



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

CLEARINGHOUSE RULE **20-069**

AN ORDER to renumber and amend N 2.34; to amend N 1.08 (5m) (b), 2.31 (3), 2.33 (1), 2.35 (2), and 2.40 (3) (d) (intro.); and to create N 1.08 (5m) (c), 2.33 (3), 2.34 (2), 2.40 (3) (e), and 8.10 (8), relating to requirements in emergency situations.

Submitted by **BOARD OF NURSING**

11-09-2020 RECEIVED BY LEGISLATIVE COUNCIL.

12-03-2020 REPORT SENT TO AGENCY.

SG:AB

LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]

Comment Attached YES NO

2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]

Comment Attached YES NO

3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]

Comment Attached YES NO

4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS
[s. 227.15 (2) (e)]

Comment Attached YES NO

5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]

Comment Attached YES NO

6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL
REGULATIONS [s. 227.15 (2) (g)]

Comment Attached YES NO

7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]

Comment Attached YES NO



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Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Reference Bureau and the Legislative Council Staff, dated November 2020.]

5. Clarity, Grammar, Punctuation and Use of Plain Language

a. In s. N 1.08 (5m) (c), consider revising the phrase “grant additional utilization of simulation” with the phrase “authorize the use of simulation under this paragraph”.

b. In s. N 2.35 (2), the agency inserts the phrase “emergency circumstances”, while several other provisions create or insert the more extensive phrase “public health crisis, natural disaster, critical nursing workforce shortage, or similar emergency circumstances”. Does the agency intend for these phrases to have different meanings? If not, the agency should review the proposed rule for use of consistent phrases when consistent meanings are intended.

c. Generally, throughout the proposed rule, it appears ambiguous as to who determines when circumstances are sufficient to trigger the relief provided by the rule. Is it generally intended that such determination is to be made by the agency through the agency’s consideration of individual requests? If so, is the intent of s. N 8.10 (8) different, such that determination of sufficient circumstances for relief under that provision appears to be linked to federal or gubernatorial declaration? The agency could clarify its intent as to what circumstances qualify for the relief under the proposed rule, and whether those qualifications are the same for each provision treated by the rule.

d. Throughout the proposed rule, consider replacing the phrase “except as provided under ...” with the phrase “except as provided in ...”.

Wisconsin Department of Safety and Professional Services
License Counts as of 11/3/2020 & 12/2/2020
 (Includes Temp. Licenses)

			In State			Out of State			Totals		
Reg.	Profession	License Count Date	Active	Inactive	Total	Active	Inactive	Total	Active	Inactive	Total
30	Registered Nurse	12/2/20	90,309	52,929	143,238	13,630	60,152	73,782	103,939	113,081	217,020
		11/3/20	90,103	52,991	143,094	13,377	60,210	73,587	103,480	113,201	216,681
31	Licensed Practical Nurse	12/2/20	12,960	33,453	46,413	812	9,611	10,423	13,772	43,064	56,836
		11/3/20	12,908	33,472	46,380	801	9,610	10,411	13,709	43,082	56,791
32	Nurse - Midwife	12/2/20	229	89	318	32	84	116	261	173	434
		11/3/20	228	89	317	32	84	116	260	173	433
33	Advanced Practice Nurse Prescriber	12/2/20	6,610	1,434	8,044	1,050	1,508	2,558	7,660	2,942	10,602
		11/3/20	6,539	1,450	7,989	1,030	1,502	2,532	7,569	2,952	10,521

Nursing Licenses Issued Pursuant to Emergency Order 2:

Profession	October 2020	November 2020
Registered Nurse	53	68
Licensed Practical Nurse	5	5
Nurse Midwife	1	-
Advanced Practice Nurse Prescriber	11	21