



## **BOARD OF NURSING**

**Room 121A, 1400 East Washington Avenue, Madison**

**Contact: Dan Williams (608) 266-2112**

**July 9, 2015**

*Notice: The following agenda describes the issues that the Board plans to consider at the meeting. At the time of the meeting, items may be removed from the agenda. Please consult the meeting minutes for a description of actions and deliberation of the Board.*

**8:00 A.M.**

### **AGENDA**

#### **CALL TO ORDER – ROLL CALL – OPEN SESSION**

- A. Adoption of the Agenda (1-4)**
- B. Approval of the Minutes of June 11, 2015 (5-10)**
- C. 8:00 A.M. – Public Hearing on Proposed Nurse Licensure Compact (11-31)**
  - 1) Discussion and Consideration of Public Comments
- D. Administrative Matters – Discussion and Consideration**
  - 1) Staff Updates
  - 2) Liaison and Screening Panel Appointments **(32-33)**
  - 3) Board Member – Term Expiration Date
    - a. Paul Abegglen – 7/1/2019
    - b. Jodi Johnson – 7/1/2019
    - c. Maria Joseph – 7/1/2013
    - d. Sheryl Krause – 7/1/ 2018
    - e. Jeffrey Miller – 7/1/2016
    - f. Peter Kallio – 7/1/ 2018
    - g. Lillian Nolan – 7/1/2019
    - h. Luann Skarlupka – 7/1/2017
    - i. Cheryl Streeter – 7/1/2017
- E. Education and Examination Matters – Discussion and Consideration**
  - 1) Americare School of Nursing Request for Authorization to Plan **(34-46)**
  - 2) Status of Updates to Board of Nursing Forms and Website Pages
- F. Legislative and Administrative Rule Matters – Discussion and Consideration (47-53)**
  - 1) Draft of N 7 Relating to Grounds for Denying a Credential **(48-50)**
  - 2) Scope N 8 Relating to Pharmacology Hours, CE and Prescribing for Treatment of ADD/ADHD **(51-53)**
  - 3) Update on Legislation and Pending or Possible Rulemaking Projects

G. **Speaking Engagement(s), Travel, or Public Relations Request(s) – Discussion and Consideration**

- 1) Status Report from BON Presentation Workgroup

H. Discussion and Consideration of Items Received After Preparation of the Agenda

- 1) Introductions, Announcements, and Recognition
- 2) Election of Board Officers
- 3) Appointment of Board Liaison(s)
- 4) Informational Item(s)
- 5) Division of Legal Services and Compliance Matters
- 6) Education and Examination Matters
- 7) Credentialing Matters
- 8) Practice Matters
- 9) Legislation / Administrative Rule Matters
- 10) Liaison Report(s)
- 11) Presentations of Petition(s) for Summary Suspension
- 12) Presentation of Proposed Stipulation(s), Final Decision(s) and Order(s)
- 13) Presentation of Final Decision and Order(s)
- 14) Speaking Engagement(s), Travel, or Public Relations Request(s)

I. Public Comments

**CONVENE TO CLOSED SESSION to deliberate on cases following hearing (s. 19.85(1)(a), Stats.); to consider licensure or certification of individuals (s. 19.85(1)(b), Stats.); to consider closing disciplinary investigations with administrative warnings (ss. 19.85 (1)(b), and 440.205, Stats.); to consider individual histories or disciplinary data (s. 19.85 (1)(f), Stats.); and to confer with legal counsel (s. 19.85(1)(g), Stats.).**

J. **Deliberation on Division of Legal Services and Compliance (DLSC) Matters**

1) **Monitoring (54-188)**

- a. **APPEARANCE** – Jill Gustafson, R.N. – Requesting Full Licensure **(57-84)**
- b. Cassandra Conrath Bellin, R.N. – Requesting Modifications **(85-105)**
- c. Christine Hamilton, L.P.N. – Requesting Modification **(106-114)**
- d. Julie Harley, L.P.N. – Requesting Modification **(115-125)**
- e. Kristin Hewitt, R.N. – Request to Accept Surrender **(126-135)**
- f. Nick Kanetzke, R.N. – Requesting Modification **(136-150)**
- g. Patricia Pokallus, R.N. – Requesting Modifications **(151-171)**
- h. Kathleen Preston, L.P.N. – Requesting Modifications **(172-188)**

2) **Attorney Amanda Florek**

a. ***Proposed Stipulations, Final Decisions and Orders***

1. 14 NUR 382 (L.A.B.) **(189-194)**
2. 14 NUR 640 (T.H.A.) **(195-202)**
3. 15 NUR 023 (T.C.M.) **(203-209)**
4. 15 NUR 083 (A.J.G.) **(210-217)**
5. 15 NUR 208 (J.L.T.) **(218-224)**
6. 15 NUR 223 (J.C.A.) **(225-230)**

b. ***Administrative Warnings***

1. 15 NUR 170 (H.B.D.G.) **(231-232)**

3) **Attorney Kim Kluck**

a. *Proposed Stipulations, Final Decisions and Orders*

1. 13 NUR 422 (A.J.B.) **(233-244)**
2. 14 NUR 152 (J.A.J.) **(245-250)**
3. 14 NUR 191 (L.S.) **(251-258)**
4. 14 NUR 279 (S.M.K.) **(259-266)**
5. 14 NUR 421 (N.L.D.) **(267-275)**
6. 14 NUR 568 (B.J.M.) **(276-287)**
7. 15 NUR 135 (S.M.C.) **(288-293)**
8. 15 NUR 139 (T.M.S.) **(294-299)**
9. 15 NUR 161 (M.L.G.) **(300-307)**
10. 15 NUR 212 (V.M.M.) **(308-313)**

4) **Case Closures**

K. **Deliberation of Proposed Final Decision(s) and Order(s) in the Matter(s) of Disciplinary Proceedings Against:**

- 1) Catherine Stuempges, R.N. (DHA Case # SPS-15-0037)(DLSC Case # 14 NUR 407) **(314-323)**
- 2) Terri S. Gratz, R.N. (DHA Case # SPS-15-0038)(DLSC Case # 13 NUR 548) **(324-334)**

L. **Order(s) Fixing Costs in the Matter of Disciplinary Proceedings Against:**

- 1) Eric L. Nielsen, R.N. (ORDER0003901)(DHA Case # SPS-14-0047)(DLSC Case # 12 NUR 368) **(335-347)**

M. **Deliberation of Credentialing Matters**

- 1) Nicole Clark – Conviction Review **(348-394)**
- 2) Stacy Rutsch – Conviction Review **(395-474)**
- 3) Christal Shaut – Discipline and Conviction Review **(478-491)**

N. **Deliberation of Items Received After Preparation of the Agenda**

- 1) Professional Assistance Procedure (PAP) Matters
- 2) Division of Legal Services and Compliance Matters
- 3) Monitoring Matters
- 4) Credentialing Matters
- 5) Education and Examination Matters
- 6) Administrative Warnings
- 7) Review of Administrative Warnings
- 8) Proposed Stipulations, Final Decisions and Orders
- 9) Proposed Final Decisions and Orders
- 10) Orders Fixing Costs/Matters Related to Costs
- 11) Petitions for Summary Suspension
- 12) Petitions for Designation of Hearing Examiner
- 13) Petitions for Re-hearings
- 14) Appearances from Requests Received or Renewed
- 15) Motions

O. **Consult with Legal Counsel**

**RECONVENE INTO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION**

Voting on Items Considered or Deliberated on in Closed Session, If Voting is Appropriate

P. **Board Meeting Process (Time Allocation, Agenda Items) – Discussion and Consideration**

Q. Board Strategic Planning and its Mission, Vision, and Values – Discussion and Consideration

**ADJOURNMENT**

The next scheduled meeting is August 13, 2015.

**BOARD OF NURSING  
MEETING MINUTES  
June 11, 2015**

**PRESENT:** Paul Abegglen, Maria Joseph, Peter Kallio, Sheryl Krause, Jeffrey Miller, Luann Skarlupka, Cheryl Streeter

**EXCUSED:** Lillian Nolan, Julie Ellis

**STAFF:** Dan Williams, Executive Director; Nilajah Madison-Head, Bureau Assistant; and other DSPS Staff

**CALL TO ORDER**

Jeffrey Miller called the meeting to order at 8:00 a.m. A quorum of seven (7) members was confirmed.

**ADOPTION OF THE AGENDA**

**MOTION:** Peter Kallio moved, seconded by Luann Skarlupka, to adopt the agenda as published. Motion carried unanimously.

**APPROVAL OF MINUTES OF MAY 14, 2015**

**MOTION:** Luann Skarlupka moved, seconded by Peter Kallio, to approve the minutes of May 14, 2015 as published. Motion carried unanimously.

**ADMINISTRATIVE MATTERS**

**MOTION:** Peter Kallio moved, seconded by Sheryl Krause, to acknowledge and thank Julie Ellis for her four years of service to the Board of Nursing. Motion carried unanimously.

**EDUCATION AND EXAMINATION MATTERS**

**NCLEX Pass Rate Analysis and Plan for Improvement of First Time Test Taker Rates**

*Milwaukee School of Engineering (MSOE) – School of Nursing*

**MOTION:** Paul Abegglen moved, seconded by Maria Joseph, to acknowledge and thank Deb Jenks from MSOE School of Nursing, for her appearance before the Board. Motion carried unanimously.

**MOTION:** Paul Abegglen moved, seconded by Maria Joseph, to acknowledge receipt of the NCLEX pass rate analysis and plan for improvement of first time test taker rates for MSOE School of Nursing. Motion carried unanimously.

*UW-Milwaukee*

**MOTION:** Cheryl Streeter moved, seconded by Sheryl Krause, to acknowledge and thank Kim Litwack from UW-Milwaukee, for her appearance before the Board. Motion carried unanimously.

**MOTION:** Cheryl Streeter moved, seconded by Sheryl Krause, to acknowledge receipt of the NCLEX pass rate analysis and plan for improvement of first time test taker rates for UW-Milwaukee. Motion carried unanimously.

<b>2015 LIAISON APPOINTMENTS</b>	
Board Education Liaison(s)	Sheryl Krause

**MOTION:** Maria Joseph moved, seconded by Luann Skarlupka, to acknowledge the Chair's appointment of the Board Education Liaison. Motion carried unanimously.

**LEGISLATIVE AND ADMINISTRATIVE RULE MATTERS**

**Update on Legislation and Pending or Possible Rulemaking Projects**

**MOTION:** Cheryl Streeter moved, seconded by Maria Joseph, to authorize Jeffrey Miller, who may be joined by one of the following: Sheryl Krause, Luann Skarlupka, Paul Abegglen, Peter Kallio and Jodi Johnson, to meet with legislators to discuss Board of Nursing statutes and rules. Motion carried unanimously.

**SPEAKING ENGAGEMENT(S), TRAVEL, OR PUBLIC RELATIONS REQUEST(S)**

**MOTION:** Maria Joseph moved, seconded by Peter Kallio, to designate Luann Skarlupka and Sheryl Krause with Paul Abegglen, Lillian Nolan, and Jodi Johnson as alternates to attend the 2015 NCSBN Annual Meeting on August 18-21, 2015 in Chicago, IL and to authorize travel. Motion carried unanimously.

**MOTION:** Peter Kallio moved, seconded by Maria Joseph, to acknowledge the work of the presentation workgroup and to approve the project as revised. Motion carried unanimously.

## CLOSED SESSION

**MOTION:** Maria Joseph moved, seconded by Paul Abegglen, to convene to closed session to deliberate on cases following hearing (s. 19.85(1)(a), Stats.); to consider licensure or certification of individuals (s. 19.85 (1)(b), Stats.); to consider closing disciplinary investigation with administrative warning (ss.19.85(1)(b), Stats. and 440.205, Stats.); to consider individual histories or disciplinary data (s. 19.85 (1)(f), Stats.); and, to confer with legal counsel (s.19.85(1)(g), Stats.). Jeffrey Miller, Chair, read the language of the motion. The vote of each member was ascertained by voice vote. Roll Call Vote: Paul Abegglen-yes; Maria Joseph-yes; Peter Kallio-yes; Sheryl Krause-yes; Jeffrey Miller-yes; Luann Skarlupka-yes; and Cheryl Streeter-yes. Motion carried unanimously.

The Board convened into Closed Session at 9:32 a.m.

## RECONVENE TO OPEN SESSION

**MOTION:** Peter Kallio moved, seconded by Luann Skarlupka, to reconvene into open session. Motion carried unanimously.

The Board reconvened into Open Session at 12:27 p.m.

## VOTING ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION

**MOTION:** Maria Joseph moved, seconded by Luann Skarlupka, to affirm all motions made in closed session. Motion carried unanimously.

## REVIEW OF ADMINISTRATIVE WARNING

### APPEARANCE - WARN00000284, DLSC case # 14 NUR 601 – S.A.P

**MOTION:** Peter Kallio moved, seconded by Paul Abegglen, to affirm the administrative warning in the matter of DLSC case number 14 NUR 601 (S.A.P.). Motion carried. Recused: Cheryl Streeter

*(Cheryl Streeter recused herself and left the room for deliberation, and voting in the matter concerning 14 NUR 601 (S.A.P.).)*

## DIVISION OF LEGAL SERVICES AND COMPLIANCE (DLSC) MATTERS

### Monitoring Matters

#### *APPEARANCE – Laura Feichtner, R.N. – Requesting Full Licensure*

**MOTION:** Paul Abegglen moved, seconded by Peter Kallio, to deny the request of Laura Feichtner, R.N. for full licensure. **Reason for Denial:** The respondent has not demonstrated continuous successful compliance under the terms of the Order (10/20/2011) for at least two years. Motion carried unanimously.

***Melissa Carson, L.P.N. – Requesting Full Licensure***

**MOTION:** Luann Skarlupka moved, seconded by Cheryl Streeter, to deny the request of Melissa Carson, L.P.N. for full licensure. **Reason for Denial:** Failure to demonstrate continuous and successful compliance (i.e. work reports). Respondent needs to fully comply with the terms and conditions of the original Board Order (05/06/2010) for at least one year before the Board will consider further petitions for modification. Motion carried unanimously.

***Linda Galarza, R.N. – Requesting Full Licensure***

**MOTION:** Sheryl Krause moved, seconded by Peter Kallio, to deny the request of Linda Galarza, R.N. for full licensure. **Reason for Denial:** The respondent has not demonstrated continuous successful compliance under the terms of the Order (04/02/2009) for at least five years, including 600 hours of active nursing for every year the suspension is stayed. Motion carried unanimously.

***Regina Young, R.N. – Requesting Modifications***

**MOTION:** Sheryl Krause moved, seconded by Maria Joseph, to **deny** the request of Regina Young, R.N. for reduction in AA/NA meetings and access to controlled substances. **Reason for Denial:** Insufficient time of compliance under the terms of the Order (08/08/2003). The Board **grants** a reduction in drug and alcohol testing to 14 per year and one annual hair while the respondent is not working as a nurse. The Board reserves the right to increase drug, alcohol, and hair testing once the respondent obtains employment as a nurse. Motion carried unanimously.

**DLSC Attorney Amanda Florek**

***Proposed Stipulations, Final Decisions and Orders***

**MOTION:** Maria Joseph moved, seconded by Peter Kallio, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against:

1. 13 NUR 595 (K.S.H.)
2. 14 NUR 026 (D.J.S.)
3. 14 NUR 026 (N.K.K.)
4. 14 NUR 593 (K.M.B.)
5. 14 NUR 640 (J.L.N.)
6. 14 NUR 640 (M.S.A.)
7. 14 NUR 645 (C.A.E.)
8. 15 NUR 082 (M.L.S.)
9. 15 NUR 109 (N.L.J.)

Motion carried unanimously.

### *Administrative Warnings*

**MOTION:** Peter Kallio moved, seconded by Maria Joseph, to issue an Administrative Warning in the following matters:

1. 15 NUR 030 (J.M.H.)
2. 15 NUR 070 (D.L.N.)
3. 15 NUR 113 (C.A.H.)

Motion carried unanimously.

### **DLSC Attorney Kim Kluck**

#### *Proposed Stipulations, Final Decisions and Orders*

**MOTION:** Paul Abegglen moved, seconded by Sheryl Krause, to accept the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against:

1. 13 NUR 665 (M.L.)
2. 13 NUR 687 (S.L.S.)
3. 15 NUR 038 (K.L.P.)
4. 15 NUR 057 (A.S.S.)
5. 15 NUR 107 (K.O.B.)

Motion carried unanimously.

### *Administrative Warnings*

**MOTION:** Paul Abegglen moved, seconded by Sheryl Krause, to issue an Administrative Warning in the following matters:

1. 13 NUR 714 (G.G.)
2. 13 NUR 714 (N.V.R.)
3. 15 NUR 108 (D.R.S.)
4. 15 NUR 130 (S.A.J.)
5. 15 NUR 159 (J.L.G.)
6. 15 NUR 172 (C.D.O.)
7. 15 NUR 172 (V.R.)

Motion carried unanimously.

### **Case Closures**

**MOTION:** Paul Abegglen moved, seconded by Sheryl Krause, to close the DLSC cases for the reasons outlined below:

1. 15 NUR 248 – No Violation (NV)
2. 15 NUR 101 – Prosecutorial Discretion (P2)
3. 13 NUR 595 (M.L.S.) – Prosecutorial Discretion (P5 – Flag)
4. 15 NUR 032 – Insufficient Evidence (IE)
5. 15 NUR 034 – Insufficient Evidence (IE)
6. 15 NUR 022 – Insufficient Evidence (IE)
7. 14 NUR 015 – No Violation (NV)
8. 14 NUR 341 – Insufficient Evidence (IE)
9. 14 NUR 465 – Insufficient Evidence (IE)
10. 15 NUR 235 – Prosecutorial Discretion (P7)

Motion carried unanimously.

## PROPOSED FINAL DECISION AND ORDER, AND OBJECTIONS

### Nancy Brenden, R.N., Respondent (DHA case # SPS-14-0085)(DLSC Case # 14 NUR 003)

**MOTION:** Paul Abegglen moved, seconded by Maria Joseph, to adopt the Proposed Final Decision and Order in the matter of disciplinary proceedings against Nancy Brenden, R.N., Respondent (DHA case # SPS-14-0085)(DLSC Case # 14 NUR 003) with the following variance. The Board finds that appropriate costs are 80% based on the facts and circumstances of this case. Motion carried. Recused: Jeffrey Miller

**MOTION:** Peter Kallio moved, seconded by Cheryl Streeter, to designate Paul Abegglen to review, approve, and sign the Order with Variance in the matter of disciplinary proceedings against Nancy Brenden, R.N., Respondent (DHA case # SPS-14-0085)(DLSC Case # 14 NUR 003). Motion carried. Recused: Jeffrey Miller

*(Jeffrey Miller recused himself and left the room for deliberation, and voting in the matter concerning Nancy Brenden, R.N., Respondent (DHA case # SPS-14-0085)(DLSC Case # 14 NUR 003).)*

### ORDER FIXING COSTS

### Eric L. Nielsen, R.N. (ORDER0003901)(DHA Case # SPS-14-0047)(DLSC Case # 12 NUR 368)

**MOTION:** Sheryl Krause moved, seconded by Paul Abegglen, to table the deliberation on the Order Fixing Costs in the matter of disciplinary proceedings against Eric L. Nielsen, R.N. (ORDER0003901)(DHA Case # SPS-14-0047)(DLSC Case # 12 NUR 368) to a future meeting. Motion carried unanimously.

### DELIBERATION OF CREDENTIALING MATTERS

### Clayton Keene – Review Waiver of Pharm Hours

**MOTION:** Paul Abegglen moved, seconded by Peter Kallio, to deny the request of Clayton Keene for a waiver of the three year time limit for 45 Pharmacology hours.  
**Reason for Denial:** Wisconsin Admin Code § N 8.03(4) does not provide a waiver for the three year requirement. Motion carried unanimously.

### Kimberly Rupiper – Conviction Review

**MOTION:** Paul Abegglen moved, seconded by Luann Skarlupka, to request additional information regarding the Registered Nurse application of Kimberly Rupiper. Motion carried unanimously.

**MOTION:** Paul Abegglen moved, seconded by Peter Kallio, to move the September 10, 2015 Board of Nursing meeting to August 13, 2015. Motion carried unanimously.

### ADJOURNMENT

**MOTION:** Paul Abegglen moved, seconded by Luann Skarlupka, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 12:37 p.m.

STATE OF WISCONSIN  
BOARD OF NURSING

---

NOTICE OF INFORMATIONAL  
PUBLIC HEARING

---

NOTICE IS HEREBY GIVEN the Board of Nursing will hold an informational public hearing at the time and place indicated below to solicit public comments on relating to a new proposed Nurse Licensure Compact

**Hearing Date, Time and Location**

**Date:** July 9, 2015  
**Time:** 8:00 a.m.  
**Location:** 1400 East Washington Avenue  
Room 121A  
Madison, Wisconsin

**APPEARANCES AT THE HEARING:**

Interested persons are invited to present information at the hearing. Persons appearing may make an oral presentation. Facts, opinions and argument may also be submitted in writing without a personal appearance.

**Place where comments are to be submitted and deadline for submission:**

Comments may be submitted to Sharon Henes, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, Room 151, P.O. Box 8366, Madison, WI 53708-8366, or by email to Sharon.Henes@wisconsin.gov. Comments must be received at or before the public hearing. **Comments must be received by July 31, 2015.**

# **Nurse Licensure Compact**

Approved by the May 4, 2015 Special Delegate Assembly

## **ARTICLE I**

### **Findings and Declaration of Purpose**

- a. The party states find that:
  - 1. The health and safety of the public are affected by the degree of compliance with and the effectiveness of enforcement activities related to state nurse licensure laws;
  - 2. Violations of nurse licensure and other laws regulating the practice of nursing may result in injury or harm to the public;
  - 3. The expanded mobility of nurses and the use of advanced communication technologies as part of our nation's health care delivery system require greater coordination and cooperation among states in the areas of nurse licensure and regulation;
  - 4. New practice modalities and technology make compliance with individual state nurse licensure laws difficult and complex;
  - 5. The current system of duplicative licensure for nurses practicing in multiple states is cumbersome and redundant for both nurses and states; and
  - 6. Uniformity of nurse licensure requirements throughout the states promotes public safety and public health benefits.
  
- b. The general purposes of this Compact are to:
  - 1. Facilitate the states' responsibility to protect the public's health and safety;
  - 2. Ensure and encourage the cooperation of party states in the areas of nurse licensure and regulation;
  - 3. Facilitate the exchange of information between party states in the areas of nurse regulation, investigation and adverse actions;
  - 4. Promote compliance with the laws governing the practice of nursing in each jurisdiction;
  - 5. Invest all party states with the authority to hold a nurse accountable for meeting all state practice laws in the state in which the patient is located at the time care is rendered through the mutual recognition of party state licenses;

6. Decrease redundancies in the consideration and issuance of nurse licenses; and
7. Provide opportunities for interstate practice by nurses who meet uniform licensure requirements.

## **ARTICLE II**

### **Definitions**

As used in this Compact:

- a. "Adverse action" means any administrative, civil, equitable or criminal action permitted by a state's laws which is imposed by a licensing board or other authority against a nurse, including actions against an individual's license or multistate licensure privilege such as revocation, suspension, probation, monitoring of the licensee, limitation on the licensee's practice, or any other encumbrance on licensure affecting a nurse's authorization to practice, including issuance of a cease and desist action.
- b. "Alternative program" means a non-disciplinary monitoring program approved by a licensing board.
- c. "Coordinated licensure information system" means an integrated process for collecting, storing and sharing information on nurse licensure and enforcement activities related to nurse licensure laws that is administered by a nonprofit organization composed of and controlled by licensing boards.
- d. "Current significant investigative information" means:
  1. Investigative information that a licensing board, after a preliminary inquiry that includes notification and an opportunity for the nurse to respond, if required by state law, has reason to believe is not groundless and, if proved true, would indicate more than a minor infraction; or
  2. Investigative information that indicates that the nurse represents an immediate threat to public health and safety regardless of whether the nurse has been notified and had an opportunity to respond.
- e. "Encumbrance" means a revocation or suspension of, or any limitation on, the full and unrestricted practice of nursing imposed by a licensing board.
- f. "Home state" means the party state which is the nurse's primary state of residence.
- g. "Licensing board" means a party state's regulatory body responsible for issuing nurse licenses.

- h. "Multistate license" means a license to practice as a registered or a licensed practical/vocational nurse (LPN/VN) issued by a home state licensing board that authorizes the licensed nurse to practice in all party states under a multistate licensure privilege.
- i. "Multistate licensure privilege" means a legal authorization associated with a multistate license permitting the practice of nursing as either a registered nurse (RN) or LPN/VN in a remote state.
- j. "Nurse" means RN or LPN/VN, as those terms are defined by each party state's practice laws.
- k. "Party state" means any state that has adopted this Compact.
- l. "Remote state" means a party state, other than the home state.
- m. "Single-state license" means a nurse license issued by a party state that authorizes practice only within the issuing state and does not include a multistate licensure privilege to practice in any other party state.
- n. "State" means a state, territory or possession of the United States and the District of Columbia.
- o. "State practice laws" means a party state's laws, rules and regulations that govern the practice of nursing, define the scope of nursing practice, and create the methods and grounds for imposing discipline. "State practice laws" do not include requirements necessary to obtain and retain a license, except for qualifications or requirements of the home state.

### **ARTICLE III**

#### **General Provisions and Jurisdiction**

- a. A multistate license to practice registered or licensed practical/vocational nursing issued by a home state to a resident in that state will be recognized by each party state as authorizing a nurse to practice as a registered nurse (RN) or as a licensed practical/vocational nurse (LPN/VN), under a multistate licensure privilege, in each party state.
- b. A state must implement procedures for considering the criminal history records of applicants for initial multistate license or licensure by endorsement. Such procedures shall include the submission of fingerprints or other biometric-based information by applicants for the purpose of obtaining an applicant's criminal history record information from the Federal Bureau of Investigation and the agency responsible for retaining that state's criminal records.

- c. Each party state shall require the following for an applicant to obtain or retain a multistate license in the home state:
1. Meets the home state's qualifications for licensure or renewal of licensure, as well as, all other applicable state laws;
  2.
    - i. Has graduated or is eligible to graduate from a licensing board-approved RN or LPN/VN prelicensure education program; or
    - ii. Has graduated from a foreign RN or LPN/VN prelicensure education program that (a) has been approved by the authorized accrediting body in the applicable country and (b) has been verified by an independent credentials review agency to be comparable to a licensing board-approved prelicensure education program;
  3. Has, if a graduate of a foreign prelicensure education program not taught in English or if English is not the individual's native language, successfully passed an English proficiency examination that includes the components of reading, speaking, writing and listening;
  4. Has successfully passed an NCLEX-RN<sup>®</sup> or NCLEX-PN<sup>®</sup> Examination or recognized predecessor, as applicable;
  5. Is eligible for or holds an active, unencumbered license;
  6. Has submitted, in connection with an application for initial licensure or licensure by endorsement, fingerprints or other biometric data for the purpose of obtaining criminal history record information from the Federal Bureau of Investigation and the agency responsible for retaining that state's criminal records;
  7. Has not been convicted or found guilty, or has entered into an agreed disposition, of a felony offense under applicable state or federal criminal law;
  8. Has not been convicted or found guilty, or has entered into an agreed disposition, of a misdemeanor offense related to the practice of nursing as determined on a case-by-case basis;
  9. Is not currently enrolled in an alternative program;
  10. Is subject to self-disclosure requirements regarding current participation in an alternative program; and
  11. Has a valid United States Social Security number.

- d. All party states shall be authorized, in accordance with existing state due process law, to take adverse action against a nurse's multistate licensure privilege such as revocation, suspension, probation or any other action that affects a nurse's authorization to practice under a multistate licensure privilege, including cease and desist actions. If a party state takes such action, it shall promptly notify the administrator of the coordinated licensure information system. The administrator of the coordinated licensure information system shall promptly notify the home state of any such actions by remote states.
- e. A nurse practicing in a party state must comply with the state practice laws of the state in which the client is located at the time service is provided. The practice of nursing is not limited to patient care, but shall include all nursing practice as defined by the state practice laws of the party state in which the client is located. The practice of nursing in a party state under a multistate licensure privilege will subject a nurse to the jurisdiction of the licensing board, the courts and the laws of the party state in which the client is located at the time service is provided.
- f. Individuals not residing in a party state shall continue to be able to apply for a party state's single-state license as provided under the laws of each party state. However, the single-state license granted to these individuals will not be recognized as granting the privilege to practice nursing in any other party state. Nothing in this Compact shall affect the requirements established by a party state for the issuance of a single-state license.
- g. Any nurse holding a home state multistate license, on the effective date of this Compact, may retain and renew the multistate license issued by the nurse's then-current home state, provided that:
  - 1. A nurse, who changes primary state of residence after this Compact's effective date, must meet all applicable Article III.c. requirements to obtain a multistate license from a new home state.
  - 2. A nurse who fails to satisfy the multistate licensure requirements in Article III.c. due to a disqualifying event occurring after this Compact's effective date shall be ineligible to retain or renew a multistate license, and the nurse's multistate license shall be revoked or deactivated in accordance with applicable rules adopted by the Interstate Commission of Nurse Licensure Compact Administrators ("Commission").

## ARTICLE IV

### Applications for Licensure in a Party State

- a. Upon application for a multistate license, the licensing board in the issuing party state shall ascertain, through the coordinated licensure information system, whether the applicant has ever held, or is the holder of, a license issued by any other state, whether there are any encumbrances on any license or multistate licensure privilege held by the applicant, whether any adverse action has been taken against any license or multistate licensure privilege held by the applicant and whether the applicant is currently participating in an alternative program.
- b. A nurse may hold a multistate license, issued by the home state, in only one party state at a time.
- c. If a nurse changes primary state of residence by moving between two party states, the nurse must apply for licensure in the new home state, and the multistate license issued by the prior home state will be deactivated in accordance with applicable rules adopted by the Commission.
  1. The nurse may apply for licensure in advance of a change in primary state of residence.
  2. A multistate license shall not be issued by the new home state until the nurse provides satisfactory evidence of a change in primary state of residence to the new home state and satisfies all applicable requirements to obtain a multistate license from the new home state.
- d. If a nurse changes primary state of residence by moving from a party state to a non-party state, the multistate license issued by the prior home state will convert to a single-state license, valid only in the former home state.

## ARTICLE V

### Additional Authorities Invested in Party State Licensing Boards

- a. In addition to the other powers conferred by state law, a licensing board shall have the authority to:
  1. Take adverse action against a nurse's multistate licensure privilege to practice within that party state.
    - i. Only the home state shall have the power to take adverse action against a nurse's license issued by the home state.
    - ii. For purposes of taking adverse action, the home state licensing board shall give the same priority and effect to reported conduct received from a remote state as it would if such

conduct had occurred within the home state. In so doing, the home state shall apply its own state laws to determine appropriate action.

2. Issue cease and desist orders or impose an encumbrance on a nurse's authority to practice within that party state.
  3. Complete any pending investigations of a nurse who changes primary state of residence during the course of such investigations. The licensing board shall also have the authority to take appropriate action(s) and shall promptly report the conclusions of such investigations to the administrator of the coordinated licensure information system. The administrator of the coordinated licensure information system shall promptly notify the new home state of any such actions.
  4. Issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses, as well as, the production of evidence. Subpoenas issued by a licensing board in a party state for the attendance and testimony of witnesses or the production of evidence from another party state shall be enforced in the latter state by any court of competent jurisdiction, according to the practice and procedure of that court applicable to subpoenas issued in proceedings pending before it. The issuing authority shall pay any witness fees, travel expenses, mileage and other fees required by the service statutes of the state in which the witnesses or evidence are located.
  5. Obtain and submit, for each nurse licensure applicant, fingerprint or other biometric-based information to the Federal Bureau of Investigation for criminal background checks, receive the results of the Federal Bureau of Investigation record search on criminal background checks and use the results in making licensure decisions.
  6. If otherwise permitted by state law, recover from the affected nurse the costs of investigations and disposition of cases resulting from any adverse action taken against that nurse.
  7. Take adverse action based on the factual findings of the remote state, provided that the licensing board follows its own procedures for taking such adverse action.
- b. If adverse action is taken by the home state against a nurse's multistate license, the nurse's multistate licensure privilege to practice in all other party states shall be deactivated until all

encumbrances have been removed from the multistate license. All home state disciplinary orders that impose adverse action against a nurse's multistate license shall include a statement that the nurse's multistate licensure privilege is deactivated in all party states during the pendency of the order.

- c. Nothing in this Compact shall override a party state's decision that participation in an alternative program may be used in lieu of adverse action. The home state licensing board shall deactivate the multistate licensure privilege under the multistate license of any nurse for the duration of the nurse's participation in an alternative program.

## **ARTICLE VI**

### **Coordinated Licensure Information System and Exchange of Information**

- a. All party states shall participate in a coordinated licensure information system of all licensed registered nurses (RNs) and licensed practical/vocational nurses (LPNs/VNs). This system will include information on the licensure and disciplinary history of each nurse, as submitted by party states, to assist in the coordination of nurse licensure and enforcement efforts.
- b. The Commission, in consultation with the administrator of the coordinated licensure information system, shall formulate necessary and proper procedures for the identification, collection and exchange of information under this Compact.
- c. All licensing boards shall promptly report to the coordinated licensure information system any adverse action, any current significant investigative information, denials of applications (with the reasons for such denials) and nurse participation in alternative programs known to the licensing board regardless of whether such participation is deemed nonpublic or confidential under state law.
- d. Current significant investigative information and participation in nonpublic or confidential alternative programs shall be transmitted through the coordinated licensure information system only to party state licensing boards.
- e. Notwithstanding any other provision of law, all party state licensing boards contributing information to the coordinated licensure information system may designate information that may not be shared with non-party states or disclosed to other entities or individuals without the express permission of the contributing state.

- f. Any personally identifiable information obtained from the coordinated licensure information system by a party state licensing board shall not be shared with non-party states or disclosed to other entities or individuals except to the extent permitted by the laws of the party state contributing the information.
- g. Any information contributed to the coordinated licensure information system that is subsequently required to be expunged by the laws of the party state contributing that information shall also be expunged from the coordinated licensure information system.
- h. The Compact administrator of each party state shall furnish a uniform data set to the Compact administrator of each other party state, which shall include, at a minimum:
  - 1. Identifying information;
  - 2. Licensure data;
  - 3. Information related to alternative program participation; and
  - 4. Other information that may facilitate the administration of this Compact, as determined by Commission rules.
- i. The Compact administrator of a party state shall provide all investigative documents and information requested by another party state.

## **ARTICLE VII**

### **Establishment of the Interstate Commission of Nurse Licensure Compact Administrators**

- a. The party states hereby create and establish a joint public entity known as the Interstate Commission of Nurse Licensure Compact Administrators.
  - 1. The Commission is an instrumentality of the party states.
  - 2. Venue is proper, and judicial proceedings by or against the Commission shall be brought solely and exclusively, in a court of competent jurisdiction where the principal office of the Commission is located. The Commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings.
  - 3. Nothing in this Compact shall be construed to be a waiver of sovereign immunity.
- b. **Membership, Voting and Meetings**
  - 1. Each party state shall have and be limited to one administrator. The head of the state licensing board or designee shall be the administrator of this Compact for each party state. Any

administrator may be removed or suspended from office as provided by the law of the state from which the Administrator is appointed. Any vacancy occurring in the Commission shall be filled in accordance with the laws of the party state in which the vacancy exists.

2. Each administrator shall be entitled to one (1) vote with regard to the promulgation of rules and creation of bylaws and shall otherwise have an opportunity to participate in the business and affairs of the Commission. An administrator shall vote in person or by such other means as provided in the bylaws. The bylaws may provide for an administrator's participation in meetings by telephone or other means of communication.
3. The Commission shall meet at least once during each calendar year. Additional meetings shall be held as set forth in the bylaws or rules of the commission.
4. All meetings shall be open to the public, and public notice of meetings shall be given in the same manner as required under the rulemaking provisions in Article VIII.
5. The Commission may convene in a closed, nonpublic meeting if the Commission must discuss:
  - i. Noncompliance of a party state with its obligations under this Compact;
  - ii. The employment, compensation, discipline or other personnel matters, practices or procedures related to specific employees or other matters related to the Commission's internal personnel practices and procedures;
  - iii. Current, threatened or reasonably anticipated litigation;
  - iv. Negotiation of contracts for the purchase or sale of goods, services or real estate;
  - v. Accusing any person of a crime or formally censuring any person;
  - vi. Disclosure of trade secrets or commercial or financial information that is privileged or confidential;
  - vii. Disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;
  - viii. Disclosure of investigatory records compiled for law enforcement purposes;
  - ix. Disclosure of information related to any reports prepared by or on behalf of the Commission for the purpose of investigation of compliance with this Compact; or
  - x. Matters specifically exempted from disclosure by federal or state statute.

6. If a meeting, or portion of a meeting, is closed pursuant to this provision, the Commission's legal counsel or designee shall certify that the meeting may be closed and shall reference each relevant exempting provision. The Commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefor, including a description of the views expressed. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release by a majority vote of the Commission or order of a court of competent jurisdiction.
- c. The Commission shall, by a majority vote of the administrators, prescribe bylaws or rules to govern its conduct as may be necessary or appropriate to carry out the purposes and exercise the powers of this Compact, including but not limited to:
1. Establishing the fiscal year of the Commission;
  2. Providing reasonable standards and procedures:
    - i. For the establishment and meetings of other committees; and
    - ii. Governing any general or specific delegation of any authority or function of the Commission;
  3. Providing reasonable procedures for calling and conducting meetings of the Commission, ensuring reasonable advance notice of all meetings and providing an opportunity for attendance of such meetings by interested parties, with enumerated exceptions designed to protect the public's interest, the privacy of individuals, and proprietary information, including trade secrets. The Commission may meet in closed session only after a majority of the administrators vote to close a meeting in whole or in part. As soon as practicable, the Commission must make public a copy of the vote to close the meeting revealing the vote of each administrator, with no proxy votes allowed;
  4. Establishing the titles, duties and authority and reasonable procedures for the election of the officers of the Commission;
  5. Providing reasonable standards and procedures for the establishment of the personnel policies and programs of the Commission. Notwithstanding any civil service or other similar laws of any

party state, the bylaws shall exclusively govern the personnel policies and programs of the Commission; and

6. Providing a mechanism for winding up the operations of the Commission and the equitable disposition of any surplus funds that may exist after the termination of this Compact after the payment or reserving of all of its debts and obligations;
- d. The Commission shall publish its bylaws and rules, and any amendments thereto, in a convenient form on the website of the Commission.
- e. The Commission shall maintain its financial records in accordance with the bylaws.
- f. The Commission shall meet and take such actions as are consistent with the provisions of this Compact and the bylaws.
- g. The Commission shall have the following powers:
  1. To promulgate uniform rules to facilitate and coordinate implementation and administration of this Compact. The rules shall have the force and effect of law and shall be binding in all party states;
  2. To bring and prosecute legal proceedings or actions in the name of the Commission, provided that the standing of any licensing board to sue or be sued under applicable law shall not be affected;
  3. To purchase and maintain insurance and bonds;
  4. To borrow, accept or contract for services of personnel, including, but not limited to, employees of a party state or nonprofit organizations;
  5. To cooperate with other organizations that administer state compacts related to the regulation of nursing, including but not limited to sharing administrative or staff expenses, office space or other resources;
  6. To hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of this Compact, and to establish the Commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel and other related personnel matters;

7. To accept any and all appropriate donations, grants and gifts of money, equipment, supplies, materials and services, and to receive, utilize and dispose of the same; provided that at all times the Commission shall avoid any appearance of impropriety or conflict of interest;
  8. To lease, purchase, accept appropriate gifts or donations of, or otherwise to own, hold, improve or use, any property, whether real, personal or mixed; provided that at all times the Commission shall avoid any appearance of impropriety;
  9. To sell, convey, mortgage, pledge, lease, exchange, abandon or otherwise dispose of any property, whether real, personal or mixed;
  10. To establish a budget and make expenditures;
  11. To borrow money;
  12. To appoint committees, including advisory committees comprised of administrators, state nursing regulators, state legislators or their representatives, and consumer representatives, and other such interested persons;
  13. To provide and receive information from, and to cooperate with, law enforcement agencies;
  14. To adopt and use an official seal; and
  15. To perform such other functions as may be necessary or appropriate to achieve the purposes of this Compact consistent with the state regulation of nurse licensure and practice.
- h. Financing of the Commission
1. The Commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization and ongoing activities.
  2. The Commission may also levy on and collect an annual assessment from each party state to cover the cost of its operations, activities and staff in its annual budget as approved each year. The aggregate annual assessment amount, if any, shall be allocated based upon a formula to be determined by the Commission, which shall promulgate a rule that is binding upon all party states.
  3. The Commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the Commission pledge the credit of any of the party states, except by, and with the authority of, such party state.

4. The Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the Commission shall be audited yearly by a certified or licensed public accountant, and the report of the audit shall be included in and become part of the annual report of the Commission.
- i. Qualified Immunity, Defense and Indemnification
    1. The administrators, officers, executive director, employees and representatives of the Commission shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred, within the scope of Commission employment, duties or responsibilities; provided that nothing in this paragraph shall be construed to protect any such person from suit or liability for any damage, loss, injury or liability caused by the intentional, willful or wanton misconduct of that person.
    2. The Commission shall defend any administrator, officer, executive director, employee or representative of the Commission in any civil action seeking to impose liability arising out of any actual or alleged act, error or omission that occurred within the scope of Commission employment, duties or responsibilities, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties or responsibilities; provided that nothing herein shall be construed to prohibit that person from retaining his or her own counsel; and provided further that the actual or alleged act, error or omission did not result from that person's intentional, willful or wanton misconduct.
    3. The Commission shall indemnify and hold harmless any administrator, officer, executive director, employee or representative of the Commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error or omission that occurred within the scope of Commission employment, duties or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of Commission

employment, duties or responsibilities, provided that the actual or alleged act, error or omission did not result from the intentional, willful or wanton misconduct of that person.

## **ARTICLE VIII**

### **Rulemaking**

- a. The Commission shall exercise its rulemaking powers pursuant to the criteria set forth in this Article and the rules adopted thereunder. Rules and amendments shall become binding as of the date specified in each rule or amendment and shall have the same force and effect as provisions of this Compact.
- b. Rules or amendments to the rules shall be adopted at a regular or special meeting of the Commission.
- c. Prior to promulgation and adoption of a final rule or rules by the Commission, and at least sixty (60) days in advance of the meeting at which the rule will be considered and voted upon, the Commission shall file a notice of proposed rulemaking:
  1. On the website of the Commission; and
  2. On the website of each licensing board or the publication in which each state would otherwise publish proposed rules.
- d. The notice of proposed rulemaking shall include:
  1. The proposed time, date and location of the meeting in which the rule will be considered and voted upon;
  2. The text of the proposed rule or amendment, and the reason for the proposed rule;
  3. A request for comments on the proposed rule from any interested person; and
  4. The manner in which interested persons may submit notice to the Commission of their intention to attend the public hearing and any written comments.
- e. Prior to adoption of a proposed rule, the Commission shall allow persons to submit written data, facts, opinions and arguments, which shall be made available to the public.
- f. The Commission shall grant an opportunity for a public hearing before it adopts a rule or amendment.

- g. The Commission shall publish the place, time and date of the scheduled public hearing.
  - 1. Hearings shall be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment orally or in writing. All hearings will be recorded, and a copy will be made available upon request.
  - 2. Nothing in this section shall be construed as requiring a separate hearing on each rule. Rules may be grouped for the convenience of the Commission at hearings required by this section.
- h. If no one appears at the public hearing, the Commission may proceed with promulgation of the proposed rule.
- i. Following the scheduled hearing date, or by the close of business on the scheduled hearing date if the hearing was not held, the Commission shall consider all written and oral comments received.
- j. The Commission shall, by majority vote of all administrators, take final action on the proposed rule and shall determine the effective date of the rule, if any, based on the rulemaking record and the full text of the rule.
- k. Upon determination that an emergency exists, the Commission may consider and adopt an emergency rule without prior notice, opportunity for comment or hearing, provided that the usual rulemaking procedures provided in this Compact and in this section shall be retroactively applied to the rule as soon as reasonably possible, in no event later than ninety (90) days after the effective date of the rule. For the purposes of this provision, an emergency rule is one that must be adopted immediately in order to:
  - 1. Meet an imminent threat to public health, safety or welfare;
  - 2. Prevent a loss of Commission or party state funds; or
  - 3. Meet a deadline for the promulgation of an administrative rule that is required by federal law or rule.
- l. The Commission may direct revisions to a previously adopted rule or amendment for purposes of correcting typographical errors, errors in format, errors in consistency or grammatical errors. Public notice of any revisions shall be posted on the website of the Commission. The revision shall be subject to challenge by any person for a period of thirty (30) days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge shall

be made in writing, and delivered to the Commission, prior to the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the Commission.

## ARTICLE IX

### Oversight, Dispute Resolution and Enforcement

#### a. Oversight

1. Each party state shall enforce this Compact and take all actions necessary and appropriate to effectuate this Compact's purposes and intent.
2. The Commission shall be entitled to receive service of process in any proceeding that may affect the powers, responsibilities or actions of the Commission, and shall have standing to intervene in such a proceeding for all purposes. Failure to provide service of process in such proceeding to the Commission shall render a judgment or order void as to the Commission, this Compact or promulgated rules.

#### b. Default, Technical Assistance and Termination

1. If the Commission determines that a party state has defaulted in the performance of its obligations or responsibilities under this Compact or the promulgated rules, the Commission shall:
  - i. Provide written notice to the defaulting state and other party states of the nature of the default, the proposed means of curing the default or any other action to be taken by the Commission; and
  - ii. Provide remedial training and specific technical assistance regarding the default.
2. If a state in default fails to cure the default, the defaulting state's membership in this Compact may be terminated upon an affirmative vote of a majority of the administrators, and all rights, privileges and benefits conferred by this Compact may be terminated on the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of default.
3. Termination of membership in this Compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be

given by the Commission to the governor of the defaulting state and to the executive officer of the defaulting state's licensing board and each of the party states.

4. A state whose membership in this Compact has been terminated is responsible for all assessments, obligations and liabilities incurred through the effective date of termination, including obligations that extend beyond the effective date of termination.
5. The Commission shall not bear any costs related to a state that is found to be in default or whose membership in this Compact has been terminated unless agreed upon in writing between the Commission and the defaulting state.
6. The defaulting state may appeal the action of the Commission by petitioning the U.S. District Court for the District of Columbia or the federal district in which the Commission has its principal offices. The prevailing party shall be awarded all costs of such litigation, including reasonable attorneys' fees.

c. Dispute Resolution

1. Upon request by a party state, the Commission shall attempt to resolve disputes related to the Compact that arise among party states and between party and non-party states.
2. The Commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes, as appropriate.
3. In the event the Commission cannot resolve disputes among party states arising under this Compact:
  - i. The party states may submit the issues in dispute to an arbitration panel, which will be comprised of individuals appointed by the Compact administrator in each of the affected party states and an individual mutually agreed upon by the Compact administrators of all the party states involved in the dispute.
  - ii. The decision of a majority of the arbitrators shall be final and binding.

d. Enforcement

1. The Commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this Compact.

2. By majority vote, the Commission may initiate legal action in the U.S. District Court for the District of Columbia or the federal district in which the Commission has its principal offices against a party state that is in default to enforce compliance with the provisions of this Compact and its promulgated rules and bylaws. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation, including reasonable attorneys' fees.
3. The remedies herein shall not be the exclusive remedies of the Commission. The Commission may pursue any other remedies available under federal or state law.

## **ARTICLE X**

### **Effective Date, Withdrawal and Amendment**

- a. This Compact shall become effective and binding on the earlier of the date of legislative enactment of this Compact into law by no less than twenty-six (26) states or December 31, 2018. All party states to this Compact, that also were parties to the prior Nurse Licensure Compact, superseded by this Compact, ("Prior Compact"), shall be deemed to have withdrawn from said Prior Compact within six (6) months after the effective date of this Compact.
- b. Each party state to this Compact shall continue to recognize a nurse's multistate licensure privilege to practice in that party state issued under the Prior Compact until such party state has withdrawn from the Prior Compact.
- c. Any party state may withdraw from this Compact by enacting a statute repealing the same. A party state's withdrawal shall not take effect until six (6) months after enactment of the repealing statute.
- d. A party state's withdrawal or termination shall not affect the continuing requirement of the withdrawing or terminated state's licensing board to report adverse actions and significant investigations occurring prior to the effective date of such withdrawal or termination.
- e. Nothing contained in this Compact shall be construed to invalidate or prevent any nurse licensure agreement or other cooperative arrangement between a party state and a non-party state that is made in accordance with the other provisions of this Compact.

- f. This Compact may be amended by the party states. No amendment to this Compact shall become effective and binding upon the party states unless and until it is enacted into the laws of all party states.
- g. Representatives of non-party states to this Compact shall be invited to participate in the activities of the Commission, on a nonvoting basis, prior to the adoption of this Compact by all states.

## **ARTICLE XI**

### **Construction and Severability**

This Compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this Compact shall be severable, and if any phrase, clause, sentence or provision of this Compact is declared to be contrary to the constitution of any party state or of the United States, or if the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this Compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this Compact shall be held to be contrary to the constitution of any party state, this Compact shall remain in full force and effect as to the remaining party states and in full force and effect as to the party state affected as to all severable matters.

**State of Wisconsin  
Department of Safety & Professional Services**

**AGENDA REQUEST FORM**

1) Name and Title of Person Submitting the Request:  <b>Nilajah Madison-Head, Bureau Assistant</b>		2) Date When Request Submitted:  <b>06/16/15</b>	
		Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting	
3) Name of Board, Committee, Council, Sections:  <b>Board of Nursing</b>			
4) Meeting Date:  <b>07/09/15</b>	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page?  A. <b>Administrative Matters – Discussion and Consideration</b> 1) Staff Updates 2) Liaison and Screening Panel Appointments 3) Board Member – Term Expiration Date	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled?  <input type="checkbox"/> Yes ( <a href="#">Fill out Board Appearance Request</a> ) <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required:  N/A	
10) Describe the issue and action that should be addressed:  <b>Board member Julie Ellis' term has expired; Board is to appoint new liaisons accordingly. The Board will also choose new screening panel members.</b>			
11) Authorization			
<i>Nilajah Madison-Head</i>		<b>06/16/15</b>	
Signature of person making this request		Date	
Supervisor (if required)		Date	
Executive Director signature (indicates approval to add post agenda deadline item to agenda)		Date	
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

2015 LIAISON APPOINTMENTS	
Board Practice Liaison(s)	Paul Abegglen Alternate: Sheryl Krause
Board Education Liaison(s)	Sheryl Krause
Nurse Refresher Course Liaison	Julie Ellis
DLSC Liaison (PAP)	Jeffrey Miller Alternate: Cheryl Streeter
DLSC Liaison (Monitoring)	Paul Abegglen Alternate: Jeffrey Miller
Credentialing Liaison	Paul Abegglen Alternate: Julie Ellis
Legislative Liaison	Jeffrey Miller
Newsletter Liaison	Lillian Nolan

2015 SCREENING PANEL APPOINTMENTS	
August-December 2015	

*Nursing Refresher Course Delegation*

**MOTION:** [redacted] moved, seconded by [redacted], to delegate approval authority of Nursing Refresher Courses to [redacted]. Motion carried unanimously.

**State of Wisconsin  
Department of Safety & Professional Services**

**AGENDA REQUEST FORM**

1) Name and Title of Person Submitting the Request:  <b>Dan Williams</b>		2) Date When Request Submitted:  Items will be considered late if submitted after 4:30 p.m. and less than: <ul style="list-style-type: none"> <li>▪ 10 work days before the meeting for Medical Board</li> <li>▪ 14 work days before the meeting for all others</li> </ul>	
3) Name of Board, Committee, Council, Sections:  <b>Wisconsin Board of Nursing</b>			
4) Meeting Date:  <b>7/9/15</b>	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page?  <b>Americare School of Nursing request for Authorization to Plan – Discussion and Consideration</b>	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	8) Is an appearance before the Board being scheduled? If yes, who is appearing?  <input type="checkbox"/> Yes by <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required:  N/A	
10) Describe the issue and action that should be addressed:  <b>From:</b> Alliant Management Consulting [ <a href="mailto:alliantmconsult@gmail.com">mailto:alliantmconsult@gmail.com</a> ] <b>Sent:</b> Saturday, June 20, 2015 1:07 PM <b>Cc:</b> Stephanie Balitaan; Enya Masangkay <b>Subject:</b> Authorization to Plan a Nursing School in Wisconsin  We are submitting the following documents for your review: <ol style="list-style-type: none"> <li>1. completed and signed application form #3025</li> <li>2. written responses to the following             <ul style="list-style-type: none"> <li>• Name and address of controlling institution and evidence of accreditation status of controlling institution.</li> <li>• Statement of intent to establish a school of nursing, including the academic and licensure levels of all programs to be offered and the primary method of instruction.</li> <li>• Evidence of the availability of sufficient clinical facilities and resources.</li> <li>• Plans to recruit and employ a qualified educational administrator and qualified faculty.</li> <li>• Proposed timeline for planning and implementing the school and intended date of entry of the first class.</li> </ul> </li> </ol> <p>Please contact me at <a href="tel:224-522-1588">224-522-1588</a> or Enya Masangkay at <a href="tel:847-502-0418">847-502-0418</a> for any questions on the documents submitted. Thank you very much.</p> <p>Sincerely,</p> <p>Stephanie Balitaan RN,MSN-ANP</p>			

---

**Alliant Management  
Consulting, LLC.**

250 E Wisconsin Ave. 18F  
Milwaukee, WI 53202

414-347-7800

414-347-7877

alliantmconsult@gmail.com

---

6/19/2015

Mr. Greg Gasper  
Division Administrator of Policy Development  
Department of Safety and Professional Services  
1400 East Washington Avenue, Room 112  
Madison, WI 53703

Dear Mr. Gasper

Your contact information was provided to us by the Wisconsin Education Board during our inquiry with them about starting an educational institution in the State of Wisconsin. Specifically, we would like to start by providing nursing education.

We were advised to refer to the *WI Board of Nursing Guidelines for Nursing School Approval*. To comply with the Wis. Admin Code N 1.03, we are submitting our application for Authorization to Plan a Nursing School.

Please see attached Form #3025 and the written responses to the 5 items indicated in the form.

If you have any questions, please call me at 224-522-1588 or Enya Masangkay at 847-502-0418.

Stephanie Balitaan

  
Managing Member

Alliant Management Consulting, LLC.

# Wisconsin Department of Safety and Professional Services

Mail To: P.O. Box 8366  
Madison, WI 53708-8366

FAX #: (608) 266-2602  
Phone #: (608) 266-2112

1400 E. Washington Avenue  
Madison, WI 53703

E-Mail: [web@dps.wi.gov](mailto:web@dps.wi.gov)  
Website: <http://dps.wi.gov>

## BOARD OF NURSING

### APPLICATION FOR AUTHORIZATION TO PLAN A SCHOOL OF NURSING

Wis. Admin. Code Chapter N 1.03 requires an institution planning to establish and conduct a school of nursing for professional nursing or practical nursing to submit an application including all of the following to the Board:

- (1) Name and address of controlling institution and evidence of accreditation status of controlling institution.
- (2) Statement of intent to establish a school of nursing, including the academic and licensure levels of all programs to be offered and the primary method of instruction.
- (3) Evidence of the availability of sufficient clinical facilities and resources.
- (4) Plans to recruit and employ a qualified educational administrator and qualified faculty.
- (5) Proposed timeline for planning and implementing the school and intended date of entry of the first class.

The Board shall make a decision on the application within two months of receipt of the completed application and will notify the controlling institution of the action taken on the application.

To apply, please submit the following to [dspsexaminationsoffice@wisconsin.gov](mailto:dspsexaminationsoffice@wisconsin.gov):

- (1) This completed and signed application form.
- (2) A written proposal addressing the five items above.

### Institution applying for authorization to plan a nursing school:

Name of School: Americare School of Nursing

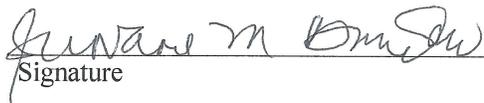
Address: 10505 Corporate Drive

Pleasant Prairie, WI 53138

Nursing Program(s) (ADN, BSN, Other): Associate Degree in Nursing (ADN)

Stephanie Balitaan RN,MSN

Name of School Representative Submitting Proposal

  
Signature

224-522-1588

Telephone Number

School Administrator

Title

6-19-15  
Date

alliantmconsult@gmail.com

Email Address

#3025 (8/14)

Ch. N 1.03, Wis. Admin. Code

Committed to Equal Opportunity in Employment and Licensing

---

# **Authorization to Plan a Nursing School**

**Attachment to Ws.Admin.Code N.103 Form #3025**

---

## **Americare School of Nursing**

**10505 Corporate Dr Suite 102  
Pleasant Prairie, IL 53158**

**Tel: 847-825-8773**

**Fax: 847-825-8774**

**Email: [alliantmconsult@gmail.com](mailto:alliantmconsult@gmail.com)**

## Introduction

This document is an attachment to the Application for Authorization to Plan a School of Nursing (Form #3025). It provides a plan that addresses:

- Name and address of controlling institution and evidence of accreditation status of controlling institution.
- Statement of intent to establish a school of nursing, including the academic and licensure levels of all programs to be offered and the primary method of instruction.
- Evidence of the availability of sufficient clinical facilities and resources.
- Plans to recruit and employ a qualified educational administrator and qualified faculty.
- Proposed timeline for planning and implementing the school and intended date of entry of the first class.

---

## TABLE OF CONTENTS

---

Introduction	2
Controlling Institution	4
Statement of Intent	4
Licensure Levels of Program to be Offered	4
Instructional Theories and Strategies	5
Teaching and Learning Methods	5
Formative and Summative Assessments	5
Instructional Resources	5
Clinical Facilities	6
Nursing Program Administration	8
Nursing Program Faculty	8
Proposed Timeline for Planning and Implementation of Nursing Program	9

---

## Controlling Institution

**Americare School of Nursing** is an Assumed Business Name of Alliant Management Consulting, LLC. (AMC). As a limited liability company, AMC is controlled and managed by its members:

- Americare Home Health Group, LLC. Doing Business As (DBA) **Americare Technical School**
- Stephanie Balitaan, RN,MSN

**Americare Technical School** (ATS) is approved by the Illinois Board of Higher Education (IBHE) to operate as a Private Business Vocational School in Illinois since 2007. ATS is also institutionally accredited by the Accrediting Board for Health Education Schools (ABHES) since March 2014. Lastly, ATS conducts a Pre-Licensure Practical Nursing Program (PN) approved by the Illinois Department of Professional Regulation (IDFPR) under the Illinois Nursing Board since May 2009.

## Statement of Intent

Americare School of Nursing will offer an Associate Degree Program in Nursing with a PN Exit after it

- acquires approval to operate as an educational institution from the Wisconsin Education Board
- Acquires authorization to plan a school of nursing
- Acquires authorization to admit students to a nursing school

## Licensure Levels of Program to be Offered

Americare School of Nursing will be offering an Associate Degree in Nursing (ADN) program with an option to exit after completion of 2 semesters so that student will be eligible to sit for the NCLEX-PN. As soon as the student passes the licensing examination, the student may work as a Licensed Practical Nurse (LPN).

Student also has an option to go back within 12 months into the ADN program to complete the last 2 semesters. At this point, the student will be eligible to sit for the NCLEX-RN program. As soon as the student passes the licensing examination, the student may work as a Registered Nurse (RN).

## Instructional Theories and Strategies

### Teaching and Learning Methods

Americare School of Nursing will focus on learner-centered instruction. The College will train its instructors on new learning theories of constructivism, social learning and adult learning, all of which enable the learner or student to take a more active role in the learning process.

Learning strategies, supporting adult learning theory, such as flipped and blended learning will be implemented. Flipping the classroom means reading all lessons out of the classroom and bringing the homework to class for discussion and collaborative learning. Blended learning will fit into the flipped classroom by providing online resources related to lessons that the student can reflect and analyze outside the classroom. Resources will vary from online and downloadable videos, audio clips, e-book references, critical thinking questions and interactive online exercises. Graded assessments will be also done online in the classroom. Students' academic progress will be a measure of performance with in-class projects, collaborated discussions and graded assessments.

### Formative and Summative Assessments

Americare School of Nursing will require from its instructors a minimum of three formative unit assessments and a summative comprehensive exam. Formative unit assessments will measure mostly cognitive levels on the application and analysis levels. Summative assessments will be industry-standard assessments which measure cognitive levels on a synthesis and evaluation levels.

Occupational skills will be assessments through industry-standard skills procedures and checklists. A measure of the application of the skills will be observed and evaluates during clinical rotations performed in long-term care facilities and hospitals.

## Instructional Resources

Americare School of Nursing will implement the use of required textbooks and supplemental online resources to increase the knowledge of students. In order to organize these resources and allow for

easier accessibility , the School will use a Learning Management Services (LMS). Students will have access to the syllabus, academic policies and online learning materials 24/7 through the LMS. They will also receive constant communication on homework and due dates. The LMS will also be the avenue for communication between instructor and student and among students themselves. It will also be the place for online discussions and interaction for students and instructor.

Americare School of Nursing will maintain a nursing skills laboratory where the instructor may demonstrate basic, intermediate and advanced nursing skills and where students may do their return demonstration of the nursing skills being taught to them.

## Clinical Facilities

Americare School of Nursing will be coordinating clinical rotations for

- basic and intermediate nursing care
- maternal-newborn nursing care
- pediatric nursing care
- mental health nursing care

For the first year of clinical internship, Americare will enter into as agreement with any two (2) of the following long-term care facilities:

- 1. Brookside Care Center**  
3506 Washington Road  
Kenosha, WI 53144  
Ph: 262-653-3800  
Fax: 262-653-3850
- 2. Kenosha Estates Rehab & Care Center**  
1703 60th St,  
Kenosha, WI 53140  
Ph: 262-658-4125  
Fax: 262-658-2196
- 3. Clairidge House**  
1519 60th St,  
Kenosha, WI 53140  
Ph: 262-656-3800  
Fax: 262-656-7515
- 4. Hospitality Nursing & Rehab Center**  
8633 32nd Ave,  
Kenosha, WI 53142  
Ph: 262-694-8300  
Fax: 262-694-3622
- 5. Manorcare Health Services-Kenosha**  
3100 Washington Rd,  
Kenosha, WI 53144  
Ph: 262-658-4622  
Fax: 262-658-1503
- 6. Waters Edge Rehab & Care Center**  
3415 N Sheridan Rd  
Kenosha, WI 53140  
Ph: 262-657-6175  
Fax: 262-657-5756

During the second year of the program, clinical experiences will be done mostly in hospitals. Americare will enter into an agreement with any two (2) of the following facilities:

**7. United Hospital System**

6308 Eighth Ave  
Kenosha, WI 53142  
Ph: 262-656-2011  
Fax: 262-656-5852  
*Susan Ventura*  
*SVP & COO*

**9. Wheaton Franciscan All Saints**

3801 Spring St.,  
Racine, WI 53405  
Ph: 262-687-4011  
*Mary Ouimet*  
*SVP-Patient Care & CNO*

**8. United Hospital System  
St. Catherine's Campus**

9555 76<sup>th</sup> St.,  
Pleasant Prairie, WI 53158  
Ph: 262-577-8000  
Fax: 262-653-5852  
*Linda Wohlgemuth*  
*SVP & COO*

**10. Aurora Medical Center Kenosha**

10400 75<sup>th</sup> St.,  
Kenosha, WI 53142  
Ph: 262-948-5600  
Fax: 262-948-5828  
*Chris Olson*  
*VP/Chief Nurse Executive*

All of these facilities enumerated are within 20 miles from the campus. We will prioritize collaborating with facilities within the Kenosha area before the Racine area.

## Nursing Program Administration

The Nursing Program Director, Stephanie Balitaan, RN,MSN will assume the role of the ADN Program Administrator for Americare School of Nursing in Pleasant Prairie, WI.

Ms. Balitaan has a Masters Degree in Advanced Nursing Practice and has been an the administrator and instructor for the PN program of Americare Technical School (ATS) in Park Ridge, IL since 2009.

As the Administrator of the ATS, she is responsible for hiring of all PN instructors. She is also responsible for the periodic evaluation of the program's curriculum and spearheads any performance improvement initiative(s) resulting from the evaluation. Initiatives would include revisions of textbooks and instructional resources being used, course outline, identifying pre-requisite and co-requisite knowledge, adding more locations for clinical rotations, and others. Together with ATS' PN Program Director, she reviews performances of the academic staff from results of student opinion surveys. From these results, she designs or researches on current training materials to create in-service activities that may involve introducing new teaching methods and strategies.

## Nursing Program Faculty

Proposed nursing instructors for the ADN Program have been teaching the PN Program in Americare Technical School since 2009. They are

- Rosario Kliora
- Mini Kuncheria
- Jinkee Sarah Beltran

Each faculty will satisfy the faculty standards required in a professional nursing program defined in the Wisconsin Administrative Code N 1.08 (3).

# Proposed Timeline for Planning and Implementation of Nursing Program

Below is the proposed schedule for the Associate Degree in Nursing Program

<b>Fall Semester 2015</b>	
Aug 3 - 14	Class Registration for Fall 2015
Aug 21	Orientation
Aug 24	Semester Begins   Start Date
Sep 4	Last day to Drop/Add Courses
Sep 7	Labor Day – No Classes
Nov 25 - 28	Thanksgiving Break – No Classes
Dec 11	Semester Ends   Last Day in Class
Dec 14 - 18	Examination and Remediation Week
Dec 21 - 23	Submission of Grades
Dec 21 – Jan 1	Winter Break
<b>Spring Term 2016</b>	
Jan 4 - 15	Class Registration for Winter 2015
Jan 22	Orientation
Jan 25	Semester Begins   Start Date
Feb 12	Last day to Drop/Add Courses
Jan 18	MLK Day – No Classes
Feb 15	President’s Day – No Classes
Mar 21 - 25	Spring Break
May 20	Semester Ends   Last Day in Class
May 23 - 27	Examination and Remediation Week
May 30 - 31	Submission of Grades
May 30	Summer Break

If enrollment activities permit us to gather a group of LPNs who would want to pursue the Associate Degree in Nursing program, we will start a bridge class and provide an LPN to RN Transition seminar. This class will follow this proposed schedule.

Fall Semester 2015	
Aug 3 - 14	Class Registration for Fall 2015
Aug 21	LPN to RN Transition Orientation
Aug 24	Semester Begins   Start Date
Sep 4	Last day to Drop/Add Courses
Sep 7	Labor Day – No Classes
Nov 25 - 28	Thanksgiving Break – No Classes
Dec 11	Semester Ends   Last Day in Class
Dec 14 - 18	Examination and Remediation Week
Dec 21 - 23	Submission of Grades
Dec 21 – Jan 1	Winter Break

**State of Wisconsin  
Department of Safety & Professional Services**

**AGENDA REQUEST FORM**

1) Name and Title of Person Submitting the Request:  <b>Sharon Henes Administrative Rules Coordinator</b>		2) Date When Request Submitted:  <b>25 June 2015</b> Items will be considered late if submitted after 12:00 p.m. on the deadline date: ▪ 8 business days before the meeting	
3) Name of Board, Committee, Council, Sections:  <b>Board of Nursing</b>			
4) Meeting Date:  <b>9 July 2015</b>	5) Attachments: <input type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? <b>Legislation and Rule Matters – Discussion and Consideration</b> <b>1. Draft of N 7 Relating to Grounds for Denying a Credential</b> <b>2. Scope N 8 Relating to Pharmacology Hours, CE and Prescribing for Treatment of ADD/ADHD</b> <b>3. Pending Legislation and Pending and Possible Rulemaking Projects</b>	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	8) Is an appearance before the Board being scheduled?  <input type="checkbox"/> Yes ( <a href="#">Fill out Board Appearance Request</a> ) <input type="checkbox"/> No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed:			
11) Authorization			
<i><b>Sharon Henes</b></i>		<i><b>25 June 2015</b></i>	
Signature of person making this request		Date	
Supervisor (if required)		Date	
Executive Director signature (indicates approval to add post agenda deadline item to agenda)		Date	
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, Provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

STATE OF WISCONSIN  
BOARD OF NURSING

---

IN THE MATTER OF RULE-MAKING : PROPOSED ORDER OF THE  
PROCEEDINGS BEFORE THE : BOARD OF NURSING  
BOARD OF NURSING : ADOPTING RULES  
: (CLEARINGHOUSE RULE )

---

PROPOSED ORDER

An order of the Board of Nursing to amend N 7.01 (2) and N 7.03 (intro) relating to grounds for denying a credential.

Analysis prepared by the Department of Safety and Professional Services.

---

ANALYSIS

**Statutes interpreted:** s. 441.07

**Statutory authority:** ss. 15.08 (5) (b) and 441.01 (3), Stats.

**Explanation of agency authority:**

The board shall promulgate rules for the guidance of the profession and define and enforce professional conduct and unethical practices not inconsistent with the law relating to nursing.

The board may establish rules to prevent unauthorized persons from practicing professional nursing and approve all rules for the administration of ch. 441, Stats.

**Related statute or rule:**

**Plain language analysis:**

This rule clarifies that ch. N 7 also provides grounds for denying an initial license or certificate. 2013 Act 114 amended s. 441.07, Stats to give authority to the board to deny an initial license or certificate. This rule updates s. N 7.01 (2) and N 7.03 (intro) to reflect that change in authority.

**Summary of, and comparison with, existing or proposed federal regulation:** None

**Comparison with rules in adjacent states:**

**Illinois:** Illinois specifies unethical or unprofessional conduct is grounds for discipline as well as grounds for refusing to issue a license.

**Iowa:** Iowa does not specify that the grounds for discipline are the same for denying an initial license.

**Michigan:** Michigan does not specify that the grounds for discipline are the same for denying an initial license.

**Minnesota:** Minnesota specifies the grounds for discipline are the same grounds for denying an initial license.

**Summary of factual data and analytical methodologies:**

The board incorporated the authority to deny an initial license into rules of conduct chapter.

**Analysis and supporting documents used to determine effect on small business or in preparation of economic impact analysis:**

**Fiscal Estimate and Economic Impact Analysis:**

The Fiscal Estimate and Economic Impact Analysis is attached.

**Effect on small business:**

These proposed rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department's Regulatory Review Coordinator may be contacted by email at Eric.Esser@wisconsin.gov, or by calling (608) 267-2435.

**Agency contact person:**

Sharon Henes, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Board Services, 1400 East Washington Avenue, Room 151, P.O. Box 8366, Madison, Wisconsin 53708; telephone 608-261-2377; email at Sharon.Henes@wisconsin.gov.

**Place where comments are to be submitted and deadline for submission:**

Comments may be submitted to Sharon Henes, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Board Services, 1400 East Washington Avenue, Room 151, P.O. Box 8366, Madison, WI 53708-8366, or by email to Sharon.Henes@wisconsin.gov. Comments must be received on or before \* to be included in the record of rule-making proceedings.

---

TEXT OF RULE

SECTION 1. N 7.01(2) is amended to read:

**N 7.01 (2)** The intent of the board of nursing in adopting this chapter is to specify grounds for denying an initial license or certificate or limiting, suspending, revoking, or denying renewal of a license or certificate or for reprimanding a licensee or certificate holder.

SECTION 2. N 7.03 (intro) is amended to read:

**N 7.03 Grounds for denying renewal or disciplinary action.** The grounds for denying ~~renewal~~ or taking disciplinary action on a license or certificate are any of the following:

SECTION 3. EFFECTIVE DATE. The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin administrative register, pursuant to s. 227.22 (2) (intro.), Stats.

---

(END OF TEXT OF RULE)

---

# STATEMENT OF SCOPE

## BOARD OF NURSING

**Rule No.:** N 8

**Relating to:** Advance Practice Nurse Prescribers as it relates to clinical pharmacology hours, continuing education requirements and prescribing for the treatment of attention deficit disorder and attention deficit hyperactivity disorder

**Rule Type:** Permanent

**1. Finding/nature of emergency (Emergency Rule only):** N/A

**2. Detailed description of the objective of the proposed rule:**

The Board is currently working on revisions to N 8 under SS # 028-14, recognizes that project will take more time and identified three narrow areas which the Board would like to revise to benefit stakeholders rather than delaying until the work is done on the remaining issues. The three areas are: when the clinical pharmacology hours need to be taken in relation to the application, clarifying the continuing education hours and inclusion of the prescribing for the treatment of attention deficit disorder (ADD) and attention deficit hyperactivity disorder (ADHD).

This proposed rule would only address these three issues.

**3. Description of the existing policies relevant to the rule, new policies proposed to be included in the rule, and an analysis of policy alternatives:**

The current rule requires the completion of at least 45 contact hours in clinical pharmacology/therapeutics within 3 years preceding the application for an APNP certificate. Several stakeholders have brought it to the Board's attention that many schools have the placement of this course early in the curriculum necessitating that an applicant who is a recent graduate of the program would have to repeat the 3 credit course for the sole purpose of licensure. This creates a burden in terms of time and money for these applicants. The Board proposes to change the rule to within 5 years preceding the application with the recognition that education may take 5 years and then no graduate would have to repeat the class immediately upon graduation to be eligible for the certificate.

The current rule requires an average of 8 continuing education hours per year and evidence of completion of continuing education to be submitted to the board on a schedule consistent with the schedule for submission of evidence of continuing education hours established by the certificate holder's national certifying body. The Board requires certificate holders to attest to having taken the continuing education at each biennial renewal, however, the national certifying bodies are on a four year schedule. This is creating confusion. The Board proposes to change the rule to 16 hours of continuing education each biennium.

The current rule prohibits prescribing, dispensing or administering any amphetamine, sympathomimetic amine drug or compound designated as a controlled substances schedule II under 961.16(5), Stats. with exceptions enumerated (an adjunct to opioid analgesic compounds for the treatment of cancer-related pains, treatment of narcolepsy, hyperkinesia, drug-induced brain dysfunction, epilepsy and depression shown to be refractory to other therapeutic modalities). APNP's who are working in the area of mental health are treating people who are diagnosed with ADD and ADHD. As part of treatment of ADD and ADHD, a controlled substance stimulate under s. 961.16(5), Stats. may be prescribed (commonly known medications for ADD and ADHD include Adderall or Ritalin). There is currently a shortage of

Rev. 3/6/2012

psychiatrists, which impacts mental health services. Allowing APNP's practicing in the mental health specialty to prescribe, dispense and administer for the treatment of ADD and ADHD increases accessibility for patients. The Board proposes to add to the exceptions the treatment of ADD and ADHD.

**4. Detailed explanation of statutory authority for the rule (including the statutory citation and language):**

s. 15.08(5)(b) Each examining board: shall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains and define and enforce professional conduct and unethical practices not inconsistent with the law relating to the particular trade or profession.

s. 441.01(3) The board may establish minimum standards for schools for professional nurses and schools for licensed practical nurses, including all related clinical units and facilities, and make and provide periodic surveys and consultations to such schools. It may also establish rules to prevent unauthorized persons from practicing professional nursing. It shall approve all rules for the administration of this chapter in accordance with ch. 227.

s. 441.16(3) The board shall promulgate rules necessary to administer this section, including rules for all of the following:

(a) Establishing the education, training or experience requirements that a registered nurse must satisfy to be an advanced practice nurse. The rules promulgated under this paragraph shall require a registered nurse to have education, training or experience that is in addition to the education, training or experience required for licensure as a registered nurse.

(am) Establishing the appropriate education, training and examination requirements that an advanced practice nurse must satisfy to qualify for a certificate to issue prescription orders.

(b) Defining the scope of practice within which an advanced practice nurse may issue prescription orders.

(c) Specifying the classes of drugs, individual drugs or devices that may not be prescribed by an advanced practice nurse.

(cm) Specifying the conditions to be met for a registered nurse to do the following:

1. Administer a drug prescribed by an advanced practice nurse who is certified to issue prescription orders.

2. Administer a drug at the direction of an advanced practice nurse who is certified to issue prescription orders.

(d) Establishing procedures for maintaining a certificate to issue prescription orders, including requirements for continuing education and a requirement to complete the nursing workforce survey and submit the fee required under s. 441.01(7).

(e) Establishing the minimum amount of malpractice liability insurance coverage that an advanced practice nurse shall have if he or she is certified to issue prescription orders. The board shall promulgate rules under this paragraph in consultation with the commissioner of insurance.

**5. Estimate of amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule:**

60 hours

**6. List with description of all entities that may be affected by the proposed rule:**

Advanced Practice Nurse Prescribers, applicants, other health care providers and patients.

**7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule:**

None

**8. Anticipated economic impact of implementing the rule (note if the rule is likely to have a significant economic impact on small businesses):**

None to minimal. It is not likely to have a significant economic impact on small businesses.

**Contact Person:** Sharon Henes, Administrative Rules Coordinator, (608) 261-2377

---

Department Head or Authorized Signature

---

Date Submitted