



**VIRTUAL/TELECONFERENCE
LEGISLATION AND RULES COMMITTEE
BOARD OF NURSING
Virtual, 4822 Madison Yards Way, Madison
Contact: Christine Poleski (608) 266-2112
November 20, 2020**

*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.***

AGENDA

9:00 A.M.

CALL TO ORDER – ROLL CALL – OPEN SESSION

- A. Approval of Agenda (1)**
- B. Legislative and Policy Matters – Discussion and Consideration**
- C. Administrative Rules Matters – Discussion and Consideration (2)**
 - 1. Preliminary and Emergency Rule Draft Proposals for N 1, Relating to Clinical Learning Experiences **(3-4)**
 - 2. Pending and Possible Rulemaking Projects
- D. Public Comments**

ADJOURNMENT

NEXT MEETING: DECEMBER 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. Requests for interpreters for the deaf or hard of hearing, or other accommodations, are considered upon request by contacting the Affirmative Action Officer, 608-266-2112, or the Meeting Staff at 608-266-5439.

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

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Jon Derenne, Administrative Rules Coordinator		2) Date when request submitted: November 10, 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, Legislation and Rules Committee			
4) Meeting Date: November 20, 2020	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Preliminary and emergency rule draft proposals for N 1 relating to clinical learning experiences.	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <i>(If yes, please complete Appearance Request for Non-DSPS Staff)</i> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed:			
11) Authorization			
<i>Jon Derenne</i>		November 10, 2020	
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.			

STATEMENT OF SCOPE

BOARD OF NURSING

Rule No.: N 1

Relating to: Clinical Learning Experiences

Rule Type: Emergency and Permanent

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

Administrative rules require schools of nursing to provide patient experiences that occur in a variety of clinical or simulated settings of nursing practice, and limit simulation to no more than 50% of the time designated for meeting clinical learning requirements. The spread of COVID-19 and the resulting closures and safety precautions have severely limited the ability of schools to adhere to the limitation on simulation as a means for students to complete clinical learning requirements. An expeditious promulgation of the proposed rule is in the best interest of Wisconsin's economy and public welfare, as it will help ensure the opportunity for nursing students to graduate and begin a nursing career in Wisconsin is not delayed or denied.

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

The Board's primary objective is to promulgate an emergency rule that will temporarily suspend s. N 1.08 (5m) (b), which provides that simulation may not be utilized for more than 50% of the time designated for meeting clinical learning requirements.

The Board will also conduct a comprehensive review of ch. N 1, which will include evaluating how effectively simulation-based clinical learning is being utilized in schools of nursing under the Board's oversight and considering other models for clinical learning that are being developed. The Board may, as a result of this evaluation, revise the requirements for approval of schools of nursing under ch. N 1. These revisions may be included in the emergency rule, promulgated in a permanent rule, or both.

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

Section N 1.08 contains standards schools of nursing are required to meet, including a limitation on the amount of simulation that may be utilized to complete clinical learning requirements. If the rules are not updated to temporarily suspend this limitation, some nursing students may be unable to complete the clinical learning required for graduation. In addition, the Board will evaluate how effectively simulation-based clinical learning is being utilized in schools of nursing under the Board's oversight and consider other models for clinical learning that are being developed, and may as a result revise the requirements for approval of schools of nursing under ch. N 1.

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

Section 15.08 (5) (b), Stats., provides an examining board "[s]hall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains. . ."

Section 227.24 (1) (a), Stats., provides “[a]n agency may, except as provided in s. 227.136 (1), promulgate a rule as an emergency rule without complying with the notice, hearing, and publication requirements under this chapter if preservation of the public peace, health, safety, or welfare necessitates putting the rule into effect prior to the time it would take effect if the agency complied with the procedures.”

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

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

80 hours

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

Schools of nursing, nursing students, nursing school graduates, entities that hire or may hire nursing students and nursing school graduates, and individuals accessing health care services.

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

None

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

The proposed rule will have minimal to no economic impact on small businesses and the state’s economy as a whole.

Contact Person: Dale Kleven, (608) 261-2377, DSPSAdminRules@wisconsin.gov



Authorized Signature

August 17, 2020

Date Submitted