



VIRTUAL/TELECONFERENCE
BOARD OF NURSING
Virtual, 4822 Madison Yards Way, Madison
Contact: Brad Wojciechowski (608) 266-2112
December 9, 2021

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 record of the actions of the Board.

AGENDA

8:00 A.M.

OPEN SESSION – CALL TO ORDER – ROLL CALL

- A. Adoption of Agenda (1-5)**
- B. Approval of Minutes of November 11, 2021 (6-10)**
- C. Reminders: Conflicts of Interests, Scheduling Concerns**
- D. Introductions, Announcements and Recognition**
- E. Administrative Matters – Discussion and Consideration**
 - 1) Modification for Monitoring Authority Delegation for 2022 **(11)**
 - 2) Department, Staff and Board Updates
 - 3) Board Members – Term Expiration Dates
 - a. Dolatowski, Rosemary P. – 7/1/2022
 - b. Edelstein, Janice A. – 7/1/2024
 - c. Guyton, Vera L. – 7/1/2025
 - d. Hinkfuss, Paul – 7/1/2025
 - e. Kallio, Peter J. – 7/1/2022
 - f. Saldivar Frias, Christian – 7/1/2023
 - g. Scott, Linda D. – 7/1/2023
 - h. Weinman, Robert W. – 7/1/2023
 - i. Zentz, Emily – 7/1/2023
- F. Legislative and Policy Matters – Discussion and Consideration**
 - 1) Senate Bill 394/Assembly Bill 396, Relating to Advanced Practice Nurses
- G. Board of Nursing Report of Opioid Abuse – Discussion and Consideration (12-14)**
 - 1) Review of 2020 Report
 - 2) Proposals for 2021 Report

H. Administrative Rule Matters – Discussion and Consideration

- 1) Adoption Order: CR 20-065: N4, Relating to Licensure of Midwives **(15-24)**
- 2) Pending and Possible Rulemaking Projects **(25-26)**

I. Education and Examination Matters – Discussion and Consideration

- 1) WI Nurse Practice Act Content Review Process and NCSBN Course Completion Statistics **(27-28)**

J. Credentialing Matters – Discussion and Consideration

- 1) Credentialing Statistics and License Counts **(29-33)**
- 2) Preparation for the RN Renewal Survey Demo

K. Newsletter Planning – Discussion and Consideration (34)

L. COVID-19 – Discussion and Consideration

- 1) NCSBN – Policy Statement: Dissemination of Non-scientific and Misleading COVID-19 Information by Nurses **(35-36)**

M. Nurse Licensure Compact (NLC) Update – Discussion and Consideration

N. Board of Nursing Liaison Reports – Discussion and Consideration

O. Discussion and Consideration of Items Added After Preparation of Agenda:

- 1) Introductions, Announcements and Recognition
- 2) Administrative Matters
- 3) Election of Officers
- 4) Appointment of Liaisons and Alternates
- 5) Delegation of Authorities
- 6) Education and Examination Matters
- 7) Credentialing Matters
- 8) Practice Matters
- 9) Legislative and Policy Matters
- 10) Administrative Rule Matters
- 11) Liaison Reports
- 12) Board Liaison Training and Appointment of Mentors
- 13) Informational Items
- 14) Division of Legal Services and Compliance (DLSC) Matters
- 15) Presentations of Petitions for Summary Suspension
- 16) Petitions for Designation of Hearing Examiner
- 17) Presentation of Stipulations, Final Decisions and Orders
- 18) Presentation of Proposed Final Decisions and Orders
- 19) Presentation of Interim Orders
- 20) Petitions for Re-Hearing
- 21) Petitions for Assessments
- 22) Petitions to Vacate Orders
- 23) Requests for Disciplinary Proceeding Presentations
- 24) Motions
- 25) Petitions
- 26) Appearances from Requests Received or Renewed
- 27) Speaking Engagements, Travel, Public Relation Requests, and Reports

P. 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.).

Q. Deliberation on Division of Legal Services and Compliance Matters

- 1) **Administrative Warnings**
 - a. 20 NUR 297 – J.A.K. **(37-38)**
 - b. 20 NUR 297 – S.J.K. **(39-40)**
 - c. 20 NUR 499 – M.K.P. **(41-42)**
 - d. 21 NUR 160 – R.S.B. **(43-44)**
 - e. 21 NUR 381 – T.L.K. **(45-46)**
 - f. 21 NUR 462 – A.M.H. **(47-48)**
 - g. 21 NUR 549 – J.M.G. **(49-50)**
- 2) **Case Closings**
 - a. 19 NUR 554 – J.M.S. **(51-56)**
 - b. 20 NUR 108 – D.R.R. **(57-66)**
 - c. 20 NUR 123 – J.S. **(67-70)**
 - d. 21 NUR 255 – A.P.K. **(71-82)**
 - e. 21 NUR 260 – V.O., K.K., O.V.N., L.S.K., A.L.H., A.M.Z., L.H.R., H.T.S., M.P.P. **(83-87)**
 - f. 21 NUR 310 – E.L.D. **(88-92)**
 - g. 21 NUR 317 – D.S.R. **(93-102)**
 - h. 21 NUR 347 – K.M.R. **(103-108)**
 - i. 21 NUR 421 – D.D.S. **(109-114)**
- 3) **Proposed Stipulations, Final Decisions, and Orders**
 - a. 19 NUR 408 – Tiffany L. Nielsen, R.N. **(115-121)**
 - b. 19 NUR 469 – Heather L. Herwick, R.N. **(122-128)**
 - c. 19 NUR 752 – Barbara L. Nienas, R.N. **(129-139)**
 - d. 20 NUR 200 – Sarah J. Koepp, R.N. **(140-145)**
 - e. 20 NUR 297 – Carrie L. Hovland, R.N., L.P.N. **(146-152)**
 - f. 20 NUR 297 – Patricia A. Birks, R.N. **(153-158)**
 - g. 20 NUR 376 – Christine M. Erdman, R.N. **(159-164)**
 - h. 21 NUR 055 – Jennifer M. Slaske, L.P.N. **(165-172)**
 - i. 21 NUR 498 – Lisa C. Hofschulz, R.N., A.P.N.P. **(173-178)**
- 4) **Monitoring Matters (179-180)**
 - a. **Monitor Benisch**
 1. Jennifer Rosenbaum, R.N. – Requesting Full Licensure **(181-205)**
 - b. **Monitor Schramm**
 1. Joan Heath (Wick), R.N. – Requesting a Reduction in Drug Test Frequency, Termination of Prescription and OTC Reporting **(206-233)**
 2. Kristi Thompson, R.N. – Requesting Full Licensure **(234-242)**
 - c. **Monitor Wagner**

1. Stacey Hoiium, R.N. – Requesting a Reduction in Drug Testing Frequency and Reduction on AA/NA Meetings **(243-268)**
2. Chad Lanoway, R.N. – Requesting Full Licensure **(269-280)**
3. Jeffrey Peters, R.N. – Requesting Full Licensure **(281-291)**
4. Jay Reiners, R.N. – Requesting Full Licensure **(292-306)**

R. Deliberation on Proposed Final Decision and Orders

- 1) Melanie J. Hunter, R.N. – DHA Case Number SPS-21-0059/DLSC Case Number 19 NUR 215 **(307-324)**
- 2) Ray D. Summar, R.N. – DHA Case Number SPS-21-0064/DLSC Case Number 21 NUR 206 **(325-335)**

S. Cases Delegated to Chief Legal Counsel

- 1) **Proposed Stipulations and Final Decisions and Orders**
 - a. 18 NUR 015 – Bruce D. Freeman, R.N., A.P.N.P.
 - b. 21 NUR 168 – Catherine M. Bichler, L.P.N.
- 2) **Proposed Final Decisions and Orders**
 - a. Ernest W. Colburn, R.N. – DHA Case Number SPS-21-0052/DLSC Case Number 19 NUR 525
 - b. Tiffany Gimenez, L.P.N. – DHA Case Number SPS-21-0056/DLSC Case Number 20 NUR 529
 - c. Allison G. Krawza, R.N. – DHA Case Number SPS-21-0063/DLSC Case Number 21 NUR 189

T. Deliberation of Items Added After Preparation of the Agenda

- 1) Education and Examination Matters
- 2) Credentialing Matters
- 3) DLSC Matters
- 4) Monitoring Matters
- 5) Professional Assistance Procedure (PAP) Matters
- 6) Petitions for Summary Suspensions
- 7) Petitions for Designation of Hearing Examiner
- 8) Proposed Stipulations, Final Decisions and Order
- 9) Proposed Interim Orders
- 10) Administrative Warnings
- 11) Review of Administrative Warnings
- 12) Proposed Final Decisions and Orders
- 13) Matters Relating to Costs/Orders Fixing Costs
- 14) Case Closings
- 15) Board Liaison Training
- 16) Petitions for Assessments and Evaluations
- 17) Petitions to Vacate Orders
- 18) Remedial Education Cases
- 19) Motions
- 20) Petitions for Re-Hearing
- 21) Appearances from Requests Received or Renewed

U. Consulting with Legal Counsel

- 1) Planned Parenthood of Wisconsin, Inc. v. Wisconsin Board of Nursing, Et Al; USDC, Western District of Wisconsin

RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

- V. Vote on Items Considered or Deliberated Upon in Closed Session if Voting is Appropriate
- W. Open Session Items Noticed Above Not Completed in the Initial Open Session
- X. Board Meeting Process (Time Allocation, Agenda Items) – Discussion and Consideration
- Y. Board Strategic Planning and its Mission, Vision and Values – Discussion and Consideration

ADJOURNMENT

NEXT MEETING: JANUARY 13, 2022

MEETINGS AND HEARINGS ARE OPEN TO THE PUBLIC, AND MAY BE CANCELLED WITHOUT NOTICE.

Times listed for meeting items are approximate and depend on the length of discussion and voting. All meetings are held at 4822 Madison Yards Way, Madison, Wisconsin, unless otherwise noted. In order to confirm a meeting or to request a complete copy of the board’s agenda, please call the listed contact person. The board may also consider materials or items filed after the transmission of this notice. Times listed for the commencement of disciplinary hearings may be changed by the examiner for the convenience of the parties. Requests for interpreters for the deaf or hard of hearing, or other accommodations, are considered upon request by contacting the Affirmative Action Officer, 608-266-2112, or the Meeting Staff at 608-266-5439.

**VIRTUAL/TELECONFERENCE
BOARD OF NURSING
MEETING MINUTES
NOVEMBER 11, 2021**

PRESENT: Rosemary Dolatowski, Janice Edelstein, Vera Guyton, Paul Hinkfuss, Linda Scott

EXCUSED: Peter Kallio, Christian Saldivar Frias, Robert Weinman, Emily Zentz

STAFF: Brad Wojciechowski, Executive Director; Jameson Whitney, Legal Counsel; Sofia Anderson; Rule Coordinator; Kimberly Wood, Program Assistant Supervisor-Advanced and other Department Staff

CALL TO ORDER

Rosemary Dolatowski, Vice Chairperson, called the meeting to order at 8:03 a.m. A quorum was confirmed with five (5) members present.

ADOPTION OF THE AGENDA

MOTION: Janice Edelstein moved, seconded by Linda Scott, to adopt the Agenda as published. Motion carried unanimously.

APPROVAL OF MINUTES OF OCTOBER 14, 2021

MOTION: Paul Hinkfuss moved, seconded by Vera Guyton, to approve the Minutes of October 14, 2021 as published. Motion carried unanimously.

**APPEARANCE: ANN ZENK, WISCONSIN HOSPITAL ASSOCIATION 2020
HEALTHCARE WORKFORCE REPORT**

MOTION: Janice Edelstein moved, seconded by Rosemary Dolatowski, to acknowledge and thank Ann Zenk, Wisconsin Hospital Association, for her presentation of the Wisconsin Hospital Association 2020 Workforce Report. Motion carried unanimously.

ADMINISTRATIVE RULE MATTERS

Adoption Order: CR 21-009 (N1), Relating to Clinical Learning Experiences

MOTION: Rosemary Dolatowski moved, seconded by Linda Scott, to approve the Adoption Order for Clearinghouse Rule CR 21-009 (N1), relating to clinical learning experiences. Motion carried unanimously.

Pending and Possible Rulemaking Projects

MOTION: Rosemary Dolatowski moved, seconded by Janice Edelstein, to authorize the Vice Chairperson (or in absence of the Vice Chairperson, the highest-ranking officer or longest serving board member in that succession) to approve the Adoption Order for Clearinghouse Rule 20-065 (N 4), relating to licensure of nurse Midwives, for publication upon expiration of the legislative review. Motion carried unanimously.

CLOSED SESSION

MOTION: Linda Scott moved, seconded by Vera Guyton, 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 warnings (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.). Rosemary Dolatowski, Vice Chairperson, read the language of the motion. The vote of each member was ascertained by voice vote. Roll Call Vote: Rosemary Dolatowski-yes; Janice Edelstein-yes; Vera Guyton-yes; Paul Hinkfuss-yes; and Linda Scott-yes. Motion carried unanimously.

The Board convened into Closed Session at 9:01 a.m.

DIVISION OF LEGAL SERVICES AND COMPLIANCE MATTERS

Administrative Warnings

MOTION: Linda Scott moved, seconded by Rosemary Dolatowski, to issue an Administrative Warnings in the matter of the following cases:

- a. 20 NUR 182 – C.L.H.
- b. 21 NUR 208 – L.J.B.

Motion carried unanimously.

Case Closings

MOTION: Vera Guyton moved, seconded by Janice Edelstein, to close the following DLSC Cases for the reasons outlined below:

1. 19 NUR 475 – Unknown – No Violation
2. 19 NUR 538 – J.J.B. – No Violation
3. 19 NUR 540 – J.E.S. – Insufficient Evidence
4. 19 NUR 757 – K.L.H. – Insufficient Evidence
5. 20 NUR 269 – M.S.F. – No Violation
6. 20 NUR 274 – J.L.W. – No Violation
7. 20 NUR 549 – C.L.M. – Insufficient Evidence
8. 20 NUR 585 – O.R.H. – No Violation

9. 20 NUR 608 – N.H. – No Violation
10. 21 NUR 015 – T.N.S. – No Violation
11. 21 NUR 048 – A.M.D. – Insufficient Evidence
12. 21 NUR 279 – B.S.Y. – No Violation
13. 21 NUR 315 – T.L.B. – Prosecutorial Discretion (P7)
14. 21 NUR 360 – Z.M.C. – No Violation
15. 21 NUR 375 – E.M.W., S.A.A. – No Violation
16. 21 NUR 433 – S.A.A. – No Violation
17. 21 NUR 438 – B.J.D. – Insufficient Evidence
18. 21 NUR 512 – M.V.R. – No Violation and Prosecutorial Discretion (P2)

Motion carried unanimously.

Proposed Stipulations and Final Decisions and Orders

MOTION: Rosemary Dolatowski moved, seconded by Vera Guyton, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings of the following cases:

1. 19 NUR 355 – Linda S. Stone, R.N.
2. 19 NUR 428 – David Boozer, L.P.N.
3. 19 NUR 663 – Denise A. Denton, R.N.
4. 19 NUR 671 – Travis S. Oliphant, R.N.
5. 19 NUR 681 – Chi A. Niemyer, R.N.
6. 20 NUR 159 – Kevin A. Ball, L.P.N.
7. 20 NUR 189 – Jennifer L. Crisp, R.N.
8. 20 NUR 266 – Patricia A. Durr, L.P.N.
9. 20 NUR 545, 21 NUR 336 – Thomas S. Sura, R.N.
10. 21 NUR 011 – Sharon A. Campbell, L.P.N.
11. 21 NUR 064 – Jenna L. Funk, L.P.N.
12. 21 NUR 250 – Kimberly A. Robinson, R.N.

Motion carried unanimously.

18 NUR 015 – Bruce D. Freeman, R.N., A.P.N.P.

MOTION: Rosemary Dolatowski moved, seconded by Linda Scott, to delegate to DSPS Chief Legal Counsel the Board’s authority to preside over and resolve the matter of disciplinary proceedings against Bruce D. Freeman, R.N., A.P.N.P., DLSC Case Number 18 NUR 015. Motion carried unanimously.

21 NUR 168 – Catherine M. Bichler, L.P.N.

MOTION: Janice Edelstein moved, seconded by Paul Hinkfuss, to delegate to DSPS Chief Legal Counsel the Board’s authority to preside over and resolve the matter of disciplinary proceedings against Catherine M. Bichler, L.P.N., DLSC Case Number 21 NUR 168. Motion carried unanimously.

Monitoring Matters

Carrie Buhr, R.N. Requesting Reduction in Drug and Alcohol Screens

MOTION: Rosemary Dolatowski moved, seconded by Linda Scott, to grant the request of Carrie Buhr, R.N., for a reduction in the frequency of drug and alcohol screens to thirty-six (36) per year. Motion carried unanimously.

Christina Brockhaus, R.N. Requesting Termination of Direct Supervision, Reduction in Screens and Reduction in AA/NA Meetings

MOTION: Linda Scott moved, seconded by Vera Guyton, to deny the request of Christina Brockhaus, R.N., for reduction in drug and alcohol screens, but to grant the termination of direct supervision and a reduction in the frequency of AA/NA meetings to once per month. **Reason for Denial:** Insufficient time under the Board Order (7/23/2018) to demonstrate adequate compliance. Motion carried unanimously.

Daniel Rosas, R.N. Requesting Full Licensure

MOTION: Rosemary Dolatowski moved, seconded by Janice Edelstein, to grant the request of Daniel Rosas, R.N., for full licensure. Motion carried unanimously.

Heidi Sahr, R.N. Requesting to Remove Direct Supervision Requirement, AODA Treatment and AA/NA Meetings

MOTION: Rosemary Dolatowski moved, seconded by Vera Guyton, to deny the request of Heidi Sahr, R.N., for removal of direct supervision requirement, but to grant termination of the AODA treatment requirement and a reduction in the frequency of AA/NA meetings to once per week. **Reason for Denial:** Insufficient time under the Board Order (2/13/2020) to demonstrate adequate compliance. Motion carried unanimously.

Angela Thomas, R.N. Requesting Full Licensure

MOTION: Rosemary Dolatowski moved, seconded by Linda Scott, to grant the request of Angela Thomas, R.N., for full licensure. Motion carried unanimously.

DELIBERATION ON PROPOSED FINAL DECISIONS AND ORDERS

Ernest W. Colburn, R.N. – DHA Case Number SPS-21-0052/DLSC Case Number 19 NUR 525

MOTION: Rosemary Dolatowski moved, seconded by Vera Guyton, to delegate to DSPS Chief Legal Counsel the Board's authority to preside over and resolve the matter of disciplinary proceedings against Ernest W. Colburn, R.N., Respondent, DHA Case Number SPS-21-0052/DLSC Case Number 19 NUR 525. Motion carried unanimously.

Tiffany Gimenez, L.P.N. – DHA Case Number SPS-21-0056/DLSC Case Number 20 NUR 529

MOTION: Linda Scott moved, seconded by Vera Guyton, to delegate to DSPS Chief Legal Counsel the Board's authority to preside over and resolve the matter of disciplinary proceedings against Tiffany Gimenez, L.P.N., Respondent, DHA Case Number SPS-21-0056/DLSC Case Number 20 NUR 529. Motion carried unanimously.

Allison G. Krawza, R.N. – DHA Case Number SPS-21-0063/DLSC Case Number 21 NUR 189

MOTION: Janice Edelstein moved, seconded by Paul Hinkfuss, to delegate to DSPS Chief Legal Counsel the Board's authority to preside over and resolve the matter of disciplinary proceedings against Allison G. Krawza, R.N., Respondent, DHA Case Number SPS-21-0063/DLSC Case Number 21 NUR 189. Motion carried unanimously.

RECONVENE TO OPEN SESSION

MOTION: Vera Guyton moved, seconded by Linda Scott, to reconvene into Open Session. Motion carried unanimously.

The Board reconvened into Open Session at 9:35 a.m.

VOTING ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION

MOTION: Paul Hinkfuss moved, seconded by Vera Guyton, to affirm all motions made and votes taken in Closed Session. Motion carried unanimously.

(Be advised that any recusals or abstentions reflected in the Closed Session motions stand for the purposes of the affirmation vote.)

ADJOURNMENT

MOTION: Linda Scott moved, seconded by Paul Hinkfuss, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 9:36 a.m.

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

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Brad Wojciechowski		2) Date when request submitted: November 29, 2021 <small>Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting</small>	
3) Name of Board, Committee, Council, Sections: Board of Nursing			
4) Meeting Date: December 9, 2021	5) Attachments: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	6) How should the item be titled on the agenda page? Modification for Monitoring Authority Delegation for 2022 – Discussion and Consideration	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <i>(If yes, please complete Appearance Request for Non-DSPS Staff)</i> <input type="checkbox"/> Yes <Appearance Name(s)> <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if applicable: <Click Here to Add Case Advisor Name or N/A>	
10) Describe the issue and action that should be addressed: Discuss and consider delegation authority for monitors to approve treatment providers.			
11) Authorization			
		November 29, 2021	
Signature of person making this request		Date	
Supervisor (Only required for post agenda deadline items)		Date	
Executive Director signature (Indicates approval for post agenda deadline items)		Date	
Directions for including supporting documents: 1. This form should be saved with any other documents submitted to the Agenda Items folders. 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
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Brad Wojciechowski		2) Date when request submitted: November 30, 2021 <small>Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting</small>	
3) Name of Board, Committee, Council, Sections: Board of Nursing			
4) Meeting Date: December 9, 2021	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Board of Nursing Report of Opioid Abuse – Discussion and Consideration 1. Review of 2020 report 2. Proposals for 2021 report	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <i>(If yes, please complete Appearance Request for Non-DSPS Staff)</i> <input type="checkbox"/> Yes <Appearance Name(s)> <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if applicable: <Click Here to Add Case Advisor Name or N/A>	
10) Describe the issue and action that should be addressed: <Click Here to Add Description>			
11) Authorization			
		11/30/2021	
Signature of person making this request		Date	
Supervisor (Only required for post agenda deadline items)		Date	
Executive Director signature (Indicates approval for post agenda deadline items)		Date	
Directions for including supporting documents: 1. This form should be saved with any other documents submitted to the Agenda Items folders. 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.			

Peter Kallio
Chairperson

Lisa Pisney
Vice Chairperson

Luann Skarlupka
Secretary

WISCONSIN BOARD OF NURSING



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REPORT ON OPIOID ABUSE

Proactive Efforts Taken by the Board of Nursing to Address Opioid Abuse

- 1. Controlled Substances Prescribing Guidelines** – The Board of Nursing adopted Best Practices for Prescribing Controlled Substances Guidelines (Guidelines) on January 12, 2017. The Guidelines were developed using the following:
 - Centers for Disease Control’s *Guideline for Prescribing Opioids for Chronic Pain*.
 - American Association of Nurse Anesthetists’ *Chronic Pain Management Guidelines*.
 - American Nurses Association’s *Nursing’s Role in Addressing Nation’s Opioid Crisis*.
 - Federal Drug Administration’s *Blueprint for Prescriber Education for Extended-Release and Long-Acting Opioid Analgesics*.
 - Wisconsin Medical Examining Board’s *Opioid Prescribing Guideline*.
 - Michigan’s *Guidelines for the Use of Controlled Substances for the Treatment of Pain*.
 - The Joint Commission’s *Statement on Pain Management*.
 - National Transportation Safety Board recommendations for advising patients of the effect controlled substances may have on their ability to safely operate a vehicle.

The Board of Nursing published the Guidelines in their newsletter and provided a copy of the Guidelines to every advanced practice nurse prescriber with an active license and an email on file with the Department of Safety and Professional Services. The Guidelines are available at <https://dsps.wi.gov/Documents/BoardCouncils/NUR/BONGuidelinesV1.pdf>.

- 2. Controlled Substances Continuing Education** – The Board of Nursing requires each advanced practice nurse prescriber to complete 2 hours of the required 16 hours of continuing education in the topic of responsible prescribing of controlled substances.
- 3. Prescription Drug Monitoring Program (PDMP) Information in Newsletter** – The Board of Nursing has highlighted information regarding the Prescription Drug Monitoring Program in their newsletter.
- 4. PDMP Prescribing Metrics for Prescribing Practice Complaints** – The Board of Nursing Screening Panel reviews the PDMP Prescribing Metrics Summary for any advanced practice nurse prescriber who has a complaint relating to the advanced practice nurse prescriber’s prescribing practices.
- 5. Membership on the Controlled Substances Board** – A member of the Board of Nursing is designated as a standing member of the Controlled Substances Board (CSB). The CSB is instrumental in the efforts to combat opioid abuse, primarily through its involvement with the PDMP and the scheduling of controlled substances under Wisconsin’s Controlled Substances Act.

Goals for Addressing the Issue of Opioid Abuse as it Relates to the Practice of Nursing

- 1. Compliance with the PDMP Provider Review Requirement** –The Board of Nursing will continue its effort to increase compliance by raising awareness of the PDMP provider review requirement.
- 2. Education** – The Board of Nursing will continue to explore opportunities to expand on its educational outreach in the areas of safe opioid prescribing and opioid abuse.
- 3. PDMP Outreach** – The Board of Nursing will continue to work with PDMP staff to provide information concerning the PDMP to its licensees.
- 4. PDMP Prescribing Outliers** – The Board of Nursing will continue to review referrals of advanced practice nurse prescribers from the Controlled Substances Board to identify those advance practice nurse prescribers whose prescribing practices are outliers. In addition, the Board of Nursing Screening Panel will continue to review the PDMP Prescribing Metrics Summary for any advanced practice nurse prescriber who has a complaint relating to the advance practice nurse prescriber’s prescribing practices.

Actions Taken by the Board of Nursing to Achieve the Goals Identified in Previous Reports

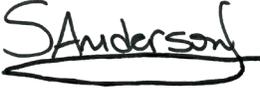
- 1. Compliance with Provider Review Requirement** – The Board of Nursing’s goal was to continue its effort to increase compliance by raising awareness of the PDMP provider review requirement. As a means of facilitating this effort, the Board has requested PDMP staff to provide data on waivers for advanced practice nurse prescribers.
- 2. Education** – The Board of Nursing’s goal was to explore opportunities to expand on its educational outreach in the areas of safe opioid prescribing and opioid abuse. The Board has requested PDMP staff to provide opioid abuse statistics coming out of the COVID-19 public health emergency, as the Board anticipates this information will produce opportunities to expand on its educational outreach.
- 3. PDMP Outreach** – The Board of Nursing’s goal was to continue to work with PDMP staff to provide information concerning the PDMP to its licensees. As a member of the Controlled Substances Board, Peter Kallio, Chairperson of the Board of Nursing, regularly meets with and receives updates from PDMP staff. During the current reporting period, there were no significant changes to the PDMP requiring an update to licensees.
- 4. PDMP prescribing outliers** – The Board of Nursing’s goal was to continue to review referrals of advanced practice nurse prescribers from the Controlled Substances Board (CSB) to identify those advance practice nurse prescribers whose prescribing practices are outliers.

The CSB uses reports generated from the PDMP to determine whether physicians will be referred to the Board for possible investigation. The Board did not receive any referrals from the CSB during the current reporting period. As a follow up, the Board has requested information from PDMP staff concerning the framework of referral criteria from PDMP reporting.

Another goal was for the Board of Nursing Screening Panel to continue to review the PDMP Prescribing Metrics Summary for any advanced practice nurse prescriber who has a complaint relating to the advance practice nurse prescriber’s prescribing practices. The Screening Panel continues this practice as part of its review of a complaint.

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

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Sofia Anderson, Administrative Rules Coordinator		2) Date when request submitted: 11/24/21	
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: Board of Nursing			
4) Meeting Date: December 9, 2021	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Administrative Rules Matters – Discussion and Consideration 1. Adoption Order CR 20-065: N4 relating to licensure of midwives. 2. Pending and possible rulemaking projects	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <i>(If yes, please complete Appearance Request for Non-DSPS Staff)</i> <input type="checkbox"/> Yes <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: Attachments: 1. Adoption Order CR 20-065 2. Nursing Rules Chart			
11) Authorization			
		11/24/21	
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 : ORDER OF THE
PROCEEDINGS BEFORE THE : BOARD OF NURSING
BOARD OF NURSING : ADOPTING RULES
: (CLEARINGHOUSE RULE 20-065)

ORDER

An order of the Board of Nursing to repeal N 4.02 (2) and (6), 4.04 (2) to (4), 4.05 (6), and 4.10 (3) and (3) (Note); to renumber and amend N 4.01 (2), 4.04 (1) (intro.) and (a) to (d), 4.05 (1) and (4), and 4.08; to amend N 4.01 (1), 4.02 (2m) and (4), 4.03 (1) to (3), 4.04 (title), 4.05 (2), (3), and (7) (intro.), (a), and (b), 4.06 (1) to (4), 4.07 (1) to (4), and 4.10 (1) (intro.) and (2) (a) and (b); to repeal and recreate N 4.05 (5); and to create N 4.01 (2) (a) to (d), 4.02 (5e), 4.025 (4), 4.04 (5), 4.043, 4.05 (1) (a) to (c), (6m), and (7) (d), 4.07 (2m), and 4.10 (2) (d) and (e), relating to licensure of nurse-midwives.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted: Section 441.15, Stats.

Statutory authority: Sections 15.08 (5) (b) and 441.15 (3) (c), Stats.

Explanation of agency authority:

Section 15.08 (5) (b), Stats., provides that each examining board “[s]hall 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.”

Section 441.15 (3) (c), Stats., provides that “[t]he board shall promulgate rules necessary to administer this section, including the establishment of appropriate limitations on the scope of the practice of nurse-midwifery, the facilities in which such practice may occur and the granting of temporary permits to practice nurse-midwifery pending qualification for certification.”

Related statute or rule:

Chapter N 7 provides rules of conduct for licensees, including licensed nurse-midwives.

Plain language analysis:

The Board conducted a comprehensive review of ch. N 4 to ensure its provisions are statutorily compliant and current with professional standards and practices. As a result of this review, the following changes have been made:

- A definition of “bureau” and associated references to the Bureau of Health Service Professions within the Department of Safety and Professional Services are removed, as the Bureau no longer exists.

- A definition of “written agreement” is removed, as it contains substantive and self-evident criteria for the required written agreement under which a nurse-midwife works in collaboration with a physician.
- Sections N 4.03 and 4.05 are updated to reflect that the current accrediting body of educational programs in nurse-midwifery is the Accreditation Commission for Midwifery Education, and that the American Midwifery Certification Board is the current national certifying body.
- Section N 4.04 is revised to remove an obsolete requirement that an application be notarized.
- Section N 4.043 is created to specify the requirements for renewal of a license to practice nurse-midwifery.
- Section N 4.10, relating to malpractice insurance, is revised to be consistent with the exceptions to the malpractice insurance coverage requirements enumerated in s. 441.15 (5) (a), Stats.
- Provisions concerning licensure and temporary permits have been reorganized for connectivity and clarity.
- Other revisions throughout ch. N 4 have been made to provide clarity and comply with current drafting standards.

Summary of, and comparison with, existing or proposed federal regulation:

None.

Comparison with rules in adjacent states:

Illinois:

Rules of the Illinois Department of Financial and Professional Regulation address the practice of midwifery in Illinois (68 Ill. Adm. Code 1300). This includes requirements for licensure as an advanced practice registered nurse with certification as a nurse-midwife (68 Ill. Adm. Code 1300.400), the scope of practice of advanced practice registered nursing by certified nurse-midwives (68 Ill. Adm. Code 1300.440), requirements for written collaborative agreements (68 Ill. Adm. Code 1300.410), and requirements for late renewal and restoration of a license (68 Ill. Adm. Code 1300.50).

Iowa:

Rules of the Iowa Board of Nursing address the practice of midwifery in Iowa (655 IAC). This includes requirements for licensure as an advanced practice registered nurse with certification as a nurse-midwife (655 IAC 7.2), the scope and standards of advanced nursing practice by certified nurse-midwives (655 IAC 7.4 to 7.6), and requirements for late renewal and reactivation of a license (655 IAC 7.3). Advanced practice registered nurses practicing in Iowa are not required to enter into a collaborative agreement.

Michigan:

Rules of the Michigan Board of Nursing address the practice of midwifery in Michigan (Mich Admin Code, R 338). This includes requirements for licensure as a registered professional nurse with specialty certification as a nurse-midwife (Mich Admin Code, R 338.10203 to R 338.10205

and R 338.10404a), a definition of the practice of a nurse-midwife within the scope of practice of registered professional nursing (Mich Admin Code, R 338.10401), and requirements for late renewal and reregistration of a nurse-midwife specialty certification (Mich Admin Code, R 338.10405a). Registered professional nurses with specialty certification, including specialty certification as a nurse-midwife, practicing in Michigan are not required to enter into a collaborative agreement.

Minnesota:

Rules of the Minnesota Board of Nursing and the Minnesota Statutes address the practice of midwifery in Minnesota (Minnesota Rules, Parts 6305.0100 to 6305.0800 and 2019 Minnesota Statutes, Sections 148.171 to 148.285). This includes requirements for licensure as an advanced practice registered nurse with certification as a nurse-midwife (Minnesota Rules, Part 6305.0410), a definition of nurse-midwife practice (2019 Minnesota Statutes, Section 148.171, Subd. 10), and requirements for late registration and reregistration of a license (2019 Minnesota Statutes, Section 148.231). Advanced practice registered nurses with certification as a nurse-midwife practicing in Minnesota are not required to enter into a collaborative management agreement.

Summary of factual data and analytical methodologies:

The Board conducted a comprehensive review and update of ch. N 4 to ensure the chapter is statutorily compliant and current with professional standards and practices. This included a review of the accreditation criteria established by the Accreditation Commission for Midwifery Education and the *Standards for the Practice of Midwifery* issued by the American College of Nurse-Midwives.

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

The proposed rules were posted for a period of 14 days to solicit public comment on economic impact, including how the proposed rules may affect businesses, local government units, and individuals. No comments were received.

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 Daniel.Hereth@wisconsin.gov, or by calling (608) 267-2435.

Agency contact person:

Sofia Anderson, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, P.O. Box 8366, Madison, Wisconsin 53708-8366; telephone 608-261-4463; email at DSPSAdminRules@wisconsin.gov.

TEXT OF RULE

SECTION 1. N 4.01 (1) is amended to read:

N 4.01 (1) The rules in this chapter are adopted pursuant to authority of ss. 15.08 (5); ~~227.11 (b)~~ and 441.15 (3) (c), Stats., and interpret s. 441.15, Stats.

SECTION 2. N 4.01 (2) is renumbered N 4.01 (2) (intro.) and amended to read:

N 4.01 (2) (intro.) The intent of the board of nursing in adopting rules in this chapter; ~~interpreting s. 441.15, Stats., is to specify the requirements for obtaining licensure as a nurse-midwife; the scope of practice of nurse-midwifery; the types of facilities in which such practice may occur; and malpractice insurance requirements for nurse-midwives.~~ all of the following:

SECTION 3. N 4.01 (2) (a) to (d) are created to read:

N 4.01 (2) (a) Requirements for licensure as a nurse-midwife and renewal of a license to practice nurse-midwifery.

(b) The scope of practice of nurse-midwifery.

(c) Requirements for health care facilities where the practice of nurse-midwifery may occur.

(d) Malpractice insurance requirements for nurse-midwives.

SECTION 4. N 4.02 (2) is repealed.

SECTION 5. N 4.02 (2m) and (4) are amended to read:

N 4.02 (2m) "Collaboration" has the meaning ~~specified~~ given in s. 441.15 (1) (a), Stats.

(4) "Complications" means ~~those conditions which jeopardized~~ specified in a written agreement under s. N 4.06 (2) that jeopardize the health or life of ~~the a~~ patient and ~~which~~ deviate from normal ~~as defined in the written agreement consistent with the standards of practice of the American College of Nurse-Midwives.~~

SECTION 6. N 4.02 (5e) is created to read:

"Hardship" includes the inability to take or complete a scheduled examination because of illness, family illness or death, accident, or natural disaster.

SECTION 7. N 4.02 (6) is repealed.

SECTION 8. N 4.025 (4) is created to read:

N 4.025 (4) A license to practice nurse-midwifery shall be issued separately from a license to practice professional nursing.

SECTION 9. N 4.03 (1) to (3) are amended to read:

N 4.03 (1) Has completed an educational program in nurse-midwifery accredited by the American College of Nurse-Midwives Accreditation Commission for Midwifery Education, or another accrediting body approved by the board.

(2) Holds a certificate issued by the ~~American College of Nurse-Midwives or the American College of Nurse-Midwives Certification Council~~ American Midwifery Certification Board, or another national certifying body approved by the board.

(3) Is currently licensed in good standing to practice as a professional nurse in ~~Wisconsin, this state, or is currently licensed~~ has been issued a multistate license under the nurse licensure compact, that is current and in good standing, to practice professional nursing ~~in~~ by another state ~~which that~~ that has adopted the nurse licensure compact.

SECTION 10. N 4.04 (title) is amended to read:

N 4.04 (title) Application procedures for licensure.

SECTION 11. N 4.04 (1) (intro.) and (a) to (d) are renumbered N 4.04 (intro.) and (1m) to (4m) and amended to read:

N 4.04 (intro.) An applicant for licensure a license to practice as a ~~nurse-midwife~~ nurse-midwifery shall file a completed, ~~notarized~~ application on a form provided by the ~~bureau~~ board. The application shall include all of the following:

(1m) ~~Signature~~ The signature of the applicant.

(2m) ~~Fee~~ The fee specified under s. 440.05 (1), Stats.

(3m) Evidence of completion of an educational program in nurse-midwifery approved by the ~~American College of Nurse-Midwives and evidence of certification as a nurse-midwife from the American College of Nurse-Midwives or the American College of Nurse-Midwives Certification Council~~ Accreditation Commission for Midwifery Education, or another accrediting body approved by the board.

(4m) ~~Identification~~ Evidence of current licensure in good standing as a professional nurse in ~~Wisconsin~~ this state or of having been issued a multistate license under the nurse licensure compact, that is current and in good standing, ~~current licensure privilege~~ to practice professional nursing ~~in~~ by another state ~~which that~~ that has adopted the nurse licensure compact, including the license number and renewal information.

SECTION 12. N 4.04 (2) to (4) are repealed.

SECTION 13. N 4.04 (5) is created to read:

N 4.04 (5) Evidence of certification as a nurse-midwife from the American Midwifery Certification Board, or another national certifying body approved by the board.

SECTION 14. N 4.043 is created to read:

N 4.043 License renewal. The board shall renew a license to practice nurse-midwifery upon the applicant demonstrating completion of each of the following:

(1) Paying the renewal fee as determined by the department under s. 440.03 (9) (a), Stats., the workforce survey fee, and any applicable late renewal fee.

(2) Completing the nursing workforce survey to the satisfaction of the board.

(3) Providing evidence of current certification as a nurse-midwife by the American Midwifery Certification Board, or another national certifying body approved by the board.

(4) If applicable, providing evidence to the board that the applicant maintains in effect malpractice insurance meeting the requirements under s. N 4.10 (1).

SECTION 15. N 4.05 (1) is renumbered N 4.05 (1) (intro.) and amended to read:

N 4.05 (1) (intro.) ELIGIBILITY APPLICATION. An applicant for licensure as a nurse-midwife who has completed an educational program in nurse-midwifery approved by the American college of nurse-midwives, who is currently licensed to practice as a professional nurse in Wisconsin and who has paid the fee specified in s. 440.05 (6), Stats., a license to practice nurse-midwifery may be eligible for granted a temporary permit to practice nurse-midwifery. An application for a temporary permit to practice nurse-midwifery shall include all of the following:

SECTION 16. N 4.05 (1) (a) to (c) are created to read:

N 4.05 (1) (a) Verification the applicant has completed an educational program in nurse midwifery accredited by the Accreditation Commission for Midwifery Education, or another accrediting body approved by the board.

(b) Verification the applicant is currently licensed in good standing to practice as a professional nurse in this state, or of having been issued a multistate license under the nurse licensure compact to practice professional nursing, that is current and in good standing, by another state that has adopted the nurse licensure compact.

(c) The fee specified in s. 440.05 (1), Stats.

SECTION 17. N 4.05 (2) and (3) are amended to read:

N 4.05 (2) ISSUING A TEMPORARY PERMIT. The ~~bureau of health service professions~~ board shall issue a temporary permit to an eligible applicant within one week of the determination of eligibility.

(3) SUPERVISION REQUIRED. The holder of a temporary permit shall practice under the direct supervision of a nurse-midwife ~~certified~~ licensed under s. 441.15, Stats., or a physician. The holder may not practice beyond the scope of practice of a nurse-midwife as set forth in s. N 4.06.

SECTION 18. N 4.05 (4) is renumbered N 4.025 (3) and amended to read:

N 4.025 (3) The holder of a valid temporary permit under ~~this section~~ s. N 4.05 may use the title "graduate nurse-midwife" or the letters "G.N.M.".

SECTION 19. N 4.05 (5) is repealed and recreated to read:

N 4.05 (5) DURATION. **(a)** Except as provided under par. (b), a temporary permit is valid for a period of 6 months or until the permit holder receives notification of failing the examination required for certification under s. N 4.03 (2), whichever occurs first.

(b) If the holder of a temporary permit has also been granted a temporary permit to practice as a registered nurse under s. N 2.31, the temporary permit is valid for the period that coincides with the duration of the temporary permit under s. N 2.34 or until the permit holder receives notification of failing the examination required for certification under s. N 4.03 (2), whichever occurs first.

(c) Practice under a temporary permit, including renewals under sub. (6m), may not exceed 12 months.

SECTION 20. N 4.05 (6) is repealed.

SECTION 21. N 4.05 (6m) is created to read:

N 4.05 (6m) RENEWALS. A temporary permit may be renewed twice for a period of 3 months for each renewal. A second renewal under this subsection may only be granted if the holder of the temporary permit is awaiting examination results or an affidavit is filed with the board identifying a hardship.

SECTION 22. N 4.05 (7) (intro.), (a), and (b) are amended to read:

N 4.05 (7) (intro.) ~~REVOCATION~~ DENIAL OR REVOCATION. A temporary permit may, ~~after notice and hearing,~~ be denied or revoked by the board for any of the following reasons:

(a) Violation of any of the rules of conduct for registered nurses in ch. N 7 or for violation of the rules governing nurse-midwives under ~~ch. N 4~~ this chapter.

(b) Failure to pay ~~the required fees~~ a fee required under s. 440.05 ~~(6) (1)~~, Stats.

SECTION 23. N 4.05 (7) (d) is created to read:

N 4.05 (7) (d) Misrepresentation of being a nurse-midwife or a graduate nurse-midwife when applying for a temporary permit under this section.

SECTION 24. N 4.06 (1) to (4) are amended to read:

N 4.06 (1) The scope of practice of nurse-midwifery is the overall management of women's health care, pregnancy, childbirth, postpartum care for newborns, family planning, and gynecological services consistent with the standards of practice of the American College of Nurse-Midwives and the education, training, and experience of the nurse-midwife.

(2) ~~The~~ A nurse-midwife shall collaborate with a physician with postgraduate training in obstetrics pursuant to a written agreement with that physician.

(3) ~~The~~ A nurse-midwife shall consult with the ~~consulting~~ collaborating physician regarding any complications discovered by the nurse-midwife; or refer the patient pursuant to the written agreement under sub. (2).

(4) Upon referral under sub. (3), ~~the~~ a nurse-midwife may independently manage that part of the care ~~of the~~ for a patient which that is ~~appropriate to~~ consistent with the knowledge and skills education, training, and experience of the nurse-midwife.

SECTION 25. N 4.07 (1) and (2) are amended to read:

N 4.07 (1) ~~The~~ A nurse-midwife shall ~~may~~ not independently manage ~~those~~ complications that require referral pursuant to the written agreement under s. N 4.06 (2).

(2) ~~The~~ A nurse-midwife may not perform deliveries by forceps or Caesarean section. ~~The nurse-midwife may use vacuum extractors only in emergency delivery situations.~~

SECTION 26. N 4.07 (2m) is created to read:

N 4.07 (2m) A nurse-midwife may use vacuum extractors only in emergency delivery situations.

SECTION 27. N 4.07 (3) and (4) are amended to read:

N 4.07 (3) ~~The~~ A nurse-midwife may not assume any responsibilities, ~~either by physician delegation or otherwise, which he or she is not competent to perform by that are inconsistent with the education, training, or and experience of the nurse-midwife.~~

(4) Following notification of a physician as required by s. 441.15 (4), Stats., a nurse-midwife may continue to manage ~~the~~ a delivery ~~when complications occur~~ if emergency measures are required and the physician has not yet arrived.

SECTION 28. N 4.08 is renumbered N 4.025 and amended to read:

N 4.025 Licensure and ~~exception~~ exceptions.

(1) ~~No~~ Except as provided under subs. (2) and (3), unless licensed under this chapter, no person may practice or attempt to practice nurse-midwifery or use the title or letters "Certified Nurse-Midwife", or "C.N.M.", "Nurse-Midwife", or "N.M.", ~~or anything else~~ any other title or letters to indicate that ~~he or she~~ person is a nurse-midwife ~~unless he or she is licensed under this chapter.~~

(2) ~~Nothing in this chapter shall be construed either to prohibit or to require a license under this chapter for any~~ Any person lawfully practicing professional nursing within the scope of a license granted under ch. 441, Stats., is not required to be licensed under this chapter.

SECTION 29. N 4.10 (1) (intro.) and (2) (a) and (b) are amended to read:

N 4.10 (1) (intro.) ~~Nurse-midwives~~ A nurse-midwife shall ~~maintain~~ have in effect malpractice insurance evidenced by one of the following:

(2) (a) A nurse-midwife who practices nurse-midwifery within the scope of employment as a federal, state, county, city, village, or town employee ~~who practices nurse-midwifery within the scope of his or her employment.~~

(b) A nurse-midwife who practices nurse-midwifery as an employee of the federal public health service under 42 USC 233 (g).

SECTION 30. N 4.10 (2) (d) and (e) are created to read:

N 4.10 (2) (d) A nurse-midwife whose employer has in effect malpractice liability insurance that provides coverage for the nurse-midwife in an amount equal to or greater than the amounts specified in sub. (1) (a) or (b).

(e) A nurse-midwife providing nurse-midwifery services under s. 257.03, Stats.

SECTION 31. N 4.10 (3) and (3) (Note) are repealed.

SECTION 32. 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)

Dated _____

Agency _____
Vice Chairperson of the
Board of Nursing

**Board of Nursing
Rule Projects (Updated 11/23/21)**

Permanent Rules

Clearinghouse Rule Number	Scope #	Scope Expiration	Date Scope Requested by Board	Rules Affected	Relating Clause	Synopsis	Stage of Rule Process	Next step
21-009	134-20	4/19/2023	7/9/2020	N 1	Clinical learning experiences	Comprehensive review of N 1, which will include evaluating how effectively simulation-based clinical learning is being utilized in schools of nursing and considering other models for clinical learning that are being developed.	Adoption Order submitted for publication on 11/12/21.	Need confirmation of the publication date. As of 11/23/21, we have not received the confirmation.
21-044	162-20	6/28/2023	10/8/2020	N 2	Reciprocal credentials for service members, former service members, and their spouses	Act 143 implementation	Legislative Review. Sent on 10/14/21. Assembly jurisdiction ends on 11/29/21. Senate forwarded rule to Joint Committee on 11/22/21.	If Legislature does not object, the next step is the to adopt the rule.
20-065	047-19	11/11/2021	3/15/2019	N 4	Licensure of nurse midwives	Comprehensive review of N4 for statutory compliance and current standards. Addresses 2 items identified in the BON 2019 Biennial Report.	Adoption Order ready to be presented at the December meeting	Adoption Order to be submitted for publication.
20-069	014-20	9/30/2022	3/25/2020	N 1 to 8	Requirements in emergency situations	Comprehensive review of the Board's rules with the objective of establishing waivers and alternate requirements that the Board may utilize to respond to emergency situations.	Final rule and legislative report submitted to Governor's Office, 1/12/21.	

**Board of Nursing
Scope Statements**

Clearinghouse Rule Number	Scope #	Scope Expiration	Date Scope Requested by Board	Rules Affected	Relating Clause	Synopsis	Stage of Rule Process	Next step
			10/8/2020	N 8	APNP prescribing limitations	Review of limitations in N8 regarding APNPs prescribing certain drugs.	Scope submitted to Governor's Office, 11/24/20.	
			7/30/2020	N 8	Collaboration with other health care providers	Review of the collaboration requirements in N8 and other changes throughout the chapter.	Scope submitted to Governor's Office, 10/15/20.	
			6/11/2020	N 2	Temporary permits	Requirements for temporary permits to respond to a future emergency and may promulgate a permanent rule to allow the Board to grant a waiver of or variance to the requirements in emergency situations.	Scope submitted to Governor's Office on 10/15/20	

Emergency Rules

EMR Number	Rules Affected	Rule	Stage of Rule Process	Brief Synopsis of Rule	Stage Details	Next step
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**State of Wisconsin
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Katlin Schwartz, Bureau Assistant on behalf of Joan Gage, Program Manager		2) Date when request submitted: 11/29/2021 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: Board of Nursing			
4) Meeting Date: 12/9/2021	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Education and Examination Matters 1) WI Nurse Practice Act Content Review Process and NCSBN Course Completion Statistics	
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 <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: Joan Gage will address the Board regarding the review of the WI Nurse Practice Act Content Review Process and NCSBN Course Completion Statistics.			
11) Authorization			
Katlin Schwartz		11/29/2021	
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.			

Course Enrollments

Mandatory Filters: Course equals 'Nurse Practice Act - Wisconsin v1.0'

Filters: Is Enrolled is true, Date Enrolled is after 11/15/2020 12:00:00 AM

Report Generated: 11/15/2021 1:21:11 PM (UTC-06:00) Central Time (US & Canada)

Created By: Heather | Learning Extension Development Team (hchamberlainLX)

<u>Department</u>	<u>Progress(%)</u>	<u>Status</u>	<u>Date Enrolled</u>	<u>Date Completed</u>	<u>Is Enrolled</u>
Members	100	Complete	08/06/2021 11:09:19 AM	08/06/2021 12:00:13 PM	Yes
Public	100	Complete	04/08/2021 8:37:46 PM	04/13/2021 8:35:11 PM	Yes
Public	100	Complete	04/17/2021 12:30:27 AM	05/06/2021 10:26:01 PM	Yes
Public	0	Not Started	04/07/2021 11:43:50 AM		Yes
Public	100	Complete	04/06/2021 4:05:09 PM	04/06/2021 5:31:56 PM	Yes
Public	100	Complete	04/06/2021 8:58:07 AM	04/13/2021 6:21:11 PM	Yes
Public	100	Complete	05/03/2021 4:20:06 PM	05/03/2021 5:37:16 PM	Yes
Public	100	Complete	07/25/2021 1:54:30 PM	08/12/2021 7:51:28 AM	Yes
Public	100	Complete	04/10/2021 4:26:58 PM	04/23/2021 5:32:49 AM	Yes
Public	100	Complete	01/06/2021 4:17:45 AM	01/20/2021 1:29:31 PM	Yes
Public	100	Complete	04/02/2021 10:27:42 AM	04/02/2021 12:16:31 PM	Yes
Public	100	Complete	09/18/2021 1:59:30 PM	09/18/2021 3:12:08 PM	Yes
Public	0	In Progress	04/27/2021 4:42:52 PM		Yes
Public	0	In Progress	01/20/2021 10:38:15 PM		Yes

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

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Marcie Gossfeld, LPPA		2) Date when request submitted: 11/26/21 <small>Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting</small>	
3) Name of Board, Committee, Council, Sections: BON			
4) Meeting Date: 12/9/21	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Credentialing License Counts	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <i>(If yes, please complete Appearance Request for Non-DSPS Staff)</i> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed: <u>Act 10 License Counts:</u> APNP to date = 30 LPN to date = 6 RN to date = 91			
11) Authorization			
<i>Marcie Gossfeld</i>		<i>11/26/21</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.			

CREDENTIALS ISSUED BY MONTH

FROM: 1/1/2021 TO: 11/26/2021

		JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV		
Advanced Practice Nurse Prescriber(33)	✓ 2021	46	66	97	68	52	73	76	149	125	107	64	0	923
Licensed Practical Nurse(31)	✓ 2021	112	39	180	77	85	154	167	108	53	54	58	0	1087
Nurse - Midwife(32)	✓ 2021	2	5	1	1	1	0	2	1	5	2	1	0	21
Registered Nurse(30)	✓ 2021	508	627	470	412	306	1125	924	508	404	451	302	0	6037

**WISCONSIN DEPARTMENT OF
SAFETY AND PROFESSIONAL SERVICES
LICENSE COUNTS* AS OF 11/26/2021**
Includes Temp. Licenses/*F=Firms; I=Individuals

Entity*	Reg.	Profession	In State			Out of State			Totals		
			Active	Inactive	Total	Active	Inactive	Total	Active	Inactive	Total
I	30	Registered Nurse	94,957	52,386	147,343	15,915	59,997	75,912	110,872	112,383	223,255
I	31	Licensed Practical Nurse	13,971	33,335	47,306	1,031	9,619	10,650	15,002	42,954	57,956
I	32	Nurse - Midwife	243	89	332	41	83	124	284	172	456
I	33	Advanced Practice Nurse Prescriber	7,260	1,354	8,614	1,520	1,433	2,953	8,780	2,787	11,567

Wisconsin Department of Safety and Professional Services
License Counts
(Includes Temp. Licenses)

<i>Active = Current License / Inactive = Licensed Expired</i>											
			In State			Out of State			Totals		
Reg.	Profession	License Count Date	Active	Inactive	Total	Active	Inactive	Total	Active	Inactive	Total
30	Registered Nurse	11/26/2021	94,957	52,386	147,343	15,915	59,997	75,912	110,872	112,383	223,255
		11/4/2021	94,803	52,410	147,213	15,786	60,008	75,794	110,589	112,418	223,007
		9/29/2021	94,540	52,439	146,979	15,525	59,998	75,523	110,065	112,437	222,502
		8/25/2021	94,213	52,463	146,676	15,345	60,017	75,362	109,558	112,480	222,038
		7/23/2021	93,924	52,468	146,392	15,133	59,980	75,113	109,057	112,448	221,505
		5/21/2021	92,364	52,493	144,857	14,667	60,039	74,706	107,031	112,532	219,563
		5/5/2021	92,170	52,506	144,676	14,565	60,066	74,631	106,735	112,572	219,307
		3/24/2021	91,864	52,578	144,442	14,246	60,091	74,337	106,110	112,669	218,779
		2/26/2021	91,655	52,619	144,274	14,078	60,072	74,150	105,733	112,691	218,424
2/5/2021	91,329	52,672	144,001	13,940	60,092	74,032	105,269	112,764	218,033		
Reg.	Profession	License Count Date	Active	Inactive	Total	Active	Inactive	Total	Active	Inactive	Total
31	Licensed Practical Nurse	11/26/2021	13,971	33,335	47,306	1,031	9,619	10,650	15,002	42,954	57,956
		11/4/2021	13,937	33,340	47,277	1,015	9,620	10,635	14,952	42,960	57,912
		9/29/2021	13,879	33,355	47,234	999	9,615	10,614	14,878	42,970	57,848
		8/25/2021	13,813	33,359	47,172	979	9,618	10,597	14,792	42,977	57,769
		7/23/2021	13,724	33,367	47,091	963	9,609	10,572	14,687	42,976	57,663
		5/21/2021	13,425	33,376	46,801	931	9,610	10,541	14,356	42,986	57,342
		5/5/2021	13,384	33,372	46,756	925	9,615	10,540	14,309	42,987	57,296
		3/24/2021	13,292	33,393	46,685	886	9,614	10,500	14,178	43,007	57,185
		2/26/2021	13,176	33,407	46,583	850	9,611	10,461	14,026	43,018	57,044
2/5/2021	13,146	33,413	46,559	840	9,611	10,451	13,986	43,024	57,010		

Reg.	Profession	License Count Date	In State			Out of State			Totals		
			Active	Inactive	Total	Active	Inactive	Total	Active	Inactive	Total
32	Nurse - Midwife	11/26/2021	243	89	332	41	83	124	284	172	456
		11/4/2021	242	89	331	41	83	124	283	172	455
		9/29/2021	239	89	328	41	83	124	280	172	452
		8/25/2021	234	89	323	41	83	124	275	172	447
		7/23/2021	233	89	322	41	83	124	274	172	446
		5/21/2021	233	89	322	40	83	123	273	172	445
		5/5/2021	233	89	322	39	83	122	272	172	444
		3/24/2021	233	89	322	38	83	121	271	172	443
		2/26/2021	234	89	323	35	84	119	269	173	442
		2/5/2021	231	89	320	33	84	117	264	173	437
Reg.	Profession	License Count Date	Active	Inactive	Total	Active	Inactive	Total	Active	Inactive	Total
33	Advanced Practice Nurse Prescriber	11/26/2021	7,260	1,354	8,614	1,520	1,433	2,953	8,780	2,787	11,567
		11/4/2021	7,227	1,356	8,583	1,500	1,434	2,934	8,727	2,790	11,517
		9/29/2021	7,136	1,358	8,494	1,452	1,440	2,892	8,588	2,798	11,386
		8/25/2021	7,041	1,362	8,403	1,399	1,445	2,844	8,440	2,807	11,247
		7/23/2021	6,939	1,370	8,309	1,349	1,446	2,795	8,288	2,816	11,104
		5/21/2021	6,846	1,378	8,224	1,283	1,455	2,738	8,129	2,833	10,962
		5/5/2021	6,822	1,384	8,206	1,263	1,458	2,721	8,085	2,842	10,927
		3/24/2021	6,765	1,390	8,155	1,205	1,468	2,673	7,970	2,858	10,828
		2/26/2021	6,725	1,398	8,123	1,155	1,477	2,632	7,880	2,875	10,755
		2/5/2021	6,695	1,404	8,099	1,127	1,482	2,609	7,822	2,886	10,708

Nursing Licenses Issued Pursuant to Emergency Order 2/Act 10:

Profession	1/2021	2/2021	3/2021	4/2021	5/2021	6/2021	7/2021	8/2021	10/2021	11/2021
Registered Nurse	41	27	19	20	4	10	6	10	68	91
Licensed Practical Nurse	5	1	-	1	3	-	2	-	6	6
Nurse Midwife	-	-	-	-	-	-	-	-	-	-
Advanced Practice Nurse Prescriber	18	13	10	24	12	10	4	1	24	30

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

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Kimberly Wood, Program Assistant Supervisor-Adv.		2) Date when request submitted: 11/29/2021 <small>Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting</small>	
3) Name of Board, Committee, Council, Sections: Board of Nursing			
4) Meeting Date: 12/9/2021	5) Attachments: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	6) How should the item be titled on the agenda page? Newsletter Matters	
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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No	9) Name of Case Advisor(s), if applicable: N/A	
10) Describe the issue and action that should be addressed: <u>Future Planning (January 2022 Newsletter):</u> The Board's the next newsletter will be due out in January 2022 with a deadline for article submission on December 23, 2021. The newsletter deadline reminder will be sent to article authors on December 17, 2021. The Board should discuss topics for the January Newsletter including those below. Articles/Ideas: <ul style="list-style-type: none"> • Newsletter Title Change: Wisconsin Nursing Today • Chair's Corner – By Peter Kallio • Rotating Articles on Professional Nursing Roles – Janice Edelstein • New Member Introduction Article/Photo – Paul Hinkfuss • NCSBN Resource Links (Wood) <ul style="list-style-type: none"> ○ Tip of the Week ○ Nurse Licensure Compact • RN Renewal Reminder (Wood) 			
11) Authorization			
<i>Kimberly Wood</i>		11/29/2021	
Signature of person making this request		Date	
Supervisor (Only required for post agenda deadline items)		Date	
Executive Director signature (Indicates approval for post agenda deadline items)		Date	
Directions for including supporting documents: 1. This form should be saved with any other documents submitted to the Agenda Items folders. 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
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Brad Wojciechowski		2) Date when request submitted: November 29, 2021 <small>Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting</small>	
3) Name of Board, Committee, Council, Sections: Board of Nursing			
4) Meeting Date: December 9, 2021	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? COVID-19 – Discussion and Consideration 1) NCSBN – Policy Statement: Dissimination of Non-scientific and Misleading COVID-19 Information by Nurses	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <i>(If yes, please complete Appearance Request for Non-DSPS Staff)</i> <input type="checkbox"/> Yes <Appearance Name(s)> <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if applicable: <Click Here to Add Case Advisor Name or N/A>	
10) Describe the issue and action that should be addressed: Board discussion and consideration of policy statement			
11) Authorization			
 Signature of person making this request		November 29, 2021 Date	
Supervisor (Only required for post agenda deadline items)		Date	
Executive Director signature (Indicates approval for post agenda deadline items)		Date	
Directions for including supporting documents: 1. This form should be saved with any other documents submitted to the Agenda Items folders. 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.			

Nov. 16, 2021

Policy Statement: Dissemination of Non-scientific and Misleading COVID-19 Information by Nurses

Purpose

To address the misinformation being disseminated about COVID-19 by nurses.

For the purposes of this statement, misinformation is defined as distorted facts, inaccurate or misleading information not grounded in the peer-reviewed scientific literature and counter to information being disseminated by the Centers for Disease Control and Prevention (CDC) and the Food and Drug Administration (FDA).

Statement

Nurses are expected to be “prepared to practice from an evidence base; promote safe, quality patient care; use clinical/critical reasoning to address simple to complex situations; assume accountability for one’s own and delegated nursing care” (AACN, 2021).

SARS-CoV-2 is a potentially deadly virus. Providing misinformation to the public regarding masking, vaccines, medications and/or COVID-19 threatens public health. Misinformation, which is not grounded in science and is not supported by the CDC and FDA, can lead to illness, possibly death, and may prolong the pandemic. It is an expectation of the U.S. boards of nursing, the profession, and the public that nurses uphold the truth, the principles of the *Code of Ethics for Nurses* (ANA, 2015) and highest scientific standards when disseminating information about COVID-19 or any other health-related condition or situation.

When identifying themselves by their profession, nurses are professionally accountable for the information they provide to the public. Any nurse who violates their state nurse practice act or threatens the health and safety of the public through the dissemination of misleading or incorrect information pertaining to COVID-19, vaccines and associated treatment through verbal or written methods including social media may be disciplined by their board of nursing. Nurses are urged to recognize that dissemination of misinformation not only jeopardizes the health and well-being of the public, but may place their license and career in jeopardy as well.

References

American Association of Colleges of Nursing (AACN). (2021). The Essentials: core competencies for professional nursing education. Retrieved from <https://www.aacnnursing.org/Portals/42/AcademicNursing/pdf/Essentials-2021.pdf>

American Nurses Association. (2015). *Code of Ethics for Nurses*. Retrieved November 10, 2021, from <https://www.nursingworld.org/practice-policy/nursing-excellence/ethics/code-of-ethics-for-nurses/>

Endorsements

National Council of State Boards of Nursing (NCSBN)

Accreditation Commission for Education in Nursing (ACEN)

American Association of Colleges of Nursing (AACN)

American Nurses Association (ANA)

American Organization for Nursing Leadership (AONL)

National League for Nursing (NLN)

NLN Commission for Nursing Education Accreditation (CNEA)

National Student Nurses’ Association (NSNA)

Organization for Associate Degree Nursing (OADN)