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## WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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**Terry C. Anderson**  
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### CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

#### CLEARINGHOUSE RULE 14-004

AN ORDER to repeal and recreate chapter N 1, relating to school approval.

Submitted by **DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES**

01-10-2014 RECEIVED BY LEGISLATIVE COUNCIL.

02-10-2014 REPORT SENT TO AGENCY.

JKR:AS

**LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT**

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]

Comment Attached      YES       NO

2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]

Comment Attached      YES       NO

3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]

Comment Attached      YES       NO

4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS  
[s. 227.15 (2) (e)]

Comment Attached      YES       NO

5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]

Comment Attached      YES       NO

6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL  
REGULATIONS [s. 227.15 (2) (g)]

Comment Attached      YES       NO

7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]

Comment Attached      YES       NO



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### CLEARINGHOUSE RULE 14-004

#### Comments

**[NOTE:** All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Reference Bureau and the Legislative Council Staff, dated November 2011.]

#### 2. Form, Style and Placement in Administrative Code

- a. In SECTION 1, a title for ch. N 1 should be inserted before s. N 1.01. [s. 1.05 (2) (a), Manual.]
- b. Throughout the proposed rule, the agency should follow the title formats in s. 1.05 (2), Manual. For example, in s. N 1.01 (title), “Intent” should not be capitalized.
- c. In s. N 1.05 (5) (intro.), the introductory sentence for the subsequent paragraphs does not properly introduce the paragraphs. [s. 1.03 (3), Manual.] Perhaps the text of par. (a) could be moved to sub. (5) (intro.) and pars. (c) and (d) could be rewritten as school of nursing requirements. For example, par. (c) could be rewritten as: “Close the school when the last student has transferred.” This comment also applies to s. N 1.11 (1) and (2) (b).
- d. In s. N 1.08 (1) (intro.), the introductory text does not introduce the subsequent paragraphs. [s. 1.03 (3), Manual.] A second sentence should be added to introduce the paragraphs. This comment also applies to sub. (3) (c) (intro.).
- e. Section N 1.09 (intro.) should be numbered sub. (1).
- f. Section N 1.12 (intro.) should be numbered sub. (1). The subsection should also contain a title. [s. 1.05 (1), Manual.]
- g. The agency might consider including an initial applicability clause in the proposed rule. [s. 1.02 (3m), Manual.]

h. In SECTION 2, "EFFECTIVE DATE." should be inserted after "SECTION 2.". [s. 1.02 (4), Manual.]

#### **4. Adequacy of References to Related Statutes, Rules and Forms**

- a. In s. N 1.01 (1), "Wis." should be deleted. [s. 1.07 (2), Manual.]
- b. In s. N 1.04 (3), "N 1.08 standards" should be replaced with "the standards in s. N 1.08".
- c. In s. N 1.05 (3), "s." should be inserted before "N 1.08.". [s. 1.07 (2), Manual.]
- d. In s. N 1.06 (2), "s. 1.06 (1) (a) and (b)" should be replaced with "sub. (1)". [s. 1.07 (2), Manual.]
- e. In s. N 1.08 (2) (b), "paragraph" should be replaced with "par.". [s. 1.07 (2), Manual.]
- f. In s. N 1.10 (3) (intro.) and (5) (intro.), "s." should be inserted before "N 1.08". In sub. (3) (d), "N" should be inserted before "1.09 (1)". [s. 1.07 (2), Manual.]

#### **5. Clarity, Grammar, Punctuation and Use of Plain Language**

- a. In the analysis, review the paragraph discussing out-of-state schools. It appears to have some grammatical errors and is difficult to read.
- b. In s. N 1.01 (2), "and" should be inserted before "develop efficient timelines" and the comma should be deleted.
- c. In s. N 1.02:
  - (1) "Board" should be defined.
  - (2) In sub. (1), "1<sup>st</sup>" and "31<sup>st</sup>" should be replaced with "1" and "31".
  - (3) In sub. (3), a hyphen should be inserted between "12" and "month". A period should be inserted at the end of the subsection.
  - (4) In sub. (7), "Out of state" should be replaced with "Out-of-state".
  - (5) In sub. (9), "Nursing" should not be capitalized.
- d. In s. N 1.03:
  - (1) In sub. (1) (f), "time line" should be replaced with "timeline". This comment also applies to s. N 1.04 (1) (g).
  - (2) In sub. (2), "two" should be replaced with "2". [s. 1.01 (5), Manual.] This comment applies throughout the proposed rule.
- e. In s. N 1.04 (1) (d) 5., "1<sup>st</sup>" should be replaced with "the first".

f. In s. N 1.05:

- (1) In sub. (1) (intro.), "on" should be replaced with "of" and "1<sup>st</sup>" and "3<sup>rd</sup>" should be replaced with "first" and "third". Also in that subsection, what is meant by "eligibility for NCLEX"?
- (2) In sub. (4), a school of nursing may apply for full approval in three months from what date?
- (3) In sub. (6), "The" should be replaced with "A".

g. In s. N 1.06, both instances of "out of state" should be replaced with "out-of-state".

h. In s. N 1.08:

- (1) In sub. (1) (c), what are administrative policies that are "in accord with the institution"?
- (2) In sub. (1) (d), a phrase such as "for students" should be inserted at the end of the sentence.
- (3) In sub. (3) (intro.), "standards" should be replaced with "the standards in s. N 1.08".
- (4) In sub. (3) (c) 1. b., it is unclear what a "bachelor's in nursing to doctorate program in nursing" means.
- (5) In sub. (3) (c) 2., a hyphen should be inserted between "short" and "term".
- (6) In sub. (3) (c) 3. (intro.), "is allowed to" should be replaced with "may". Also, should "one exception of the graduate degree qualifications" be replaced with "an exception to the graduate degree qualifications for one faculty member"? This sentence is unclear. Finally, it appears that "meets" should be replaced with "has" in the last sentence.
- (7) In sub. (3) (c) 3. d., "A" should be inserted at the beginning of the sentence.
- (8) In sub. (4) (c) 2., "and" should be inserted before "history".
- (9) In sub. (5) (a) 3. (intro.), "doing" should be inserted before "the following".
- (10) In sub. (5) (d) (intro.), a hyphen should be inserted between "Faculty" and "supervised".
- (11) In sub. (7), it is unclear what the second sentence means.

i. In s. N 1.09:

- (1) In sub. (1) (intro.), "meets" should be replaced with "shall meet".
- (2) In sub. (2), in the second sentence, "which is approved" should be replaced with "which shall be approved" and "1<sup>st</sup>" should be replaced with "1".

j. In s. N 1.10:

- (1) In sub. (1) (intro.), "all of" should be inserted before "the following".
- (2) In sub. (5) (b) and (c), "will" should be replaced with "shall". [s. 1.01 (2), Manual.]

k. In s. N 1.11:

- (1) In sub. (1) (intro.), the sentence should specify the circumstances under which the institution must do what is listed. For example, "When a school of nursing intends to close," could be inserted at the beginning of the sentence.
- (2) In sub. (1) (a) (intro.), the sentence should clarify that the plan is submitted to the board. Also, "all of" should be inserted before "the following". In subd. 3., "Provide placement for" should be replaced with "Place" to work grammatically with the introductory sentence.
- (3) In sub. (2) (a), "date" should be inserted after "mailing".
- (4) In sub. (2) (b) (intro.), at the end of the sentence, a phrase such as "if approval of the school is withdrawn" should be inserted.

l. In s. N 1.12:

- (1) In the introductory sentence, "have not been practicing for five years or more" should be replaced with "have been practicing for less than five years".
- (2) In sub. (1) (a), "meet" should be replaced with "have".
- (3) In sub. (1) (a) 1., a period should be inserted at the end of the subdivision.
- (4) In subs. (2) (intro.) and (3) (intro.), "all of" or "any of" should be inserted before "the following". [s. 1.03 (3), Manual.]
- (5) In subs. (2) (a) (intro.) and (3) (a) (intro.), "all of the following" or "any of the following" should be inserted after "including". [s. 1.03 (3), Manual.]
- (6) In subs. (2) (c) and (3) (c), a hyphen should be inserted between "long" and "term".