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Tony Evers, Governor Dawn B. Crim, Secretary

VIRTUAL/TELECONFERENCE BOARD OF NURSING Virtual, 4822 Madison Yards Way, Madison Contact: Christine Poleski (608) 266-2112 February 11, 2021

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 January 14, 2021 (6-15)
- C. Reminders: Conflicts of Interests, Scheduling Concerns
- D. 8:00 A.M. Public Hearing: Clearinghouse Rule (CR) 21-009 (N1), Relating to Clinical Learning Experiences (16-25)

E. Administrative Matters

- 1) Department, Staff and Board Updates
- 2) Board Members Term Expiration Dates
 - a. Dolatowski, Rosemary P. 7/1/2022
 - b. Edelstein, Janice A. -7/1/2024
 - c. Eklof, Jennifer L. -7/1/2021
 - d. Kallio, Peter J. 7/1/2022
 - e. Pisney, Lisa D. 7/1/2023
 - f. Saldivar Frias, Christian 7/1/2023
 - g. Skarlupka, Luann 7/1/2021
 - h. Weinman, Robert W. -7/1/2023
 - i. Zentz, Emily 7/1/2023
- F. Education and Examination Matters Discussion and Consideration

G. Administrative Rule Matters – Discussion and Consideration (26)

- 1) Review of Draft Biennial Report Under S. 227.29, Wis. Stats. (27-28)
- 2) Pending and Possible Rulemaking Projects
 - a. Status of Ongoing Rule Projects
- H. Legislative and Policy Matters Discussion and Consideration

I. Credentialing Matters – Discussion and Consideration

- Nurse Licensure Renewal Process and Nurse Workforce Survey Action as Deemed Necessary (28-29)
- J. COVID-19 Discussion and Consideration

K. Newsletter Planning – Discussion and Consideration (30)

- L. Nurse Licensure Compact (NLC) Update Discussion and Consideration
- M. Board of Nursing Liaison Reports Discussion and Consideration
- N. 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
- O. 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.).

- P. Deliberation on Division of Legal Services and Compliance Matters
 - 1) Administrative Warnings
 - a. 18 NUR 738 M.M.R. **(31-32)**

- b. 19 NUR 053 J.M.A. (33-34)
- c. 19 NUR 413 J.S.S. **(35-36)**
- d. 19 NUR 427 K.E.M. (37-38)
- e. 20 NUR 400 J.C.J. (**39-40**)
- 2) Case Closings
 - a. 18 NUR 335 K.M.M. (**41-49**)
 - b. 19 NUR 175 U. **(50-52)**
 - c. 19 NUR 295 D.M.W. (53-60)
 - d. 19 NUR 513 L.M.B. (61-70)
 - e. 19 NUR 598 K.E.T. (71-74)
 - f. 20 NUR 106 T.P.L. (75-80)
 - g. 20 NUR 506 A.K.L. (81-84)
 - h. 20 NUR 523 K.A.V. (85-89)
 - i. 20 NUR 577 A.S.W. (90-93)

3) **Proposed Stipulations, Final Decisions, and Orders**

- a. 19 NUR 202 Lindsey L. Wendling, R.N. (94-99)
- b. 19 NUR 267 Laura J. Stolt, R.N. (100-111)
- c. 19 NUR 435 Sarah C. Bourget, R.N. (112-119)
- d. 19 NUR 546 Julie R. Huse, R.N. (**120-126**)
- e. 20 NUR 306 Lisa M. Miller-Butt, L.P.N. (127-134)
- f. 20 NUR 391 Maranda J. Nabozny, R.N. (135-142)
- g. 20 NUR 484 Maja Espana, R.N. (143-149)

4) Monitoring Matters (150-151)

- a. Monitor Benisch
 - 1. Rescha Dodd, R.N., A.P.N.P. Requesting Full Licensure (152-166)
 - 2. Rachel Gunderson, R.N. Requesting Full Licensure (167-184)
- b. Monitor Cha
 - 1. Samantha Connaughty, R.N. Requesting Reinstatement of Full Licensure (185-199)
 - Lori Cuene, R.N. Requesting Reduction in Reporting Schedule and Reduction in Screens (200-222)
 - 3. Stephanie Geiger, R.N. Requesting Reduction in AA/NA Meetings and Reduction in Frequency of Screens (223-250)
 - Melissa Owens, R.N. Requesting Reinstatement of Full Licensure (251-301)
 - 5. Jennifer Taylor, R.N. Requesting Reduction in Screens and AA/NA Meetings (**302-339**)
 - 6. Katherine Techmeier, R.N. Requesting Reduction in Screens and AA/NA Meetings (**340-366**)
- c. Monitor Hardin
 - 1. **APPEARANCE:** Christine Johnson (Bohl), R.N. Requesting Reinstatement of Stay of Suspension (**367-421**)
 - Jordan Kufahl, L.P.N., R.N. Requesting Reduction in Drug Screens, Termination of Treatment Requirements and Access to Controlled Substances (422-453)

3. Billie Lawler, R.N., A.P.N.P. – Requesting Full Licensure (454-472)

Q. Deliberation on Proposed Final Decisions and Orders

- Jessica A. Lunde, R.N., Respondent (DHA Case Number SPS-20-026/DLSC Case Number 19 NUR 018) (473-483)
- R. 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
- S. 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

- T. Vote on Items Considered or Deliberated Upon in Closed Session if Voting is Appropriate
- U. Open Session Items Noticed Above Not Completed in the Initial Open Session
- V. Board Meeting Process (Time Allocation, Agenda Items) Discussion and Consideration
- W. Board Strategic Planning and its Mission, Vision and Values Discussion and Consideration

ADJOURNMENT

NEXT MEETING: MARCH 11, 2021

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.

VIRTUAL/TELECONFERENCE BOARD OF NURSING MEETING MINUTES JANUARY 14, 2021

- **PRESENT:** Rosemary Dolatowski, Janice Edelstein, Jennifer Eklof (*excused at 11:00 a.m.*), Peter Kallio, Lisa Pisney, Christian Saldivar Frias (*arrived at 10:46 a.m./excused at 12:48 p.m.*), Robert Weinman (*arrived at 11:35 a.m.*), Emily Zentz
- **EXCUSED:** Luann Skarlupka
- **STAFF:** Christine Poleski, Executive Director; Jameson Whitney, Legal Counsel; Jon Derenne, Administrative Rules Coordinator; Kimberly Wood, Program Assistant Supervisor-Advanced; Megan Glaeser, Bureau Assistant; and other DSPS Staff

CALL TO ORDER

Peter Kallio, Chairperson, called the meeting to order at 8:04 a.m. A quorum was confirmed with six (6) members present.

ADOPTION OF THE AGENDA

MOTION: Janice Edelstein moved, seconded by Rosemary Dolatowski, to adopt the Agenda as published. Motion carried unanimously.

APPROVAL OF MINUTES OF DECEMBER 10, 2020

MOTION: Lisa Pisney moved, seconded by Emily Zentz, to approve the Minutes of December 10, 2020 as published. Motion carried unanimously.

ADMINISTRATIVE MATTERS

Election of Officers, Appointment of Liaisons and Alternates, and Delegation of Authorities

Secretary

NOMINATION: Rosemary Dolatowski nominated herself for the Office of Secretary.

Peter Kallio, Chairperson, called for nominations three (3) times.

Rosemary Dolatowski was elected as Secretary by unanimous voice vote.

Vice Chairperson

NOMINATION: Lisa Pisney nominated herself for the Office of Vice Chairperson.

Peter Kallio, Chairperson, called for nominations three (3) times.

Lisa Pisney was re-elected as Vice Chairperson by unanimous voice vote.

Virtual/Teleconference Board of Nursing Meeting Minutes January 14, 2021 Page 1 of 12

Chairperson

NOMINATION: Peter Kallio nominated himself for the Office of Chairperson.

Peter Kallio, Chairperson, called for nominations three (3) times.

Peter Kallio was re-elected as Chairperson by unanimous voice vote.

ELECTION RESULTS				
Chairperson Peter Kallio				
Vice Chairperson	Lisa Pisney			
Secretary	Luann Skarlupka			

Appointments of Liaisons

LIAISON AI	PPOINTMENTS	
Credentialing	Rosemary Dolatowski Alternate: Jennifer Eklof	
Monitoring	Jennifer Eklof Alternate: Emily Zentz	
Professional Assistance Procedure (PAP)	Peter Kallio Alternate: Emily Zentz	
Legislative Liaison	Luann Skarlupka, Lisa Pisney	
Newsletter	Rosemary Dolatowski	
Board Practice	Peter Kallio	
Board Education	Janice Edelstein <i>Alternate:</i> Peter Kallio	
Controlled Substances Board as per Wis. Stats. §15.405(5g)	Peter Kallio <i>Alternate:</i> Lisa Pisney	
Wisconsin Coalition for Prescription Drug Abuse Reduction	Peter Kallio	

Virtual/Teleconference Board of Nursing Meeting Minutes January 14, 2021 Page 2 of 12

Travel Liaison	Peter Kallio (Chair) <i>Alternate:</i> Lisa Pisney (Vice Chair)					
COMMITTEE MEMBER APPOINTMENTS						
Legislation and Rules Committee	Luann Skarlupka (Chair) Peter Kallio, Lisa Pisney, Robert Weinman					
BOARD APPOINTMENT TO THE INTERSTATE NURSE LICENSURE COMPACT COMMISSION						
Administrator of the Nurse Licensure Compact	Peter Kallio <i>Alternate:</i> Rosemary Dolatowski					

Delegation Motions

Document Signature Delegations

- **MOTION:** Peter Kallio moved, seconded by Lisa Pisney, to delegate authority to the Chairperson (or in absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) to sign documents on behalf of the Board in order to carry out its duties. Motion carried unanimously.
- **MOTION:** Janice Edelstein moved, seconded by Rosemary Dolatowski, in order to carry out duties of the Board, the Chairperson (or in absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) has the ability to delegate signature authority for purposes of facilitating the completion of assignments during or between meetings. The members of the Board hereby delegate to the Executive Director or DPD Division Administrator, the authority to sign on behalf of a board member as necessary. Motion carried unanimously.

Delegated Authority for Urgent Matters

MOTION: Janice Edelstein moved, seconded by Lisa Pisney, that in order to facilitate the completion of urgent matters between meetings, the Board delegates its authority to the Chairperson (or, in the absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession), to appoint liaisons to the Department to act in urgent matters. Motion carried unanimously.

Delegation to Chief Legal Counsel Due to Loss of Quorum

MOTION: Rosemary Dolatowski moved, seconded by Lisa Pisney, to delegate authority to the Chairperson (or in absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) the ability to determine whether to delegate review of disciplinary cases to the Department's Chief Legal Counsel if the Board has insufficient membership present to act. Motion carried unanimously.

Monitoring Delegations

Delegation of Authorities for Monitoring

MOTION: Peter Kallio moved, seconded by Lisa Pisney, to adopt the "Roles and Authorities Delegated for Monitoring" document as presented in the January 14, 2021 agenda materials on pages 25-26. Motion carried unanimously.

Delegation of Authorities for Legal Counsel to Sign Monitoring Orders

MOTION: Rosemary Dolatowski moved, seconded by Peter Kallio, to delegate to Board Legal Counsel the authority to sign Monitoring orders that result from Board meetings on behalf of the Board Chairperson. Motion carried unanimously.

Credentialing Authority Delegations

Delegation of Authority to Credentialing Liaison(s)

MOTION: Peter Kallio moved, seconded by Rosemary Dolatowski, to delegate authority to the Credentialing Liaison(s) to serve as a liaison between the Department and the Board and to act on behalf of the Board in regard to credentialing applications or questions presented to them, including the signing of documents related to applications. Motion carried unanimously.

Delegation of Authority to DSPS When Credentialing Criteria is Met

MOTION: Peter Kallio moved, seconded by Janice Edelstein, to delegate credentialing authority to the Department to act upon applications that meet all credentialing statutory and regulatory requirements without Board or Board liaison review. Motion carried unanimously.

Delegation of Authority for Predetermination Reviews

MOTION: Rosemary Dolatowski moved, seconded by Janice Edelstein, to delegate authority to the Department Attorneys to make decisions regarding predetermination applications pursuant to Wis. Stat. § 111.335(4)(f). Motion carried unanimously.

Virtual/Teleconference Board of Nursing Meeting Minutes January 14, 2021 Page 4 of 12

Delegation of Authority for Conviction Reviews

MOTION: Rosemary Dolatowski moved, seconded by Jennifer Eklof, to delegate authority to the Department Attorneys to review and approve applications with convictions which are not substantially related to the practice of nursing. Motion carried unanimously.

Delegation to DSPS When Applicant's History Has Been Previously Reviewed

MOTION: Rosemary Dolatowski moved, seconded by Emily Zentz, to delegate authority to Department staff to approve applications where criminal background checks have been approved for a previous unrestricted nursing credential and there is no new conviction record. Motion carried unanimously.

<u>Delegation of Authority for Nurse Refresher Courses to DSPS Attorneys and</u> <u>Paralegals</u>

MOTION: Rosemary Dolatowski moved, seconded by Peter Kallio, to delegate authority to Department Attorneys and Paralegals to grant limited licenses for Nurse Refresher Courses (as long as all other requirements are met) unless there are convictions, prior Board discipline, or impairment issues. Staff can then move forward with the granting of full licensure after verification of successful completion has been received. Motion carried unanimously.

Delegated Authority for Application Denial Reviews

MOTION: Peter Kallio moved, seconded by Janice Edelstein, to delegate authority to the Department's Attorney Supervisors to serve as the Board's designee for purposes of reviewing and acting on requests for hearing as a result of a denial of a credential. Motion carried unanimously.

Pre-Screening Delegation to Open Cases

- **MOTION:** Peter Kallio moved, seconded by Lisa Pisney, to delegate pre-screening decision making authority to the DSPS screening attorney for opening cases as outlined below:
 - 1. OWIs of 3 or more that occurred in the last 5 years.
 - 2. Reciprocal discipline cases.
 - 3. Impairment and/or diversion at work that includes a positive drug/alcohol test.
 - 4. Conviction of a misdemeanor or felony that the attorney believes is substantially related and is not otherwise excluded from consideration via Wis. Stat. ch. 111.
 - 5. Failure to Respond by Respondent to allegations contained in the complaint when requested by intake (Case will be opened on failure to respond and the merits).

Motion carried unanimously.

Pre-Screening Delegation to Close Cases

- **MOTION:** Peter Kallio moved, seconded by Lisa Pisney, to delegate pre-screening decision making authority to the DSPS screening attorney for closing cases as outlined below:
 - 1. One OWI that is non-work related and if AODA assessment completed, assessment does not indicate dependency.
 - 2. DHS caregiver complaint where facility investigation does not find wrongdoing by a nurse.
 - 3. Complaints that even if allegations are true, do not amount to a violation of statute or rules.

Motion carried unanimously.

Voluntary Surrenders

MOTION: Rosemary Dolatowski moved, seconded by Emily Zentz, to delegate authority to the assigned case advisor to accept or refuse a request for voluntary surrender pursuant to Wis. Stat. § 440.19 for a credential holder who has a pending complaint or disciplinary matter. Motion carried unanimously.

Authorization for DSPS to Provide Board Member Contact Information to National Regulatory Related Bodies

MOTION: Peter Kallio moved, seconded by Janice Edelstein, to authorize DSPS staff to provide national regulatory related bodies with all board member contact information that DSPS retains on file. Motion carried unanimously.

Optional Renewal Notice Insert Delegation

MOTION: Peter Kallio moved, seconded by Lisa Pisney, to designate the Chairperson (or, in the absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) to provide a brief statement or link relating to board-related business within the license renewal notice at the Board's or Board designee's request. Motion carried unanimously.

Legislation and Rules Committee Delegation

MOTION: Lisa Pisney moved, seconded by Rosemary Dolatowski, to grant the Legislation and Rules Committee the ability to address all rulemaking as related to drafting and making recommendations to the full Board. Motion carried unanimously.

Legislative Liaison(s) Delegation

MOTION: Peter Kallio moved, seconded by Lisa Pisney, to delegate authority to the Legislative Liaison(s) to speak on behalf of the Board regarding legislative matters. Motion carried unanimously.

Travel Liaison(s) Delegation

MOTION: Rosemary Dolatowski moved, seconded by Janice Edelstein, to delegate authority to the Travel Liaison(s) to approve any board member travel. Motion carried unanimously.

APPEARANCE: PRESENTATION ON 2018-2040 WISCONSIN RN SUPPLY AND DEMAND FORECAST – TOM WALSH, WORKFORCE DEVELOPMENT AND BARBARA NICHOLS, WISCONSIN CENTER FOR NURSING

MOTION: Peter Kallio moved, seconded by Janice Edelstein, to acknowledge and thank Tom Walsh, Workforce Development, and Barbara Nichols, Wisconsin Center for Nursing, for their remote appearance before the Board. Motion carried unanimously.

BOARD MEMBER PARTICIPATION IN THE HEROES FOR HEALTHCARE WISCONSIN PROPOSED MILITARY MEDICS AND CORPSMEN PILOT PROGRAM

MOTION: Emily Zentz moved, seconded by Rosemary Dolatowski, to authorize Peter Kallio as a designee, and Lisa Pisney as an alternate, to participate in the Heroes for Healthcare Wisconsin Proposed Military Medics and Corpsmen Pilot Program on behalf of the Board. Motion carried unanimously.

ADMINISTRATIVE RULE MATTERS

<u>Preliminary Rule Draft for N 2 Relating to Reciprocal Credentials for Service Members,</u> <u>Former Service Members, and Their Spouses</u>

MOTION: Lisa Pisney moved, seconded by Peter Kallio, to approve the preliminary rule draft of N 2, relating to reciprocal credentials for service members, former service members, and their spouses, for posting for economic impact comments and submission to the Clearinghouse. Motion carried unanimously.

Status Updates on Pending Rules

MOTION: Peter Kallio moved, seconded by Emily Zentz, to acknowledge and thank Jon Derenne, Administrative Rules Coordinator, for his work with the Board of Nursing. Motion carried unanimously.

CLOSED SESSION

MOTION: Jennifer Eklof moved, seconded by Peter Kallio, 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; Janice Edelsteinyes; Jennifer Eklof-yes; Peter Kallio-yes; Lisa Pisney-yes; and Emily Zentz-yes. Motion carried unanimously.

The Board convened into Closed Session at 10:37 a.m.

DIVISION OF LEGAL SERVICES AND COMPLIANCE MATTERS

Administrative Warnings

MOTION: Peter Kallio moved, seconded by Jennifer Eklof, to issue an Administrative Warnings in the matter of the following cases:

- 1. 18 NUR 355 and 19 NUR 269 C.M.N.
- 2. 18 NUR 355 and 19 NUR 269 R.I.F.
- 3. 19 NUR 201 T.J.F.
- 4. 19 NUR 461 J.T.B.

Motion carried unanimously.

Virtual/Teleconference Board of Nursing Meeting Minutes January 14, 2021 Page 8 of 12

Case Closings

MOTION: Peter Kallio moved, seconded by Jennifer Eklof, to close the following DLSC Cases for the reasons outlined below:

- 1. 18 NUR 355 E.M.G., E.A.S., and N.J.E. Insufficient Evidence
- 2. 18 NUR 590 K.B.F. Prosecutorial Discretion (P5)
- 3. 19 NUR 162 M.S.B. Insufficient Evidence
- 4. 19 NUR 245 S.D.K. Prosecutorial Discretion (P1)
- 5. 19 NUR 294 S.B.E. Prosecutorial Discretion (P7)
- 6. 19 NUR 351 P.R. Insufficient Evidence
- 7. 19 NUR 441 A.N. No Violation
- 8. 19 NUR 727 S.L. Insufficient Evidence
- 9. 20 NUR 281 B.M.S. Insufficient Evidence

Motion carried unanimously.

Proposed Stipulations and Final Decisions and Orders

- **MOTION:** Peter Kallio moved, seconded by Jennifer Eklof, to adopt the Findings of Fact, Conclusions of Law and Orders in the matter of disciplinary proceedings of the following cases:
 - 1. 18 NUR 529 Anne M. Goodiel, R.N.
 - 2. 18 NUR 756 Vicki L. Checolinski, R.N.
 - 3. 19 NUR 011 Jessica J. Gums, R.N.
 - 4. 19 NUR 179 Angela L. Minter, R.N.
 - 5. 19 NUR 207 Mark A. Wedige, R.N.
 - 6. 19 NUR 212 Tina R. Hafeman, R.N.
 - 7. 19 NUR 270 Amy Gunderson, R.N.
 - 8. 19 NUR 310 Carol A. Dotson-Jones, L.P.N.
 - 9. 19 NUR 342 Julie Brinkman, R.N.
 - 10. 19 NUR 467 Jeffrey W. Rover, L.P.N.
 - 11. 20 NUR 215 Sarah M. Reimer, L.P.N.

Motion carried unanimously.

(Christian Saldivar Frias joined the meeting at 10:46 a.m.)

DELIBERATION ON PROPOSED FINAL DECISIONS AND ORDERS

<u>Amanda R. Nieuwenhuis, R.N., Respondent (DHA Case Number SPS-20-022/DLSC Case Number 17 NUR 346 and 18 NUR 750)</u>

MOTION: Jennifer Eklof moved, seconded by Rosemary Dolatowski, to adopt the Findings of Fact, Conclusions of Law, and Proposed Decision and Order in the matter of disciplinary proceedings against Amanda R. Nieuwenhuis, R.N., Respondent (DHA Case Number SPS-20-022/DLSC Case Number 17 NUR 346 and 18 NUR 750). Motion carried.

(Peter Kallio recused himself and disconnected for deliberation and voting in the matter concerning Amanda R. Nieuwenhuis, R.N., Respondent (DHA Case Number SPS-20-022/DLSC Case Number 17 NUR 346 and 18 NUR 750).)

(Jennifer Eklof was excused at 11:00 a.m.)

CREDENTIALING MATTERS

Application Reviews

MeShelle L. Settles Registered Nurse Reinstatement Applicant

- **MOTION:** Rosemary Dolatowski moved, seconded by Janice Edelstein, to acknowledge and thank MeShelle L. Settles, Registered Nurse Reinstatement Applicant, for her remote appearance before the Board. Motion carried unanimously.
- **MOTION:** Lisa Pisney moved, seconded by Rosemary Dolatowski, to deny the request of MeShelle L. Settles, Registered Nurse Reinstatement Applicant, for an unrestricted refresher course license, and to offer her a limited license for the purpose of completing a nurse refresher course with the restrictions of a five-year impairment Order. **Reason for Denial**: N 7.03(6)(f), unable to practice safely by reason of alcohol. Motion carried unanimously.

(Robert Weinman joined the meeting at 11:35 a.m.)

Sheila Novin Registered Nurse Reinstatement Applicant

MOTION: Peter Kallio moved, seconded by Lisa Pisney, to grant a license for the sole purpose of completing a nurse refresher course in the Registered Nurse reinstatement application of Sheila Novin. Motion carried unanimously.

Virtual/Teleconference Board of Nursing Meeting Minutes January 14, 2021 Page 10 of 12

Monitoring Matters

Sandra Graham, R.N. Requesting Full Licensure

MOTION: Peter Kallio moved, seconded by Lisa Pisney, to grant the request of Sandra Graham, R.N., for full licensure. Motion carried unanimously.

Rachel Gunderson, R.N. Requesting Full Licensure

MOTION: Peter Kallio moved, seconded by Janice Edelstein, to table the request of Rachel Gunderson, R.N., for full licensure. Motion carried unanimously.

Kimberly Anderson, R.N. Requesting Full Licensure

MOTION: Peter Kallio moved, seconded by Emily Zentz, to grant the request of Kimberly Anderson, R.N., for full licensure. Motion carried unanimously.

Stephanie Ciancio (Hoffman), R.N. Requestion Full Licensure or Reductions in Screens

MOTION: Rosemary Dolatowski moved, seconded by Robert Weinman, to grant the request of Stephanie Ciancio (Hoffman), R.N., for full licensure. carried unanimously.

Kelli Engen, R.N. Requesting Full Licensure

MOTION: Rosemary Dolatowski moved, seconded by Janice Edelstein, to grant the request of Kelli Engen, R.N., for full licensure. Motion carried unanimously.

Heather Pierce, R.N.

Requesting Full Licensure or Termination of Hair Test and/or Reduction in Screens

MOTION: Rosemary Dolatowski moved, seconded by Robert Weinman, to grant the request of Heather Pierce, R.N., for full licensure. Motion carried unanimously.

Christine Beckmann, L.P.N. Requesting Full Licensure

MOTION: Peter Kallio moved, seconded by Robert Weinman, to deny the request of Christine Beckmann, L.P.N., for full licensure. <u>Reason for Denial:</u> Insufficient time under the Board Order (12/16/2019) to demonstrate adequate compliance. Motion carried unanimously.

Virtual/Teleconference Board of Nursing Meeting Minutes January 14, 2021 Page 11 of 12

Sajne Johnson, L.P.N. Requesting Full Licensure

MOTION: Lisa Pisney moved, seconded by Janice Edelstein, to grant the request of Sajne Johnson, L.P.N., for full licensure. Motion carried unanimously.

RECONVENE TO OPEN SESSION

MOTION: Peter Kallio moved, seconded by Robert Weinman, to reconvene into Open Session. Motion carried unanimously.

The Board reconvened into Open Session at 12:48 p.m.

(Christian Saldivar Frias was excused at 12:48 p.m.)

VOTING ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION

MOTION: Peter Kallio moved, seconded by Emily Zentz, 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.)

MOTION: Emily Zentz moved, seconded by Lisa Pisney, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 1:08 p.m.

Virtual/Teleconference Board of Nursing Meeting Minutes January 14, 2021 Page 12 of 12

State of Wisconsin Department of Safety & Professional Services

1) Name and title of pers	on submitting the request:		2) Date when request submitted:		
Kassandra Walbrun, Administrative Rules Coordinator			2/1/2021		
			Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting		
3) Name of Board, Comm	nittee, Council, Sections:				
Board of Nursing					
4) Meeting Date:	5) Attachments:	6) How s	should the item be ti	tled on the agenda page?	
2/11/2021			00 AM Public Hearing: Clearinghouse Rule 21-009 [1], relating to clinical learning experiences		
		C	omments	ler Clearinghouse Report and Public	
7) Place Item in:	8) Is an appearan			9) Name of Case Advisor(s), if required:	
Open Session	scheduled? (If ye <u>Appearance Req</u>				
Closed Session	Yes				
	⊠ No				
10) Describe the issue a	nd action that should be ad	dressed:			
Attachments: Draft rule,	EIA, and Clearinghouse rep		tion		
Kassandra Walbrun				2/1/2021	
Signature of person mak	ang inis request			Date	
Supervisor (if required)Date					
Executive Director signature (indicates approval to add post agenda deadline item to agenda) Date					

AGENDA REQUEST FORM

STATE OF WISCONSIN **BOARD OF NURSING** _____

:

:

:

IN THE MATTER OF RULEMAKING PROCEEDINGS BEFORE THE BOARD OF NURSING

PROPOSED ORDER OF THE **BOARD OF NURSING** ADOPTING RULES : (CLEARINGHOUSE RULE)

PROPOSED ORDER

An order of the Board of Nursing to repeal s. N 1.08 (5m) (a) 3., relating to clinical learning simulations.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted: s. 441.01 (3), Stats.

Statutory authority: ss. 15.08 (5) (b) and 441.01 (3), Stats.

Explanation of agency authority:

Section 15.08 (5) (b), Stats., provides that 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 441.01 (3), Stats., provides that "[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..."

Related statute or rule: None.

Plain language analysis:

This rule project removes the requirement that a simulation used to meet clinical requirements must provide an opportunity for each student to participate while in the role of the nurse.

Summary of, and comparison with, existing or proposed federal regulation: None.

Summary of public comments received on statement of scope and a description of how and to what extent those comments and feedback were taken into account in drafting the proposed rule: N/A.

Comparison with rules in adjacent states:

Illinois:

Illinois administrative rules do not discuss the use of simulations for clinical learning purposes. The Illinois Board of Nursing has issued guidelines for the use of simulation in nursing programs:

http://nursing.illinois.gov/PDF/2015-11-06_IDFPR_BON_Simulation_Guidelines.pdf

The guidelines do not specify that each student participant in the simulation be required to play the role of the nurse.

Iowa:

The Iowa Board of Nursing provides that nursing programs with a simulation component must ensure that simulation does not exceed 50% of total clinical hours in a course. There is no requirement that each student participant in the simulation be required to play the role of the nurse (655 IAC s. 2.10(7)).

Michigan:

The Michigan Board of Nursing limits the use of clinical simulation to being used to meet no more than 50% of the required clinical experience. The Board adopts the International Nursing Association for Clinical Simulation and Learning's "Standards of Best Practice: Simulation" 2016 (Mich. Admin. Rules R 338.10308 (2)). Those standards do not require each student participant in the simulation be required to play the role of the nurse.

Minnesota:

The Minnesota Board of Nursing allows for the use of "high-fidelity simulation" to meet no more than 50% of the clinical learning requirement. The simulation must provide each student "an opportunity to demonstrate clinical competence while in the role of the nurse" (MN Admin Rules 6301.2340 (3) (B) (4)).

Summary of factual data and analytical methodologies:

This rule project removes the requirement that a simulation used to meet clinical requirements must provide an opportunity for each student to participate while in the role of the nurse. The board considers this requirement to be unnecessary given that there is significant evidence that students learn as much from playing the patient role or observing the simulation as they do playing the role of the nurse.

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

The proposed rule was posted on the department's website for 14 days to solicit economic impact comments from small businesses, local governmental units, and individuals. No comments were received.

Fiscal Estimate and Economic Impact Analysis:

The Fiscal Estimate and Economic Impact Analysis are attached.

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, Dan Hereth, may be contacted by calling (608) 267-2435.

Agency contact person:

Jon Derenne, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, P.O. Box 8366, Madison, Wisconsin 53708; telephone 608-266-0955; email at DSPSAdminRules@wisconsin.gov.

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

Comments may be submitted to Jon Derenne, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, P.O. Box 8366, Madison, WI 53708-8366, or by email to DSPSAdminRules@wisconsin.gov. Comments must be received on or before the public hearing to be held by the board on February 11, 2021 at 8:00 AM to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. N 1.08 (5m) (a) 3. is repealed.

SECTION 2. 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)

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis	2. Date					
Original Updated Corrected		January 13, 2021				
3. Administrative Rule Chapter, Title and Number (and Clearinghouse Number if applicable) N 1.08 (5m) (a) 3.						
4. Subject Clinical Learning Simulations						
5. Fund Sources Affected	6. Chapter 2	20, Stats. Appropriations Affected				
7. Fiscal Effect of Implementing the Rule ☑ No Fiscal Effect ☐ Increase Existing Revenues ☐ Indeterminate ☐ Decrease Existing Revenues	Increase	Costs Costs Decrease Costs Sorb Within Agency's Budget				
Local Government Units Publi	ific Businesse ic Utility Rate I					
 9. Estimate of Implementation and Compliance to Businesses, Loca 						
\$0						
10. Would Implementation and Compliance Costs Businesses, Loca Any 2-year Period, per s. 227.137(3)(b)(2)?	al Government	tal Units and Individuals Be \$10 Million or more Over				
Yes No						
11. Policy Problem Addressed by the Rule This rule project removes the requirement that a simulation u	used to meet a	clinical requirements must provide an				
opportunity for each student to participate while in the role of						
unnecessary given that there is significant evidence that stude						
the simulation as they do playing the role of the nurse.						
12. Summary of the Businesses, Business Sectors, Associations Re that may be Affected by the Proposed Rule that were Contacted						
The rule draft was posted on the department's website for 14	-	-				
business sectors, associations representing business, local go	vernmental u	inits, and individuals. No comments were				
received.						
13. Identify the Local Governmental Units that Participated in the De No local governmental units participated.	evelopment 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) None.						
	nting the Pule					
15. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule The benefit of implementing the rule is to remove an uncessary rule provision that created a burden on educators and students. The alternative to implementing the rule is to continue requiring that each student participate in the role of the nurse in each simulation.						
16. Long Range Implications of Implementing the Rule The long range implication of implementing this rule is to remove an unnecessary requirement in the education of nursing students, and to instead allow educators and students to determine whether a particular role in a simulation provides a student with useful learning experience.						
17. Compare With Approaches Being Used by Federal Government						

1

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

None.

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

Illinois administrative rules do not discuss the use of simulations for clinical learning purposes. The Illinois Board of Nursing has issued guidelines for the use of simulation in nursing programs:

http://nursing.illinois.gov/PDF/2015-11-06_IDFPR_BON_Simulation_Guidelines.pdf

The guidelines do not specify that each student participant in the simulation be required to play the role of the nurse.

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Michigan:

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19. Contact Name	20. Contact Phone Number
Jon Derenne, Administrative Rules Coordinator	(608) 266-0955

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

1) Name and title of person submitting the request:		2) Date when reque	est submitted:			
Kassandra Walbrun, Administrative Rules Coordinator		2/1/2021				
			Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting			
3) Name of Board, Comr	mittee, Council, Sections:					
Board of Nursing						
4) Meeting Date:	5) Attachments:	5) Attachments: 6) How should the item be titled on the agenda page?				
2/11/2021	⊠ Yes □ No	Yes Administrative Rule Matters – Discussion and				
7) Place Item in: Open Session Closed Session Yes No 10) Describe the issue and action that should be addressed: 1. Review draft report (pdf) 2. Overview of all ongoing rule projects (table) 9) Name of Case Advisor(s), if required: 9) Name of Case Advisor(s), if required:						
11)	1	Authorizat	tion			
Kassandra Walb	run			2/1/2021		
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. 						

AGENDA REQUEST FORM

Peter Kallio Chairperson

Lisa Pisney Vice Chairperson

March xx, 2021

Rosemary Dolatowski Secretary **BOARD OF NURSING**



4822 Madison Yards Way PO Box 8366 Madison WI 53708-8366

Email: dsps@wisconsin.gov Voice: 608-266-2112 FAX: 608-251-3032

<mark>FINAL DRAFT</mark>

Senator Stephen Nass, Senate Co-Chairperson Joint Committee for Review of Administrative Rules Room 10 South, State Capitol Madison, WI 53702

Representative Adam Neylon, Assembly Co-Chairperson Joint Committee for Review of Administrative Rules Room 204 North, State Capitol Madison, WI 53702

RE: Biennial Report under Wisconsin Statutes Section 227.29

Dear Senator Nass and Representative Neylon:

This report has been prepared and submitted in compliance with s. 227.29 (1), Stats.

I. Unauthorized rules, as defined in s. 227.26 (4) (a):

After careful review of the Board's administrative rules, the Board has determined that no promulgated rules are unauthorized.

II. Rules for which the authority to promulgate has been restricted:

After careful review of the Board's administrative rules, the Board has determined that no promulgated rules have restricted authority.

III. Rules that are obsolete or that have been rendered unnecessary:

After careful review of the Board's administrative rules, the Board has determined that no promulgated rules are obsolete or have been rendered unnecessary. The Board is conducting a review of N 4, as identified in the 2019 report.

IV. Rules that are duplicative of, superseded by, or in conflict with another rule, a state statute, a federal statute or regulation, or a ruling of a court of competent jurisdiction:

After careful review of the Board's administrative rules, the Board has determined that no promulgated rules are duplicative, superseded, or conflicting with another rule, state statute, federal statute or regulation, or court ruling.

V. Rules that are economically burdensome:

After careful review of the Board's administrative rules, the Board has determined that no promulgated rules are economically burdensome. The Board is conducting a review of N 4, as identified in the 2019 report.

VI. 2019 Report Status Update

Rule	Description of Rule Considered Economically Burdensome	Action taken to address or reason for not taking an action
N 4.04 (1)	It is economically burdensome to require an application be notarized.	The Board is conducting a comprehensive review and update of N 4, including consideration to delete this requirement.
Rule	Description obsolete rule or rule rendered unnecessary	Action taken to address or reason for not taking an action
N 4.02 (2)	The Bureau of Health Services no longer exists and the address for the Department of Safety and Professional Services is incorrect.	The Board is conducting a comprehensive review and update of N 4., including an update to revise terminology.

Sincerely,

Peter Kallio Chairperson

State of Wisconsin Department of Safety & Professional Services

1) Name and title of pers	son submitting the request:	2) Date when reque			
Samantha Lange		2/5/21			
			Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting		
3) Name of Board, Com	nittee, Council, Sections:				
BON					
4) Meeting Date:	5) Attachments:	6) How should the item be ti	tled on the agenda page?		
2/11/21	Yes	Credentialing Matters			
	No				
7) Place Item in:	8) Is an appearan scheduled?	ce before the Board being	9) Name of Case Advisor(s), if required:		
Open Session					
Closed Session	│				
10) Describe the issue a	nd action that should be add	dressed:			
See attached data.					
11)	ŀ	Authorization			
Samantha Lange			2/5/2021		
Signature of person mak	king this request		Date		
Supervisor (if required)			Date		
Executive Director signature (indicates approval to add post agenda deadline item to agenda) Date					
Executive Director signa	ature (indicates approval to a	adu post agenda deadime iter	n to agenda) Date		
Directions for including					
	attached to any documents a e items must be authorized		y Development Executive Director.		
			e to the Bureau Assistant prior to the start of a		
meeting.	_		•		

	Wisconsin Department of Safety and Professional Services License Counts as of 2/5/2021 (Includes Temp. Licenses)									
			In State		C	Out of Stat	te		Totals	
Reg.	Profession	Active	Inactive	Total	Active	Inactive	Total	Active	Inactive	Total
30	Registered Nurse	91,329	52,672	144,001	13,940	60,092	74,032	105,269	112,764	218,033
31	Licensed Practical Nurse	13,146	33,413	46,559	840	9,611	10,451	13,986	43,024	57,010
32	Nurse - Midwife	231	89	320	33	84	117	264	173	437
33	Advanced Practice Nurse Prescriber	6,695	1,404	8,099	1,127	1,482	2,609	7,822	2,886	10,708

Nursing Licenses Issued Pursuant to Emergency Order 2:

Profession	October 2020	November 2020
Registered Nurse	45	41
Licensed Practical Nurse	6	5
Nurse Midwife	-	-
Advanced Practice Nurse Prescriber	20	18

State of Wisconsin Department of Safety & Professional Services

1) Name and title of person submitting the request: 2) Date when request submitted:					est submitted:	
Kimberly Wood, Program Assistant Supervisor-Adv.				2/1/2021		
Kinberty wood, i rogiani Assistant Supervisor-Auv.		Items will be considered late if submitted after 12:00 p.m. on the				
deadline date which is 8 busir			h is 8 business days before the meeting			
3) Name of Board, Comr	nittee, Cou	uncil, Sections:				
Board of Nursing						
4) Meeting Date:	5) Attach	nments:	6) How	should the item be ti	tled on the agenda page?	
2/11/2021	Yes		Newslet	tter Planning		
	🖂 No					
7) Place Item in:		8) Is an appearan scheduled?	ce before	e the Board being	9) Name of Case Advisor(s), if required:	
Open Session		_			N/A	
Closed Session						
10) Describe the issue a	nd action :	No No	draccadi			
,			ulesseu.			
Newsletter Review:						
					ing. The Board should view the draft newsletter	
once made available on	SharePoir	it and come prepa		scuss any reeuback.		
Planning for May Newsle	etter:					
					May 2021 with a deadline for article submission	
on April 23, 2021. The Board should begin considering topics for the May Newsletter.						
11) Authorization						
Kimberly Wood					2/1/2021	
Signature of person mal	king this re	equest			Date	
Supervisor (if required)					Date	
Executive Director signature (indicates approval to add post agenda deadline item to agenda) Date						
Directions for including			cubmittor	to the agenda		
 This form should be attached to any documents submitted to the agenda. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 						
3. If necessary, provide	3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a					
meeting.						

AGENDA REQUEST FORM