



**TELECONFERENCE/VIRTUAL
BOARD OF NURSING
Room N208, 4822 Madison Yards Way, 2nd Floor, Madison
Contact: Valerie Payne (608) 266-2112
May 14, 2020**

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 April 9, 2020 (6-11)

C. Introductions, Announcements and Recognition

- 1) Christian Saldivar Frias – Public Member (Replaces: Lillian Nolan)

D. Administrative Matters

- 1) Department, Staff and Board Updates
- 2) Board Members – Term Expiration Dates
 - a. Rosemary P. Dolatowski – 7/1/2022
 - b. Jennifer L. Eklof – 7/1/2021
 - c. Elizabeth Smith Houskamp – 7/1/2020
 - d. Peter J. Kallio – 7/1/2022
 - e. Lisa D. Pisney – 7/1/2023
 - f. Luann Skarlupka – 7/1/2021
 - g. Pamela K. White – 7/1/2019
 - h. Emily Zentz – 7/1/2023
 - i. Christian Saldivar Frias – 7/1/2023

E. Utilization of Social Media – Discussion and Consideration

F. Education and Examination Matters – Discussion and Consideration

- 1) Wisconsin Nurse Practice Act Course – Update and Action as Deemed Necessary

G. Report and Action Resulting from the Legislation and Rules Committee – Discussion and Consideration

- 1) 2019 Wisconsin Act 185
- 2) Emergency Order 16: DSPS Credentialing Health Care Providers
- 3) Emergency Order: 28: Safer at Home
- 4) Proposals for N 1 to 8, Relating to Requirements in Emergency Situations

- H. Credentialing Matters – Discussion and Consideration**
 - 1) Nurse Licensure Renewal Process and Nurse Workforce Survey – Action as Deemed Necessary
- I. Division of Legal Services and Compliance Matters – Discussion and Consideration**
 - 1) Review of Monitoring Practices
- J. Legislative and Policy Matters – Discussion and Consideration
- K. Administrative Rule Matters – Discussion and Consideration (12-21)**
 - 1) Adoption Order: CR 19-140 (N 2), Relating to Licensure
 - 2) Pending or Possible Rulemaking Projects
- L. Practice Matters – Discussion and Consideration (22)**
 - 1) Licensee Request for Scope of Practice Statement
- M. Newsletter Review – Discussion and Consideration**
- N. Nurse Licensure Compact Update – Discussion and Consideration
- O. Board of Nursing Liaison Reports – Discussion and Consideration
- P. 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, or Public Relation Requests, and Reports
- Q. 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.).

R. Credentialing Matters – Discussion and Consideration

1) Application Reviews

- a. Lisa Hawkins, Registered Nurse Renewal Applicant **(23-60)**
- b. Jennifer Szpizar, Registered Nurse Renewal Applicant **(61-104)**

S. Deliberation on Division of Legal Services and Compliance Matters

1) Administrative Warnings

- a. 18 NUR 441 – R.R.C. **(105-106)**
- b. 18 NUR 525 – A.F.H. **(107-108)**
- c. 18 NUR 525 – D.E.G. **(109-110)**
- d. 19 NUR 549 – S.J.B. **(111-112)**
- e. 19 NUR 641 – V.E.S. **(113-114)**
- f. 19 NUR 707 – K.J.C. **(115-116)**

2) Case Closings

- a. 17 NUR 498 and 18 NUR 646 – V.M.W. **(117-126)**
- b. 17 NUR 717 and 18 NUR 583 – R.E.V. **(127-132)**
- c. 18 NUR 152 – A.J.M. **(133-137)**
- d. 18 NUR 285 and 18 NUR 286 – K.B. **(138-144)**
- e. 18 NUR 345 – R.C.B. **(145-148)**
- f. 18 NUR 348 – Unknown **(149-151)**
- g. 18 NUR 349 – A.Y. **(152-155)**
- h. 18 NUR 364 – C.T.W. **(156-158)**
- i. 18 NUR 370 – J.A.F. **(159-163)**
- j. 18 NUR 381 – D.L.P. **(164-171)**
- k. 18 NUR 484 – S.P. **(172-175)**
- l. 18 NUR 485 – H.E.O. **(176-184)**
- m. 18 NUR 496 – T.S.Y. **(185-187)**
- n. 18 NUR 527 – S.A. **(188-190)**
- o. 18 NUR 531 – J.K.D. **(191-193)**
- p. 18 NUR 543 – M.A.C. **(194-198)**
- q. 18 NUR 649, 18 NUR 766, and 19 NUR 037 – A.W. **(199-202)**
- r. 18 NUR 674 – Unknown **(203-206)**
- s. 19 NUR 036 – L.A.G. **(207-209)**
- t. 19 NUR 116 – S.J.O. **(210-217)**
- u. 19 NUR 127 – L.M.S. **(218-221)**
- v. 19 NUR 189 – K.N.K. **(222-225)**
- w. 19 NUR 350 – J.G.V. **(226-228)**
- x. 19 NUR 393 – J.M.H. **(229-231)**
- y. 19 NUR 535 – J.A.M. **(232-235)**
- z. 19 NUR 658 – A.A.T. **(236-238)**

- aa. 19 NUR 774 – A.L.H. **(239-242)**
- bb. 20 NUR 064 – C.R. **(243-247)**
- 3) **Proposed Stipulations, Final Decisions, and Orders**
 - a. 17 NUR 490 and 18 NUR 591 – Danielle J. Marchinowski, R.N. **(248-264)**
 - b. 17 NUR 629 – Clayton D. Reimer, R.N. **(265-275)**
 - c. 18 NUR 030 – Stacy L. Belvin, R.N. **(276-280)**
 - d. 18 NUR 307 – Katherine J. Eannelli, R.N. **(281-286)**
 - e. 18 NUR 575 – David C. Kirk, R.N. **(287-293)**
 - f. 18 NUR 699 – Erica L. Myher, L.P.N. **(294-299)**
 - g. 18 NUR 711, 19 NUR 095, 19 NUR 498 and 19 NUR 645 – Kathryn A. Coffin, R.N. **(300-307)**
 - h. 19 NUR 014 – Christy J. Maloney, R.N. **(308-318)**
 - i. 19 NUR 020 – Keri L. Treppish, R.N. **(319-329)**
 - j. 19 NUR 136 – Brenda K. Bowe, R.N. **(330-335)**
 - k. 19 NUR 264 – Jennifer M. Balfany, R.N. **(336-341)**
 - l. 19 NUR 436 – Cheryl A. Moore, R.N. **(342-347)**
- 4) **Monitoring Matters (348-349)**
 - a. Monitor Benisch
 - 1. Scott Strube, R.N. – Requesting Termination of AODA Therapy, Termination on AA/NA Meetings and Reduction in Drug Screens **(350-379)**
 - b. Monitor Cha
 - 2. Heidi Sahr, R.N. – Requesting Initial Stay of Suspension and Evaluation Review **(380-409)**
 - 3. Rhonda Schmidt, R.N. – Requesting Full Licensure **(410-418)**
 - c. Monitor Graf
 - 4. Caitlin Behnke, R.N. – Requesting Reduction in Drug Screens and a Reduction of AA/NA to Once Per Week **(419-457)**
 - 5. Paulette Brooks, R.N. – Review of AODA Assessment **(458-477)**
 - 6. Jessica Gast, L.P.N. – Review of Fitness to Practice Evaluation **(478-494)**
 - 7. Melissa Kamp, R.N. – Requesting Access to Controlled Substances, Termination of Setting Restrictions and Reduction To AA/NA to Once Per Month **(495-520)**

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: JUNE 11, 2020

 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. Interpreters for the hearing impaired provided upon request by contacting the Affirmative Action Officer, 608-266-2112. or the Meeting Staff at 608-266-5439.

**TELECONFERENCE/VIRTUAL
BOARD OF NURSING
MEETING MINUTES
APRIL 9, 2020**

PRESENT: Rosemary Dolatowski, Jennifer Eklof, Elizabeth Smith Houskamp, Peter Kallio, Lisa Pisney (*arrived at 8:12 a.m.*), Luann Skarlupka, Pamela White, Emily Zentz

STAFF: Valerie Payne, Executive Director; Jameson Whitney, Legal Counsel; Dale Kleven, Administrative Rules Coordinator; Kimberly Wood, Program Assistant Supervisor-Advanced; and other DSPS Staff

CALL TO ORDER

Peter Kallio, Chairperson, called the meeting to order at 8:06 a.m. A quorum was confirmed with seven (7) members present.

ADOPTION OF THE AGENDA

MOTION: Pamela White moved, seconded by Luann Skarlupka, to adopt the Agenda as published. Motion carried unanimously.

APPROVAL OF MINUTES

March 12, 2020

MOTION: Luann Skarlupka moved, seconded by Emily Zentz, to approve the Minutes of March 12, 2020 as published. Motion carried unanimously.

March 25, 2020 Teleconference

Amendments to the Minutes

- Page 1 of the Minutes: Add notations indicating Jennifer Eklof's attendance in the "Present" list on the top of the page and again before "Administrative Rule Matters"

MOTION: Luann Skarlupka moved, seconded by Emily Zentz, to approve the Minutes of March 25, 2020 as amended. Motion carried unanimously.

(Lisa Pisney joined the meeting at 8:12 a.m.)

**PUBLIC HEARING: SCOPE STATEMENT SS 014-20 – N 1 TO 8, RELATING TO
REQUIREMENTS IN EMERGENCY SITUATIONS**

Review and Respond to Public Comments

MOTION: Luann Skarlupka moved, seconded by Pamela White, to approve the Scope Statement, SS 014-20, revising N 1 to 8, relating to requirements in

emergency situations, for implementation after consideration of all public comments and feedback. Motion carried unanimously.

CLOSED SESSION

MOTION: Pamela White moved, seconded by Elizabeth Smith Houskamp, 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.). Peter Kallio, Chairperson, read the language of the motion. The vote of each member was ascertained by voice vote. Roll Call Vote: Rosemary Dolatowski-yes; Jennifer Eklof-yes; Elizabeth Smith Houskamp-yes; Peter Kallio-yes; Lisa Pisney-yes; Luann Skarlupka-yes; Pamela White-yes; and Emily Zentz-yes. Motion carried unanimously.

The Board convened into Closed Session at 9:20 a.m.

DIVISION OF LEGAL SERVICES AND COMPLIANCE MATTERS

Administrative Warnings

MOTION: Elizabeth Smith Houskamp moved, seconded by Pamela White, to issue an Administrative Warning in the matter of the following cases:

1. 18 NUR 453 – A.M.E.
2. 18 NUR 640 – L.M.B.
3. 18 NUR 773 – C.M.P.
4. 19 NUR 619 – J.R.D.

Motion carried unanimously.

Case Closings

MOTION: Elizabeth Smith Houskamp moved, seconded by Pamela White, to close the following DLSC Cases for the reasons outlined below:

1. 18 NUR 301 – Unknown – Insufficient Evidence (IE)
2. 18 NUR 356 – S.L.B. – Insufficient Evidence (IE)
3. 18 NUR 401 and 18 NUR 551 – D.M.M. – Prosecutorial Discretion (P5)
4. 18 NUR 522 – Unknown, Unknown – Insufficient Evidence (IE)
5. 18 NUR 568 – M.A.H. – Prosecutorial Discretion (P5)
6. 18 NUR 775 – A.C.S. – Prosecutorial Discretion (P5)
7. 18 NUR 780 – D.L.S. – Prosecutorial Discretion (P2)
8. 19 NUR 006 and 20 NUR 001 – R.S.K. – Prosecutorial Discretion (P6)
9. 19 NUR 024 – L.L.S. – Prosecutorial Discretion (P5)

10. 19 NUR 030 – J.L.R. – Prosecutorial Discretion (P5)
 11. 19 NUR 077 – D.L.W. – No Violation
 12. 19 NUR 575 – J.A.U. – Prosecutorial Discretion (P5)
 13. 19 NUR 731 – C.M.S. – No Violation
- Motion carried unanimously.

Proposed Stipulations and Final Decisions and Orders

MOTION: Elizabeth Smith Houskamp moved, seconded by Pamela White, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings of the following cases:

1. 17 NUR 674 – Amanda J. Morse, R.N.
2. 17 NUR 775 – Lisa R. Anderson, R.N.
3. 18 NUR 064 – Lisa M. Engelbrecht, R.N.
4. 18 NUR 074 – Jennifer L. Taylor, R.N.
5. 18 NUR 189 – Chris Jeske, R.N.
6. 18 NUR 295 – Sara A. Schmidt, L.P.N.
7. 18 NUR 436 – Jennifer L. Bednarek, R.N.
8. 18 NUR 558 – Zakaria M. Chege, R.N.
9. 18 NUR 629 – Stephanie L. Dukes, R.N.
10. 18 NUR 642 – Kyle G. Larsen, L.P.N.
11. 18 NUR 643 – Penny M. Bernards, R.N., A.P.N.P.
12. 18 NUR 729 – Eric C. Bingner, R.N., A.P.N.P.
13. 19 NUR 426 – Jeffrey M. Fosso, R.N.

Motion carried unanimously.

Monitoring Matters

**Laura Weber, R.N.
Requesting Full Licensure**

MOTION: Pamela White moved, seconded by Elizabeth Smith Houskamp, to grant the request of Laura Weber, R.N., for full licensure. Motion carried unanimously.

**Laura Nelson, R.N.
Requesting Full Licensure**

MOTION: Luann Skarlupka moved, seconded by Pamela White, to grant the request of Laura Nelson, R.N., for full licensure. Motion carried unanimously.

**Amanda Picord, R.N.
Requesting Full Licensure**

MOTION: Emily Zentz moved, seconded by Jennifer Eklof, to grant the request of Amanda Picord, R.N., for full licensure. Motion carried unanimously.

**Judy Story, R.N.
Requesting Full Licensure**

MOTION: Pamela White moved, seconded by Jennifer Eklof, to grant the request of Judy Story, R.N., for full licensure. Motion carried unanimously.

**Kathryn Techmeier, R.N.
Review of Fitness-to-Practice and Request for Direct Patient Care**

MOTION: Luann Skarlupka moved, seconded by Pamela White, to grant the request of Kathryn Techmeier, R.N., for removal of limitations on providing direct patient care and to impose an additional limitation on the license of Kathryn Techmeier, R.N., to require counseling requirements as recommended in the Fitness-to-Practice evaluation. Motion carried unanimously.

**Mercy Violanda, R.N.
Requesting Full Licensure**

MOTION: Jennifer Eklof moved, seconded by Emily Zentz, to grant the request of Mercy Violanda, R.N., for full licensure. Motion carried unanimously.

**Rita Welter, R.N.
Requesting Full Licensure**

MOTION: Luann Skarlupka moved, seconded by Jennifer Eklof, to grant the request of Rita Welter, R.N., for full licensure. Motion carried unanimously.

**Ann Zitzke, L.P.N.
Requesting Full Licensure**

MOTION: Luann Skarlupka moved, seconded by Jennifer Eklof, to deny the request of Ann Zitzke, L.P.N., for full licensure. **Reason for Denial:** Respondent needs to practice nursing under the current conditions of the Board Order (7/19/2012) for at least six (6) months before the Board will consider amending requirements. Motion carried unanimously.

Wendy Kleibor, R.N. – Requesting Full Licensure

MOTION: Pamela White moved, seconded by Luann Skarlupka, to grant the request of Wendy Kleibor, R.N., for full licensure. Motion carried unanimously.

**Ellen Miskowski, R.N.
Review of AODA Assessment**

MOTION: Rosemary Dolatowski moved, seconded by Emily Zentz, to impose additional limitations on the license of Ellen Miskowski, R.N., to require

no less than five (5) AODA treatment sessions as recommended by the evaluator and to show her order to employer. Motion carried unanimously.

DELIBERATION ON MATTERS RELATING TO COSTS/ORDERS FIXING COSTS

Ann M. Lenck, R.N., Respondent (DHA Case Number SPS-19-0020/DLSC Case Number 17 NUR 463)

MOTION: Elizabeth Smith Houskamp moved, seconded by Luann Skarlupka, to adopt the Order Fixing Costs in the matter of disciplinary proceedings against Ann M. Lenck, R.N., Respondent (DHA Case Number SPS-19-0020/DLSC Case Number 17 NUR 463.) Motion carried unanimously.

Jamie L. Soteropoulos, R.N., Respondent (DHA Case Number SPS-19-0012/DLSC Case Numbers 17 NUR 127, 18 NUR 254 and 18 NUR 270)

MOTION: Pamela White moved, seconded by Lisa Pisney, to adopt the Order Fixing Costs in the matter of disciplinary proceedings against Jamie L. Soteropoulos, R.N., Respondent (DHA Case Number SPS-19-0012/DLSC Case Numbers 17 NUR 127, 18 NUR 254 and 18 NUR 270.) Motion carried.

(Elizabeth Smith Houskamp recused herself and left the meeting for deliberation and voting in the matter concerning Jamie L. Soteropoulos, R.N., Respondent (DHA Case Number SPS-19-0012/DLSC Case Numbers 17 NUR 127, 18 NUR 254 and 18 NUR 270.)

Angelia P. Williams, L.P.N., Respondent (DHA Case Number SPS-19-0042/DLSC Case Number 18 NUR 122)

MOTION: Pamela White moved, seconded by Lisa Pisney, to adopt the Order Fixing Costs in the matter of disciplinary proceedings against Angelia P. Williams, L.P.N., Respondent (DHA Case Number SPS-19-0042/DLSC Case Number 18 NUR 122.) Motion carried.

(Jennifer Eklof recused herself and left the meeting for deliberation and voting in the matter Angelia P. Williams, L.P.N., Respondent (DHA Case Number SPS-19-0042/DLSC Case Number 18 NUR 122.)

Debourne A. Williams, R.N., Respondent (DHA Case Number SPS-19-0019/DLSC Case Number 17 NUR 153)

MOTION: Pamela White moved, seconded by Lisa Pisney, to adopt the Order Fixing Costs in the matter of disciplinary proceedings against Debourne A. Williams, R.N., Respondent (DHA Case Number SPS-19-0019/DLSC Case Number 17 NUR 153.) Motion carried unanimously.

DELIBERATION ON PROPOSED FINAL DECISIONS AND ORDERS

Report of Decisions by DSPS Chief Legal Counsel for Proposed Final Decisions and Orders Delegated on 3/12/2020

- MOTION:** Luann Skarlupka moved, seconded by Emily Zentz, to acknowledge the report of Chief Legal Counsel adopting the findings of fact, conclusions of law, and orders regarding the cases listed below:
1. Jere L. Daniels, L.P.N., Respondent
(DHA Case Number SPS-19-0059/DLSC Case Number 17 NUR 668)
 2. Lisa M. Micheau, L.P.N., Respondent
(DHA Case Number SPS-19-0058/DLSC Case Number 16 NUR 523)
 3. Julie A. Stamm, R.N., Respondent
(DHA Case Number SPS-19-0068/DLSC Case Number 17 NUR 449)
- Motion carried unanimously.

RECONVENE TO OPEN SESSION

- MOTION:** Jennifer Eklof moved, seconded by Peter Kallio, to reconvene into Open Session. Motion carried unanimously.

The Board reconvened into Open Session at 11:00 a.m.

VOTING ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION

- MOTION:** Elizabeth Smith Houskamp moved, seconded by Rosemary Dolatowski, 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:** Elizabeth Smith Houskamp moved, seconded by Jennifer Eklof, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 11:05 a.m.

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

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Dale Kleven Administrative Rules Coordinator		2) Date When Request Submitted: 5/4/20 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			
4) Meeting Date: 5/14/20	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Administrative Rule Matters – Discussion and Consideration 1. Adoption Order: CR 19-140, Relating to Licensure 2. Pending or 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 checked="" type="checkbox"/> No		9) Name of Case Advisor(s), if required:
10) Describe the issue and action that should be addressed:			
11) Authorization			
Signature of person making this request <i>Dale Kleven</i>		Date <i>May 4, 2020</i>	
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 19-140)

ORDER

An order of the Board of Nursing to **repeal** N 2.20; to **renumber and amend** N 2.12 (2) (a); to **amend** N 2.12 (2) (intro.), 2.21 (title), (1) (a) (intro.) and (b) (intro.), and (2) (e), and 2.35 (1); and to **create** N 2.12 (2) (a) 1. and 2., relating to licensure.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted: Sections 441.06, 441.08, and 441.10, Stats..

Statutory authority: Sections 15.08 (5) (b) and 441.01 (3), 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 441.01 (3), Stats., provides that the Board of Nursing “may establish minimum standards for schools for professional nurses and schools for licensed practical nurses, including all related clinical units and facilities, and make and provide periodic surveys and consultations to such schools. It may also establish rules to prevent unauthorized persons from practicing professional nursing. It shall approve all rules for the administration of this chapter in accordance with ch. 227.”

Related statute or rule:

Sections 441.06, 441.08, and 441.10, Stats..

Plain language analysis:

In 2014, the Board completed a comprehensive update of the licensure provisions in ch. N 2. Since that time, the Board has received stakeholder feedback that has led the Board to determine that some of the licensure provisions in ch. N 2 require revision. In addition, current rules do not reflect 2017 Wisconsin Act 329, which eliminated the requirement that an applicant for renewal of a temporary permit under s. 441.08, Stats., complete the nursing workforce survey administered by the Wisconsin Department of Workforce Development. To address these issues, the rules make the following changes:

- Section N 2.12 (2) (intro.) is revised to clarify that acceptable documentation of nursing education is the same for education completed at a nursing school located in a U.S. territory and education completed at a nursing school located in the United States.
- Section N 2.12 (2) (a) is revised to allow a professional nursing applicant to document education by submitting a credential evaluation service academic report and demonstration of passing a Board-accepted language proficiency exam.
- The requirements for single-state licensure by endorsement in ss. N 2.20 (endorsement of an applicant from a nurse licensure compact state) and N 2.21 (endorsement of an applicant from another U.S. state, U.S. territory, or Canada) are consolidated.
- Section N 2.21 (2) (e), which requires an applicant to provide the Board with all information related to termination from any employment related to nursing, is revised to apply to termination from employment that occurred within the 10 years immediately preceding the date of application.
- Section N 2.35 (1), relating to renewal of a temporary permit for a registered nurse or practical nurse, is revised to reflect the provisions of 2017 Wisconsin Act 329 by eliminating the requirement to complete the nursing workforce survey.

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

None.

Comparison with rules in adjacent states:

Illinois:

An applicant is eligible for nurse licensure by examination if the applicant completes an application, pays the applicable fee, submits to a criminal background check, and graduates from an approved school. If educated outside of the United States, the education must be evaluated by the Commission on Graduates of Foreign Nursing Schools. A nurse is eligible for licensure if the applicant completes an application; pays the fee; submits to a criminal background check; graduates from an approved school; and submits verification of licensure status from the jurisdiction of original licensure, the current state of licensure, and all states the applicant has directly practiced in within the last 5 years. If educated outside of the United States, the education must be evaluated by the Commission on Graduates of Foreign Nursing Schools.

Iowa:

An applicant is eligible for nurse licensure by examination if the applicant graduated from high school or the equivalent, completes an application, pays the applicable fee, graduated from an approved program, and passes the NCLEX. If the person has a criminal conviction history or prior disciplinary action, the applicant must receive board approval. If educated outside of the United States, the education must be evaluated by the Commission on Graduates of Foreign Nursing Schools. A nurse from a compact state must submit a completed application, pay the applicable fee, and declare Iowa as their primary state. A nurse is eligible for licensure by endorsement from a non-compact state if the applicant completes an application, pays the applicable fee, provides verification of original licensure and nursing program transcripts, and submits to a criminal background check. If educated outside of the United States, the education must be evaluated by the Commission on Graduates of Foreign Nursing Schools. If the person has a criminal conviction history or prior disciplinary action, the applicant must receive board approval.

Michigan:

An applicant is eligible for nurse licensure by examination if the applicant completes an application, pays the applicable fees, and verifies successful completion of an approved nursing education program and the NCLEX. If educated outside of the United States, the education must be evaluated by the Commission on Graduates of Foreign Nursing Schools. A nurse is eligible for licensure by endorsement if the applicant completes an application, pays the applicable fee, verifies graduation from an approved school of nursing, and was first licensed in another state pursuant to passage of NCLEX.

Minnesota:

An applicant is eligible for licensure by examination if the applicant completes an application, pays the applicable fee, and verifies graduation from an approved nursing school and successful completion of the NCLEX. If educated outside of the United States, the education must be evaluated by the Commission on Graduates of Foreign Nursing Schools. A nurse is eligible for licensure by endorsement if the applicant completes an application, pays the applicable fee, verifies licensure in another jurisdiction and successful completion of an examination acceptable to the board, and answers questions related to any prior disciplinary actions. If the applicant has not engaged in acceptable nursing practice within the 2 years preceding application, the applicant must complete one contact hour of continuing education for each month that the applicant was not engaged in acceptable practice, subject to a maximum of 60 hours. If the applicant has not practiced for more than 5 years, the applicant must complete a nurse refresher course.

Summary of factual data and analytical methodologies:

The Board reviewed the provisions of ch. N 2, taking into consideration stakeholder feedback and the provisions of 2017 Wisconsin Act 329.

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

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

Effect on small business:

These 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:

Dale Kleven, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, P.O. Box 8366, Madison, Wisconsin 53708-8366; telephone 608-261-4472; email at DSPSAdminRules@wisconsin.gov.

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

Comments may be submitted to Dale Kleven, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, P.O. Box 8366, Madison, WI 53708-8366, or by email to DSPSAdminRules@wisconsin.gov. To be included in the record of rule-making proceedings, comments must be received at or before the public hearing to be held on the proposed rules. Information concerning the date, time, and location of the public hearing will be published in the Wisconsin Administrative Register and posted on the Legislature's website at <https://docs.legis.wisconsin.gov/code/chr/hearings>.

TEXT OF RULE

SECTION 1. N 2.12 (2) (intro.) is amended to read:

N 2.12 (2) (intro.) 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~~ not located in the United States or a U.S. territory, the applicant shall submit any of the following:

SECTION 2. N 2.12 (2) (a) is renumbered N 2.12 (2) (a) (intro.) and amended to read:

N 2.12 (2) (a) (intro.) 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;~~ one of the following:

SECTION 3. N 2.12 (2) (a) 1. and 2. are created to read:

N 2.12 (2) (a) 1. A valid certificate issued by the Commission on Graduates of Foreign Nursing Schools or another board-approved entity that evaluates education.

2. A credential evaluation service academic report and demonstration of passing a board-accepted language proficiency exam.

SECTION 4. N 2.20 is repealed.

SECTION 5. N 2.21 (title), (1) (a) (intro.) and (b) (intro.), and (2) (e) are amended to read:

N 2.21 (title) Endorsement of an applicant ~~from another U.S. state, territory or Canada~~ for a single state license.

(1) (a) (intro.) A license from a another U.S. state ~~that has not adopted the nurse licensure compact under s. 441.51, 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:

(b) (intro.) An applicant, whose initial license from another U.S. state, U.S. 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:

(2) (e) An applicant who has been terminated from any employment related to nursing within the 10 years immediately preceding the date of application shall provide the board with all related information necessary to determine current competency.

SECTION 6. N 2.35 (1) is amended to read:

N 2.35 (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~~ paying applicable fees.

SECTION 7. 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 _____

Board Chair
Board of Nursing

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis <input checked="" type="checkbox"/> Original <input type="checkbox"/> Updated <input type="checkbox"/> Corrected	2. Date October 28, 2019
3. Administrative Rule Chapter, Title and Number (and Clearinghouse Number if applicable) N 2	
4. Subject Licensure	
5. Fund Sources Affected <input type="checkbox"/> GPR <input type="checkbox"/> FED <input checked="" type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEG-S	6. Chapter 20, Stats. Appropriations Affected 20.165(1)(g)
7. Fiscal Effect of Implementing the Rule <input type="checkbox"/> No Fiscal Effect <input type="checkbox"/> Increase Existing Revenues <input checked="" type="checkbox"/> Increase Costs <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Indeterminate <input type="checkbox"/> Decrease Existing Revenues <input checked="" type="checkbox"/> Could Absorb Within Agency's Budget	
8. The Rule Will Impact the Following (Check All That Apply) <input type="checkbox"/> State's Economy <input type="checkbox"/> Specific Businesses/Sectors <input type="checkbox"/> Local Government Units <input type="checkbox"/> Public Utility Rate Payers <input type="checkbox"/> Small Businesses (if checked, complete Attachment A)	
9. Estimate of Implementation and Compliance to Businesses, Local Governmental Units and Individuals, per s. 227.137(3)(b)(1). \$0	
10. Would Implementation and Compliance Costs Businesses, Local Governmental Units and Individuals Be \$10 Million or more Over Any 2-year Period, per s. 227.137(3)(b)(2)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
11. Policy Problem Addressed by the Rule In 2014, the Board completed a comprehensive update of the licensure provisions in ch. N 2. Since that time, the Board has received stakeholder feedback that has led the Board to determine that some of the licensure provisions in ch. N 2 require revision. In addition, current rules do not reflect 2017 Wisconsin Act 329, which eliminated the requirement that an applicant for renewal of a temporary permit under s. 441.08, Stats., complete the nursing workforce survey administered by the Wisconsin Department of Workforce Development. To address these issues, the proposed rules make the following changes: <ul style="list-style-type: none">• Section N 2.12 (2) (intro.) is revised to clarify that acceptable documentation of nursing education is the same for education completed at a nursing school located in a U.S. territory and education completed at a nursing school located in the United States.• Section N 2.12 (2) (a) is revised to allow a professional nursing applicant to document education by submitting a credential evaluation service academic report and demonstration of passing a Board-accepted language proficiency exam.• The requirements for single-state licensure by endorsement in ss. N 2.20 (endorsement of an applicant from a nurse licensure compact state) and N 2.21 (endorsement of an applicant from another U.S. state, U.S. territory, or Canada) are consolidated.• Section N 2.21 (2) (e), which requires an applicant to provide the Board with all information related to termination from any employment related to nursing, is revised to apply to termination from employment that occurred within the 10 years immediately preceding the date of application.• Section N 2.35 (1), relating to renewal of a temporary permit for a registered nurse or practical nurse, is revised to reflect the provisions of 2017 Wisconsin Act 329 by eliminating the requirement to complete the nursing workforce survey.	

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

12. Summary of the Businesses, Business Sectors, Associations Representing Business, Local Governmental Units, and Individuals that may be Affected by the Proposed Rule that were Contacted for Comments.

The proposed rule was posted on the Department of Safety and Professional Services' website for 14 days in order to solicit comments from businesses, representative associations, local governmental units, and individuals that may be affected by the rule. No comments were received.

13. Identify the Local Governmental Units that Participated in the Development of this EIA.
No local governmental units participated in the development of this EIA.

14. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred)

The proposed rule will not have a significant impact on specific businesses, business sectors, public utility rate payers, local governmental units, or the state's economy as a whole.

The Department estimates one-time administrative costs of \$1,060.72. These costs may be absorbed in the agency budget.

15. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule

The benefit to implementing the rule is providing consistency with current licensing practices and applicable Wisconsin statutes. If the rule is not implemented, it will continue to reflect outdated practices and statutes.

16. Long Range Implications of Implementing the Rule

The long range implication of implementing the rule is providing consistency with current licensing practices and applicable Wisconsin statutes.

17. Compare With Approaches Being Used by Federal Government

None

18. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

Illinois:

An applicant is eligible for nurse licensure by examination if the applicant completes an application, pays the applicable fee, submits to a criminal background check, and graduates from an approved school. If educated outside of the United States, the education must be evaluated by the Commission on Graduates of Foreign Nursing Schools. A nurse is eligible for licensure if the applicant completes an application; pays the fee; submits to a criminal background check; graduates from an approved school; and submits verification of licensure status from the jurisdiction of original licensure, the current state of licensure, and all states the applicant has directly practiced in within the last 5 years. If educated outside of the United States, the education must be evaluated by the Commission on Graduates of Foreign Nursing Schools.

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ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

Michigan:

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19. Contact Name Dale Kleven, Administrative Rules Coordinator	20. Contact Phone Number (608) 261-4472
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This document can be made available in alternate formats to individuals with disabilities upon request.

ADMINISTRATIVE RULES
Fiscal Estimate & Economic Impact Analysis

ATTACHMENT A

1. Summary of Rule's Economic and Fiscal Impact on Small Businesses (Separately for each Small Business Sector, Include Implementation and Compliance Costs Expected to be Incurred)

2. Summary of the data sources used to measure the Rule's impact on Small Businesses

3. Did the agency consider the following methods to reduce the impact of the Rule on Small Businesses?

- Less Stringent Compliance or Reporting Requirements
 - Less Stringent Schedules or Deadlines for Compliance or Reporting
 - Consolidation or Simplification of Reporting Requirements
 - Establishment of performance standards in lieu of Design or Operational Standards
 - Exemption of Small Businesses from some or all requirements
 - Other, describe:
-

4. Describe the methods incorporated into the Rule that will reduce its impact on Small Businesses

5. Describe the Rule's Enforcement Provisions

6. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)

- Yes No
-

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

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Jameson Whitney, Board Counsel		2) Date When Request Submitted: 4/30/2020 <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: 5/14/2020	5) Attachments: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	6) How should the item be titled on the agenda page? Licensee request for scope of practice statement—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? <input type="checkbox"/> Yes (Fill out Board Appearance Request) <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed: A licensee has asked the Board to provide a statement indicating what the Board's position is on the scope of practice for a CRNA. The Board needs to determine whether such a position letter or a referral to the statute and rules is appropriate.			
11) Signature of person making this request Jameson Whitney	Authorization	Date 4/30/2020	
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.			