STATEMENT OF SCOPE

Department of Safety and Professional Services

Rule No.:   SPS 1 to 10

Relating to: Military Medical Personnel

Rule Type: Both Permanent and Emergency

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

2021 Wisconsin Act 158, Section 6. (1) provides that "the department of safety and professional services may promulgate emergency rules under s. 227.24 to implement s. 440.077 (5). Notwithstanding s. 227.24 (1) (c) and (2), emergency rules promulgated under this subsection remain in effect until December 1, 2023, or the date on which permanent rules take effect, whichever is sooner. Notwithstanding s. 227.24 (1) (a) and (3), the department of safety and professional services is not required to provide evidence that promulgating a rule under this subsection as emergency rules is necessary for the preservation of public peace, health, safety, or welfare and is not required to provide a finding of emergency for a rule promulgated under this subsection."

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

The objective of the proposed rule is to create administrative rules needed to establish and administer the military medical personnel program created in statute by 2021 Wisconsin Act 158.

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:

The department intends, in collaboration with the department of veteran affairs, board of nursing, and medical examining board, to revise SPS 1 to 10, or to create a new chapter SPS 11 within the SPS suite, that would provide for the establishment and administration of the military medical personnel program created in statute by 2021 Wisconsin Act 158. The alternative would be to not implement the program with administrative rules. This would not be consistent with the statutory directive to establish the program with administrative rules.

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

Wis. Stat. § 440.077 (2) (a) states that the department shall establish a program in collaboration with the department of veterans affairs, medical examining board, and board of nursing "in which military medical personnel may temporarily perform certain skilled health services while supervised in an inpatient health care facility, outpatient health care facility, community−based residential facility, or a residential care apartment complex without having to obtain a license under s. 441.06, 441.10, 448.04, 448.61, or 448.974."

Wis. Stat. § 440.077 (5) provides that the department may promulgate any rules necessary for the administration of this section.

Section 227.11 (2) (a) states that "[e]ach agency may promulgate rules interpreting the provisions of any statute enforced or administered by the agency, if the agency considers it necessary to effectuate the purpose of the statute…"

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

About 120 hours.

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

Military medical personnel seeking to practice in Wisconsin and the licensed health care professionals qualified to supervise them: physicians, physician assistants, podiatrists, registered professional nurses, and advanced practice nurse prescribers.

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 is anticipated to have minimal to no economic impact on small businesses and the state's economy as a whole.

Contact Person: Nilajah Hardin, Administrative Rules Coordinator, (608) 267-7139

Approved for implementation:

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Secretary

    07/07/2022
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Date Submitted