LEGISLATION AND RULES COMMITTEE
BOARD OF NURSING

Room 121A, 1400 East Washington Avenue, Madison WI
Contact: Sharon Henes (608) 266-2112
February 8, 2018

Notice: The following agenda describes the issues that the Committee 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 the actions and deliberations of the Committee. A quorum of the Board may be present during the committee meeting.

8:00 A.M.

AGENDA

CALL TO ORDER – ROLL CALL – OPEN SESSION

A. Approval of Agenda (1)

B. Legislation and Administrative Rules Matters – Discussion and Consideration (2-7)
   1) N 2 and 9 Relating to Nurse Licensure Compact
   2) Update on Legislation and Pending and Possible Rulemaking Projects

C. Public Comments

ADJOURNMENT

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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 1400 East Washington Avenue, 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. Interpreters for the hearing impaired provided upon request by contacting the Affirmative Action Officer, 608-266-2112.
State of Wisconsin
department of Safety & Professional Services

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request:
Sharon Henes
Administrative Rules Coordinator

2) Date When Request Submitted:
30 January 2018

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:
Board of Nursing Legislation and Rules Committee

4) Meeting Date:
8 February 2018

5) Attachments:
Yes
No

6) How should the item be titled on the agenda page?
Legislation and Rule Matters – Discussion and Consideration
1. N 2 and 9 Relating to Nurse Licensure Compact
2. Update on Legislation and Pending and Possible Rulemaking Projects

7) Place Item in:
☑ Open Session
☐ Closed Session
☐ Both

8) Is an appearance before the Board being scheduled?
Yes (Fill out Board Appearance Request)
No

9) Name of Case Advisor(s), if required:

10) Describe the issue and action that should be addressed:

11) Authorization

Sharon Henes
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.
Chapter N 2

LICENSURE

Subchapter I — Authority; Definitions

N 2.01 Authority.
N 2.02 Definitions.

Subchapter II — Licensure By Examination

N 2.10 Qualifications for licensure. (1) REGISTERED NURSE APPLICANTS. An applicant is eligible for licensure as a registered nurse if the applicant complies with all of the following requirements:
(a) Graduates from a high school or its equivalent.
(b) Does not have an arrest or conviction record, subject to ss. 111.321, 111.322 and 111.335, Stats.
(c) Graduates from any of the following:
1. A board–approved school of professional nursing.
2. A comparable school of professional nursing.
(d) In lieu of meeting the requirement in par. (c), evidence of general and professional educational qualifications comparable to those required in this state at the time of graduation.
(e) Passes the NCLEX.

(2) LICENSED PRACTICAL NURSE APPLICANTS. An applicant is eligible for licensure if the applicant meets all of the following requirements:
(a) Completed two years of high school or its equivalent.
(b) Is 18 years or older.
(c) Does not have an arrest or conviction record, subject to ss. 111.321, 111.322 and 111.335.
(d) Graduates from any of the following:
1. A board–approved school of practical nursing.
2. A comparable school of practical nursing.
(e) In lieu of meeting the requirement in par. (d), evidence of general and professional educational qualifications comparable to those required in this state at the time of graduation.
(f) Passes the NCLEX.

History: Cr. Register, March, 1984, No. 339, eff. 4–1–84; am. (2), Register May, 1990, No. 419, eff. 5–1–90; correction in (1) made under s. 13.93 (2m) (b) 7., Stats., Register, May, 1990, No. 413, eff. 6–1–90. CR 14–002; r. and recr. Register July 2014 No. 703, eff. 8–1–14.

N 2.11 Application procedure for applicants from board–approved schools. (1) Each applicant from a board–approved school shall complete and submit an application by the electronic application process or on forms provided by the department and shall pay the fee.
(2) The educational administrator or designee for a school of professional nursing or practical nursing shall submit any of the following:
(a) Via the electronic application process a verification that the applicant has graduated or received a certificate of completion.
(b) A certification of graduation or completion to the department.
(3) (a) The examination accepted by the board is the NCLEX.
(b) The board shall notify the applicant of eligibility for admission to the NCLEX once it receives verification of any of the following:
1. Certificate of approval.
2. Graduation.
4. The applicant shall contact the examination provider to schedule the NCLEX date and time within one year from the time the notice of eligibility is received by the applicant.
5. The board shall send notification of results to applicants who fail to earn a passing score on the NCLEX. An applicant may apply to the board for authorization to schedule reexamination. The reexamination may not occur earlier than 45 days after the most recent sitting for the NCLEX.

(4) An applicant who has a pending criminal charge or has been convicted of any crime or ordinance violation shall provide the board all related information necessary for the board to determine whether the circumstances of the arrest or conviction or other offense substantially relate to the practice of nursing.

(5) An applicant who has committed any act, which would be subject to discipline under ch. N 7, shall provide the board with all related information regarding the act necessary for the board to make a determination on the application for licensure.

Subchapter III — Licensure by Endorsement

N 2.20 Endorsement of an applicant from a nurse licensure compact state. (1) A current license from a state which has adopted the nurse licensure compact under s. 441.50, Stats., is considered to have met educational and other qualifications comparable to those required in this state.

(2) An applicant from a nurse licensure compact state shall file a completed application, declare Wisconsin as the primary state of residence, and pay the applicable fee.

(3) An applicant who has a pending criminal charge or has been convicted of any crime or ordinance violation shall provide the board with all related information necessary for the board to determine whether the circumstances of the arrest or conviction or other offense substantially relates to the practice of nursing.

(4) An applicant who has committed any act, which would be subject to discipline under ch. N 7, shall provide the board with all related information regarding the act necessary for the board to make a determination on the application for licensure.

(5) An applicant who has a nursing license encumbered by adverse action shall provide the board with all related information necessary to determine whether the board deems the action taken to warrant a denial in Wisconsin. Any license issued to an applicant with an encumbered nursing license elsewhere shall be a single state license to practice in the state of Wisconsin.

N 2.21 Endorsement of an applicant from another U.S. state, territory or Canada. (1) (a) A license from a U.S. state that has not adopted the nurse licensure compact under s. 441.50, Stats., a U.S. territory or Canada is considered to have met educational and other qualifications comparable to those required in this state provided the requirements of the initial license included all of the following:
1. Graduation from a school approved by the board in the jurisdiction of initial licensure or had education the board in the jurisdiction of initial licensure deemed to be comparable to a school that board approves.
2. Passage of the NCLEX.

(b) An applicant, whose initial license from another U.S. state, territory or Canada does not meet the requirements in par. (a), shall submit all of the following to the board to assist the board in determining whether the qualifications are comparable:
1. Evidence of educational qualifications.
2. Evidence of passing the NCLEX or other nursing licensure examination.

(2) An applicant shall submit a completed application and pay the applicable fee. The application shall include the following:
(a) Verification of licensure from the state, territory or province in which the original license by examination was issued and the state, territory or province in which the current, active license was issued.
(b) Documentation of employment history.
(c) An applicant who has a pending criminal charge or has been convicted of any crime or ordinance violation shall provide the board with all related information necessary for the board to determine whether the circumstances of the arrest or conviction or other offense substantially relate to the practice of nursing.
(d) An applicant who has a pending criminal charge or has been convicted of any crime or ordinance violation shall provide the board with all related information necessary...
A holder of a temporary permit shall practice only under the direct supervision of a registered nurse.

An applicant who has been terminated from any employment related to nursing shall provide the board with all related information necessary to determine current competency.

(f) An applicant who has committed any act, which would be subject to discipline under ch. N 7, shall provide the board with all related information regarding the act necessary for the board to make a determination on the application for licensure.

An applicant who does not have current nursing education or been employed in a position that requires a nursing license within the last 5 years may apply to the board for a limited license to enable the applicant to complete a nursing refresher course approved by the board. Upon successful completion of an approved nursing refresher course, the license holder may petition the board for full licensure.

Subchapter IV — Temporary Permits

N 2.30 Definitions. In this subchapter:

(1) “G.N.” means graduate nurse.
(2) “G.P.N.” means graduate practical nurse.

N 2.31 Application. A nurse who has graduated from a board-approved school or comparable school or granted a certificate of completion by a board-approved school may be granted a temporary permit. An applicant shall submit a completed application and pay the applicable fee. The application shall include any of the following:

(1) Verification from a board-approved school via the electronic application process that the applicant has graduated or received a certificate of completion.
(2) A certification of graduation or completion from a board-approved school.
(3) An official transcript of nursing education submitted by the department.

N 2.32 Title. (1) A registered nurse applicant for licensure by examination who is granted a temporary permit may use the title “graduate nurse” or the letters “G.N.”
(2) A practical nurse applicant for licensure by examination who is granted a temporary permit may use the title “graduate practical nurse” or the letters “G.P.N.”
(3) A registered nurse or practical nurse for licensure by endorsement who is granted a temporary permit may use the title “registered nurse” or “licensed practical nurse.”

N 2.33 Supervision. (1) Except as provided in sub. (2), the holder of a temporary permit shall practice only under the direct supervision of a registered nurse.
(2) A holder of a temporary permit who is currently licensed as a registered nurse or practical nurse in another jurisdiction may practice without the direct supervision of a registered nurse.

N 2.34 Duration. The temporary permit is valid for a period of 3 months or until the holder receives notification of failing the NCLEX, whichever occurs first. Practice under temporary permits, including renewals under s. N 2.35, may not exceed 6 months total duration.

N 2.35 Renewal. (1) A temporary permit for a registered nurse or practical nurse may be renewed once by completing an approved nursing refresher course and paying the applicable fee. The application shall include any of the following:

(a) Pay the renewal fee as determined by the department under s. 440.03 (9) (a), Stats., and any applicable late renewal fee.
(b) Pay a nursing workforce survey fee.
(c) Complete the nursing workforce survey to the satisfaction of the board.
(d) Complete the nursing workforce survey to the satisfaction of the board.
(e) Complete the nursing workforce survey to the satisfaction of the board.
(f) Complete the nursing workforce survey to the satisfaction of the board.

N 2.40 Renewal. (1) General. A person with an expired credential may not reapply for a credential using the initial application process.
(2) Renewal within 5 years. A person renewing the credential within 5 years shall do all of the following:

(a) Pay the renewal fee as determined by the department under s. 440.03 (9) (a), Stats., and any applicable late renewal fee.
(b) Pay a nursing workforce survey fee.
(c) Complete the nursing workforce survey to the satisfaction of the board.
(d) Complete the nursing workforce survey to the satisfaction of the board.
(e) Complete the nursing workforce survey to the satisfaction of the board.
(f) Complete the nursing workforce survey to the satisfaction of the board.
(g) Complete the nursing workforce survey to the satisfaction of the board.
(h) Complete the nursing workforce survey to the satisfaction of the board.

N 2.41 Reinstatement. A credential holder who has unmet disciplinary requirements and failed to renew the credential within 5 years or whose credential has been surrendered or revoked may apply to have the credential reinstated in accordance with all of the following:

(1) Evidence of completion of the requirements in s. N 2.40 (3) if the license has not been active within 5 years.
(2) Evidence of completion of the disciplinary requirements, if applicable.
(3) Evidence of rehabilitation or change in circumstances warranting reinstatement.
(4) A revoked license may not be reinstated earlier than one year following revocation. This subsection does not apply to a license that is revoked under s. 440.12, Stats.
Chapter N 9

NURSE LICENSURE COMPACT

N 9.01 Definitions of terms. (1) For the purpose of the compact under s. 441.50, Stats.:

(a) “Board” means a party state’s regulatory body responsible for issuing nurse licenses.

(b) “Information system” means the coordinated licensure information system.

(c) “Primary state of residence” means the state of a person’s declared fixed permanent and principal home for legal purposes; domicile.

(d) “Public” means any individual or entity other than designated staff or representatives of party state boards or the National Council of State Boards of Nursing, Inc.

(2) Other terms used in this chapter are to be defined as in s. 441.50 (2), Stats.

History: CR 13–098; cr. Register July 2014 No. 703, eff. 8–1–14.

N 9.02 Issuance of a license by a compact party state. For the purposes of this compact under s. 441.50, Stats.:

(1) As of July 1, 2005, no applicant for initial licensure will be issued a compact license granting a multi−state privilege to practice unless the applicant first obtains a passing score on the applicable NCLEX examination or any predecessor examination used for licensure.

(2) A nurse applying for a license in a home party state shall produce evidence of the nurse’s primary state of residence. Such evidence shall include a declaration signed by the licensee. Further evidence that may be requested may include, but is not limited to:

(a) Driver’s license with a home address.

(b) Voter registration card displaying a home address.

(c) Federal income tax return declaring the primary state of residence.

(d) Military form no. 2058 — state of legal residence certificate.

(e) W−2 from U.S. government or any bureau, division or agency thereof indicating the declared state of residence.

(3) A nurse on a visa from another country applying for licensure in a party state may declare either the country of origin or the party state as the primary state of residence. If the foreign country is declared the primary state of residence, a single state license will be issued by the party state.

(4) A license issued by a party state is valid for practice in all other party states unless clearly designated as valid only in the state which issued the license.

(5) When a party state issues a license authorizing practice only in that state and not authorizing practice in other party states (i.e. a single state license), the license shall be clearly marked with words indicating that it is valid only in the state of issuance.

(6) A nurse changing primary state of residence, from one party state to another party state, may continue to practice under the former home state license and multi−state licensure privilege during the processing of the nurse’s licensure application in the new home state for a period not to exceed 90 days.

(7) The licensure application in the new home state of a nurse under pending investigation by the former home state shall be held in abeyance and the 90 day period in sub. (6) shall be stayed until resolution of the pending investigation.

(8) The former home state license shall no longer be valid upon the issuance of a new home state license.

(9) If a decision is made by the new home state denying licensure, the new home state shall notify the former home state within 10 business days and the former home state may take action in accordance with that state’s laws and rules.

History: CR 13–098; cr. Register July 2014 No. 703, eff. 8–1–14; correction in (7) made under s. 35.17, Stats.; Register July 2014 No. 703.

N 9.03 Limitations on multi−state licensure privileges — Discipline. (1) Home state boards shall include, in all disciplinary orders or agreements which limit practice or require monitoring, the requirement that the licensee is subject to in the order or agreement, the requirement that the licensee will limit the licensee’s practice to the home state during the pendency of the order or agreement. This requirement may, in the alternative, allow the nurse to practice in other party states with prior written authorization from both the home state and such other party state boards.

(2) An individual who had a license which was surrendered, revoked, or suspended, or who had an application denied for cause in a prior state of primary residence, may be issued a single state license in a new primary state of residence until such time as the individual would be eligible for an unrestricted license by the prior state(s) of adverse action. Once eligible for licensure in the prior state(s), a multistate license may be issued.

History: CR 13–098; cr. Register July 2014 No. 703, eff. 8–1–14.

N 9.04 Information system. (1) Levels of access as follows:

(a) The public shall have access to nurse licensure information limited to:

1. The nurse’s name.
2. Jurisdiction(s) of licensure.
3. License expiration date.
4. Licensure classification and status.
5. Public emergency and final disciplinary actions, as defined by contributing state authority.
6. The status of multi−state licensure privileges.

(b) Non−party state boards shall have access to all information system data except current significant investigative information and other information as limited by the contributing state authority.

(c) Party state boards shall have access to all information system data contributed by the party states and other information as limited by the contributing non−party state authority.

(2) The licensee may request in writing to the home state board to review the data relating to the licensee in the information system. In the event a licensee asserts that any data relating to him or her is inaccurate, the burden of proof shall be upon the licensee to provide evidence that substantiates such claim. The board shall verify and within 10 business days correct inaccurate data to the information system.

(3) The board shall report to the information system within 10 business days the following:
(a) Disciplinary action, agreement, or order requiring participation in alternative programs or which limit practice or require monitoring, except agreements and orders relating to participation in alternative programs required to remain nonpublic by contributing state authority.

(b) Dismissal of complaint.

(c) Changes in status of disciplinary action, or licensure encumbrance.

(4) Current significant investigative information shall be deleted from the information system within 10 business days upon report of disciplinary action, agreement, or order requiring participation in alternative programs or agreements which limit practice or require monitoring or dismissal of a complaint.

(5) Changes to licensure information in the information system shall be completed with 10 business days upon notification by a board.

History: CR 13−098; cr. Register July 2014 No. 703, eff. 8−1−14.