



**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

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: <input type="checkbox"/> Yes <input type="checkbox"/> 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: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes (Fill out Board Appearance Request) <input type="checkbox"/> No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed:			
11) Authorization			
<i>Sharon Henes</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.			

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.
N 2.11 Application procedure for applicants from board-approved schools.
N 2.12 Application procedure for applicants from comparable schools.

Subchapter III — Licensure by Endorsement

- N 2.20 Endorsement of an applicant from a nurse licensure compact state.
N 2.21 Endorsement of an applicant from another U.S. state, territory or Canada.

Subchapter IV — Temporary Permits

- N 2.30 Definitions.
N 2.31 Application.
N 2.32 Title.
N 2.33 Supervision.
N 2.34 Duration.
N 2.35 Renewal.
N 2.36 Denial or revocation.

Subchapter V — Renewal

- N 2.40 Renewal.
N 2.41 Reinstatement.

Note: Chapter N 4 as it existed on July 31, 1981 was repealed and a new chapter N 4 was created effective August 1, 1981. Chapter N 4 as it existed on March 31, 1984 was repealed and a new chapter N 2 was created effective April 1, 1984. Chapter N 2 as it existed on July 31, 2014 was repealed and a new chapter N 2 was created effective August 1, 2014.

Subchapter I — Authority; Definitions

N 2.01 Authority. (1) This chapter is adopted pursuant to authority of ss. 15.08, 227.11, and 441.01 (3), Stats.

History: Cr. Register, March, 1984, No. 339, eff. 4-1-84; am. (2), Register, May, 1990, No. 413, 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 2.02 Definitions. As used in this chapter:

- (1) “Board” means board of nursing.
(2) “Board-approved school” means any of the following:
(a) A school in Wisconsin which has been approved by the board or the board has granted authorization to admit students under ch. N 1.
(b) A school which participates in the electronic application process.
(3) “Certificate of approval” means the verification from a school of nursing that the applicant has been approved to take the NCLEX prior to receiving a diploma in practical nursing or professional nursing.
(4) “Certificate of completion” means the verification from a school of nursing that the applicant has completed the portion of the program equivalent to a diploma in practical nursing or professional nursing.
(5) “Comparable school” means any of the following:
(a) A school holding nursing accreditation by a board-recognized nursing accreditation organization.
(b) A school located in the United States approved by the board of nursing for that jurisdiction.
(c) A school located in a U.S. territory or a province of Canada which is approved by the board of nursing for that jurisdiction and meets the standards of the Wisconsin board of nursing.
(6) “Department” means the department of safety and professional services.
(7) “Direct supervision” means immediate availability to coordinate, direct and inspect the practice of another.
(8) “LPN” means licensed practical nurse.
(9) “NCLEX” means national council licensure examination
(10) “RN” means registered nurse.

History: Cr. Register, March, 1984, No. 339, eff. 4-1-84; renum. (1), (2), (4) to (6) to be (2), (1), (5), (6) and (4) and am. (2), (4) and (5) am. (3), Register, May, 1990, No. 413, eff. 6-1-90; CR 01-049: am. (2), cr. (5m), Register October 2001 No. 550, eff. 11-1-01; correction in (3) made under s. 13.92 (4) (b) 6., Stats., Register November 2011 No. 671; CR 14-002: r. and recr. Register July 2014 No. 703, eff. 8-1-14.

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 14-002: cr. Register July 2014 No. 703, eff. 8-1-14; correction in (2) (intro.) made under s. 35.17, Stats., Register July 2014 No. 703.

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.
3. Certificate of completion.

(c) 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.

(d) 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.

History: CR 14-002: cr. Register July 2014 No. 703, eff. 8-1-14; correction to (3) (title) and renumbering (3) made under s. 13.92 (4) (b) 1. and 2., Stats., Register July 2014 No. 703.

N 2.12 Application procedure for applicants from comparable schools. (1) Each applicant from a comparable school shall complete and submit an application on forms provided by the department.

(2) The school of professional nursing or practical nursing shall forward directly to the department, official transcripts of nursing education for applicants who graduated from the school. If the applicant graduated from a school of professional nursing or practical nursing from a U.S. territory or outside the United States, the applicant shall submit any of the following:

(a) For a professional nursing applicant, a valid certificate issued by the commission on graduates of foreign nursing schools or another board-approved entity which evaluates education.

(b) For a practical nursing applicant, a credential evaluation service academic report and demonstration of passing a board accepted language proficiency exam.

(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.

(c) 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.

(d) 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.

History: CR 14-002: cr. Register July 2014 No. 703, eff. 8-1-14; correction to (3) (title) and renumbering (3) made under s. 13.92 (4) (b) 1. and 2., Stats., Register July 2014 No. 703.

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.

History: CR 14-002: cr. Register July 2014 No. 703, eff. 8-1-14.

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 license encumbered by adverse action shall provide the board will all related information neces-

sary to determine whether the board deems the action taken to warrant a denial in Wisconsin.

(e) 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.

(3) 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.

History: CR 14-002: cr. Register July 2014 No. 703, eff. 8-1-14.

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.

History: CR 14-002: cr. Register July 2014 No. 703, eff. 8-1-14.

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 school of professional nursing or practical nursing directly to the department.

History: CR 14-002: cr. Register July 2014 No. 703, eff. 8-1-14.

N 2.32 Title. (1) A registered nurse applicant for licensure by exam 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 exam 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.”

History: CR 14-002: cr. Register July 2014 No. 703, eff. 8-1-14.

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.

History: CR 14-002: cr. Register July 2014 No. 703, eff. 8-1-14.

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.

History: CR 14-002: cr. Register July 2014 No. 703, eff. 8-1-14.

N 2.35 Renewal. (1) A temporary permit for a registered nurse or practical nurse may be renewed once by completing an

application, completing a nursing workforce survey and payment of applicable fees.

(2) Subsequent renewals may be granted in hardship cases including illness, family illness or death, accident, natural disaster or delay of verification from another state. The board shall consider each application for renewal under this subsection individually on its merits, and the board may grant a renewal as deemed appropriate.

History: CR 14-002: cr. Register July 2014 No. 703, eff. 8-1-14.

N 2.36 Denial or revocation. A temporary permit may be denied or revoked for the following:

(1) Providing fraudulent information on an application for licensure.

(2) Misrepresentation of being an R.N., G.N., L.P.N. or G.P.N. without holding a valid temporary permit.

(3) Violation of any of the rules of conduct set forth in ch. N 7.

History: CR 14-002: cr. Register July 2014 No. 703, eff. 8-1-14.

Subchapter V — Renewal

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.

(3) RENEWAL AFTER 5 YEARS. This subsection does not apply to credential holders who have unmet disciplinary requirements or whose credential has been surrendered or revoked. A person renewing the credential after 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 the late renewal fee.

(b) Pay a nursing workforce survey fee.

(c) Complete the nursing workforce survey to the satisfaction of the board.

(d) Meet one of the following requirements:

1. Documentation of employment requiring a nursing license within the last five years.

2. Completion of a board approved nursing refresher course or education equivalent to a nursing refresher course. A nursing refresher course requires a limited license for the purpose of completing the clinical component of the course.

Note: The licensee may request the Board grant a limited license for the sole purpose of completing a nurse refresher course.

History: CR 15-099: cr. Register August 2016 No. 728, eff. 9-1-16.

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.

History: CR 15-099: cr. Register August 2016 No. 728, eff. 9-1-16.

Chapter N 9

NURSE LICENSURE COMPACT

N 9.01 Definitions of terms.

N 9.02 Issuance of a license by a compact party state.

N 9.03 Limitations on multi-state licensure privileges — Discipline.

N 9.04 Information system.

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 party 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.