergency Training Programs

- Focus on employment/staffing levels, training, and a path to the Registry
- ETP reduced hours & immediate employment
  - 16-hour essential training prior to providing direct resident care
  - At least 59 additional hours with a minimum of 16 clinical
  - Competency skills checklist to indicate proficiency
- Upon completion, candidates will have one year to test and can remain employed
- Successful completion of competency exams will result in inclusion on the Nurse Aide Registry
Required: 16-hour Essential Training

- Must be completed prior to providing direct care to residents (required for all: students, candidates, or temporary aides)
- Essential topics include:
  - Communication and interpersonal skills, infection control, safety/emergency procedures, promoting resident independence, and respecting resident rights
- Valid methods include:
  - Online: excerpt of Bellin College lecture series
  - Classroom: from traditional NATP completion
  - Provider: that encompasses all topics
- Attestation of completion to allow direct care of resident
- Method will also be captured on the core checklist
Emergency Staffing: Temporary Aides

- The benefit of waiving the “120 day rule” allows caregivers to work without being on the Registry (temporarily)
- Temporary aides can be:
  - Students / nurse aide candidates
  - Lapsed nurse aides
  - Out of state nurse aides
  - Other medical staff
  - In general, anyone interested in caregiving
- Required 16-hour essential training prior to providing resident care for all direct care staff
- All must be competent in tasks assigned

(more)
Emergency Staffing: Temporary Aides

- It’s not a “training program”
- Temporary aides are NOT on a path to the Registry – but can help address staffing needs in time of crisis
- Temporary aides:
  - Are truly temporary
  - Must stop working as an aide when emergency rule expires
  - Must train and test to be on the Registry
- Lapsed nurse aides can work under emergency rules
  - Must retest to be on the Registry when rules expire
  - Employment doesn’t retroactively renew certification
- Both ETP & Non-ETP providers can employ temporary aides
Emergency Rule 2029 Timeline

**ETPs Operational → 150 days**

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<th>Last Day of ETP</th>
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<th>60-day extension</th>
<th>2nd 60-day extension</th>
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**120 Registry Deadline**
Candidates must be on the Registry or stop work as CNA

Current Timeline

Potential

* Temporary nurse aides follow ETP timeline and must stop work as nurse aide (January 6, March 5, or May 4)
What does this mean for the “120 day rule?”

- Pre-pandemic (currently waived)

- Nurse aide must be:
  - On Registry w/in 120 days OR
  - Be a full time, permanent employee,
  - enrolled in an approved training program

- Candidates still have a full year after completion of training to pass the exams and get on the Registry – but to stay working as a nurse aide need to be on Registry within the 120 days

- 120 day clock begins upon expiration of EmR 2029

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Wisconsin Nurse Aide Student/Registry Reporting

- Training programs persevered
  - Emergency Training Programs (ETP) (75 hours)
    - Over 200 Traditional and Provider-based
  - Previously approved NATP (120+ hours)
    - Many were able to continue
- Providers can still sign up to be an ETP
- Wisconsin has trained almost **6,000** nurse aide students
- And over **3,000** new nurse aides were added to Registry

Thanks for your commitment!
What does it take to become an ETP? It’s easy...

- Review the Skills Checklist and curriculum outlined in DHS 129 to confirm approach to 75-hours (minimum 16 clinical)
- Email DHS Nurse Aid Registry staff with:
  - Facility Name
  - Administrative contact name, phone, and email
  - Supervising nurse name, phone, and email
  - Supervising nurse license number and expiration date
- Upon approval, DHS will send approval letter to confirm participation as an Emergency Training Program
ETP Training Process Flow

1) Hire candidates
2) Submit list of students enrolled to DHS
   ♦ Online survey for submissions
3) Provide essential training (16 hours)
   ♦ Prior to providing direct care to resident
4) Provide training on core areas
   ♦ Minimum 59 additional hours (16 clinical)
   ♦ Students achieve competency in all areas of skills checklist
   ♦ Complete and sign checklist for each student
5) Email student list and completed checklists to DHS
   ♦ DHS takes care of TMU entry & processing
   ♦ Successful completion of training allows candidate to pay for & schedule test event
   ♦ Students have up to one year to successfully pass the exam

Repeat for additional students, classes, etc.
DHS Website – COVID-19 pages

- [dhs.wisconsin.gov/covid-19/nurse-aide.htm](dhs.wisconsin.gov/covid-19/nurse-aide.htm)
- Outlines the various options w/ additional links
- Resources for:
  - Providers (nursing homes, hospitals, home health agencies, hospice, and ICF/IID)
  - Nurse Aide Training Programs
  - Nurse Aides / Candidates / Students
- Follow Option #1 to become an emergency training program
- Links to DHS-129, Skills Checklists, online survey
- Also view our previous webinar recordings – lots of info there!
Reminders

- If your students used the Bellin College Google Classroom for essential hours training – please have them ‘unenroll’ when completed (to free up seats for others)

1. Login to the Google account used to enroll in the classroom
2. Go to classroom.google.com
3. Click the three vertical dots on the classroom card and select “unenroll”
Questions

Thanks for all you do!