



STATE OF WISCONSIN

Department of Safety and Professional Services
1400 E Washington Ave.
Madison WI 53703

Mail to:
PO Box 8935
Madison WI 53708-8935

Email: dsps@wisconsin.gov
Web: <http://dsps.wi.gov>
Phone: 608-266-2112

Governor Scott Walker Secretary Dave Ross

LEGISLATION AND RULES COMMITTEE

BOARD OF NURSING

ROOM 121A, 1400 EAST WASHINGTON AVENUE, MADISON WI

CONTACT: DAN WILLIAMS (608) 266-2112

November 25, 2013

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.

8:00 a.m.

CALL TO ORDER – ROLL CALL – OPEN SESSION

- A. Approval of Agenda(1-2)**
- B. Approval of Legislation and Rules Committee Minutes of November 14, 2013 (3-4)**
- C. Rule-making status - Discussion and Consideration**
 - 1) Draft rule amending N 2 and N 3 relating to applications **(5-10)**
 - 2) Draft rule amending N 1 relating to school approval
- D. Public Comments**

ADJOURNMENT OF LEGISLATION AND RULES COMMITTEE MEETING

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LEGISLATION AND RULES COMMITTEE

**BOARD OF NURSING
MEETING MINUTES
NOVEMBER 14, 2013**

PRESENT: Jeffrey Miller, Lillian Nolan,

STAFF: Dan Williams, Executive Director; Sharon Henes, Rules Coordinator;
Matt Guidry, Bureau Assistant; Other Department Staff

CALL TO ORDER

The chair called the meeting to order at 9:54 a.m. A quorum of two (2) members was confirmed.

ADOPTION OF AGENDA

MOTION: Lillian Nolan moved, seconded by Jeffrey Miller, to adopt the agenda as published. Motion carried unanimously.

**APPROVAL OF LEGISLATION AND RULES COMMITTEE MINUTES OF
OCTOBER 28, 2013**

MOTION: Lillian Nolan moved, seconded by Jeffrey Miller, to approve the minutes of October 28 as published. Motion carried unanimously.

ADJOURNMENT

MOTION: Lillian Nolan moved, seconded by Jeffrey Miller, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 10:20 p.m.

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Chapter N 2
LICENSURE

N 2.01 **Authority.** This chapter is adopted pursuant to authority of ss. 15.08, 227.11, and 441.01(3).

N 2.02 **Definitions.** As used in this chapter.

- (1) “Board” means board of nursing.
- (2) “Board approved school” means one of the following:
 - (a) A school in Wisconsin which has been approved by the board or the board has granted authorization to admit students under ch. N 1.
 - (b) A school which participates in the electronic application process.
- (3) “Certificate of Approval” means the school of nursing approves the applicant to take the NCLEX prior to receiving a diploma in practical nursing or professional nursing.
- (4) “Certificate of Completion” means the applicant has completed the portion of the program equivalent to a diploma in practical nursing or professional nursing.
- (5) “Comparable school” means one of the following:
 - (a) A school holding nursing accreditation by a board-recognized nursing accreditation organization.
 - (b) A school located in the United States approved by the board of nursing for that jurisdiction
 - (c) A school located in a U.S. territory or a province of Canada which approved by the board of nursing for that jurisdiction and meets the standards of the Wisconsin board of nursing.
- (6) “Department” means the department of safety and professional services.
- (7) “Direct supervision” means immediate availability to coordinate, direct and inspect the practice of another.
- (8) “LPN” means licensed practical nurse.
- (9) “NCLEX” means national council licensure examination
- (10) “RN” means registered nurse.

SUBCHAPTER I
LICENSURE BY EXAMINATION

N 2.10 **Qualifications for licensure.** (1) REGISTERED NURSE APPLICANTS. An applicant is eligible for licensure if the applicant:

- (a) Graduated from a high school or its equivalent;
- (b) Does not have an arrest or conviction record, subject to ss. 111.321, 111.322 and 111.335.
- (c) Graduated from one of the following:

1. a board-approved school of professional nursing
2. a comparable school of professional nursing

or submits evidence of general and professional educational qualifications comparable to those required in this state at the time of graduation.

- (d) Passes the NCLEX.

(2) LICENSED PRACTICAL NURSE APPLICANTS. An applicant is eligible for licensure if the applicant:

- (a) Completed two years of high school or its equivalent;
- (b) Does not have an arrest or conviction record, subject to ss. 111.321, 111.322 and 111.335.
- (c) Graduated from one of the following:
 1. a board-approved school of practical nursing
 2. a comparable school of practical nursing

or submits evidence of general and professional educational qualifications comparable to those required in this state at the time of graduation.

(d) Passes the NCLEX.

N 2.11 Application procedure for applicants from board approved schools. (1) Each applicant shall complete and submit an application by the electronic application process or on forms provided by the department and pay the fee.

(2) The educational administrator or designee for a school of professional nursing or practical nursing shall either:

(a) submit via the electronic application process a verification that the person has graduated or received a certificate of completion; or

(b) submit a certification of graduation or completion to the department.

(3) NCLEX.

(a) The board shall notify the applicant of eligibility for admission to the examination once it receives verification of one of the following:

1. Certificate of approval

2. Graduation

3. Certificate of completion

(b) The applicant shall contact the examination provider to schedule the examination date and time within one year from the time the notice of eligibility is received.

(c) The board shall send notification of results to applicants who fail to earn a passing score on the NCLEX. An applicant may apply to the board for authorization to schedule reexamination. The reexamination may not occur earlier than 45 days after the most recent sitting for the examination.

(4) An applicant who has a pending criminal charge or has been convicted of any crime or ordinance violation shall provide the board all related information necessary for the board to determine whether the circumstances of the arrest or conviction or other offense substantially relate to the circumstances of the licensed activity.

(5) An applicant who has committed any act, which would be subject to discipline under N 7, shall provide the board with all related information regarding the act necessary for the board to make a determination on the application for licensure.

N 2.12 Application procedure for applicants from comparable schools. (1) Each applicant shall complete and submit an application on forms provided by the department.

(2) 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 outside the United States, the applicant shall submit a valid certificate issued by the commission on graduates of foreign nursing schools or another board approved entity which evaluates education.

(3) NCLEX.

(a) The board shall notify the applicant of eligibility for admission to the examination once it receives verification of one of the following:

1. Certificate of approval

2. Graduation

(b) The board shall notify the applicant of eligibility for admission to the examination. The applicant shall contact the examination provider to schedule the examination date and time within one year from the time the notice of eligibility is received.

(c) The board shall send notification of results to applicants who fail to earn a passing score on the NCLEX. An applicant may apply to the board for authorization to schedule reexamination.

The reexamination may not occur earlier than 45 days after the most recent sitting for the examination.

(4) An applicant who has a pending criminal charge or has been convicted of any crime or ordinance violation shall provide the board all related information necessary for the board to determine whether the circumstances of the arrest or conviction or other offense substantially relate to the circumstances of the licensed activity.

(5) An applicant who has committed any act, which would be subject to discipline under N 7, shall provide the board with all related information regarding the act necessary for the board to make a determination on the application for licensure.

SUBCHAPTER II LICENSURE BY ENDORSEMENT

N 2.20 Endorsement of an applicant from a nurse licensure compact state. A license from a state which has adopted the nurse licensure compact is considered to have met educational and other qualifications comparable to those required in this state.

(1) The applicant shall file a completed application, declare Wisconsin as the primary state of residence, and pay the applicable fee.

(2) An applicant who has a pending criminal charge or has been convicted of any crime or ordinance violation shall provide the board with all related information necessary for the board to determine whether the circumstances of the arrest or conviction or other offense substantially relates to the practice of nursing.

(3) An applicant who has committed any act, which would be subject to discipline under N 7, shall provide the board with all related information regarding the act necessary for the board to make a determination on the application for licensure.

(4) An applicant who has a nursing license encumbered by adverse action shall provide the board with all related information necessary to determine whether the Board deems the action taken to warrant a denial in Wisconsin. Any license issued to an applicant with an encumbered nursing license elsewhere shall be a single state license to practice in the state of Wisconsin.

N 2.21 Endorsement of an applicant from another U.S. state, territory or Canada. (1) A license from another U.S. state, 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 the following:

(a) Graduated from a school approved by the board in the jurisdiction of initial licensure or had education the board in the jurisdiction of initial licensure deemed to be comparable to a school that board approves.

(b) Passed the NCLEX or other test approved by the board in the jurisdiction of initial licensure.

(2) An applicant shall submit a completed application and pay the applicable fee. The application shall include:

(a) Verification of licensure from the state, territory or province in which the original license by examination was issued and the state, territory or province in which the current license was issued.

(b) Documentation of employment history.

(c) An applicant who has a pending criminal charge or has been convicted of any crime or ordinance violation shall provide the board with all related information necessary for the board to determine whether the circumstances of the arrest or conviction or other offense substantially relate to the practice of nursing.

- (d) An applicant who has a license encumbered by adverse action shall provide the board with all related information necessary to determine whether the Board deems the action taken to warrant a denial in Wisconsin.
 - (e) An applicant who has been terminated from any employment related to nursing shall provide the board with all related information necessary to determine current competency.
 - (f) An applicant who has committed any act, which would be subject to discipline under N 7, shall provide the board with all related information regarding the act necessary for the board to make a determination on the application for licensure.
- (3) An applicant who does not have current nursing education or been employed in a position that requires a nursing license within the last five years may apply to the board for a limited license to enable the applicant to complete a nursing refresher course approved by the board. Upon successful completion of an approved nursing refresher course, the license holder may petition the board for full licensure.

SUBCHAPTER III TEMPORARY PERMITS

N 2.30 **Definitions.** In this subchapter:

- (1) “G.N.” means graduate nurse.
- (2) “G.P.N.” means graduate practical nurse.

N 2.31 **Application.** A nurse who has graduated from a board approved school or comparable school may be granted a temporary permit. An applicant shall submit a completed application and pay the applicable fee. The application shall include one of the following:

- (1) Verification from a board approved school via the electronic application process that the applicant has graduated or received a certificate of completion.
- (2) A certification of graduation or completion from a board approved school
- (3) An official transcript of nursing education submitted by the school of professional nursing or practical nursing directly to the department.

N 2.32 **Title.** (1) A registered nurse applicant for licensure by exam who is granted a temporary permit may use the title “graduate nurse” or the letters “G.N.”

(2) A practical nurse applicant for licensure by exam who is granted a temporary permit may use the title “graduate practical nurse” or the letters “G.P.N.”

(3) A registered nurse or practical nurse for licensure by endorsement who is granted a temporary permit may use the title “registered nurse” or “licensed practical nurse.”

N 2.33 **Supervision.** (1) The holder of a temporary permit shall practice only under the direct supervision of registered nurse.

(2) A holder of a temporary permit who is currently licensed as a registered nurse or practical nurse in another jurisdiction is not required to practice under direct supervision.

N 2.34 **Duration.** The temporary permit is valid for a period of three months or until the holder receives notification of failing the NCLEX, whichever is shorter. Practice under temporary permits, including renewals under s. 2.35 may not exceed 12 months total duration.

N 2.35 **Renewal.** (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 applicable fees.

(2) Subsequent renewals may be granted in hardship cases including illness, family illness or death, accident, natural disaster or delay of verification from another state. The board shall consider each application for renewal under this subsection individually on its merits, and the board may grant a renewal as deemed appropriate.

N 2.36 **Denial or Revocation.** A temporary permit may be denied or revoked for the following:

- (1) Providing fraudulent information on an application for licensure.
- (2) Misrepresentation of being an R.N., G.N., L.P.N. or G.P.N. without holding a valid temporary permit.
- (3) Violation of any of the rules of conduct set forth in ch. N 7.

Chapter N 3 EXAMINING COUNCILS

N 3.01 **Duties.** The duties of the examining councils on registered nurses and licensed practical nurses serve the board of nursing in an advisory capacity.

N 3.02 **Appointment.** (1) The board shall send to nursing related organizations, schools and others a call for nominations for open council appointments prior to the expiration of a term.

(2) Nominations for council appointments shall be filed with the department. Consent of the person nominated shall be included. Self-nominations are allowed.

(3) The board shall appoint a nominee from those submitted.

N 3.03 **Registered nurses council.** (1) **COMPOSITION.** The registered nurse council shall consist of four registered nurses. (2) **QUALIFICATIONS.** Qualifications for appointment to the registered nurse council are a current Wisconsin license to practice professional nursing and experience in nursing practice or nursing education within three years immediately preceding the appointment.

N 3.04 **Practical nurses council.** (1) **COMPOSITION.** The practical nurses council shall consist of one registered nurse, three licensed practical nurses and one registered nurse who is a faculty member of an approved school for practical nurses. No member may be a member of the examining council on registered nurses.

(2) **QUALIFICATIONS.** The qualifications for appointment to the practical nurses council is as follows:
(a) The two registered nurse members of the council shall have a current Wisconsin license to practice professional nursing. One registered nurse member shall have experience as a supervisor of practical nurses within three years immediately preceding the appointment. One registered nurse member shall be a faculty member of an approved school for practical nurses.

(b) The practical nurses members of the council shall have a current Wisconsin license to practice as a licensed practical nurse and experience in practical nursing within three years immediately preceding the appointment.

N 3.05 **Termination of council members.** The Board may terminate the appointment of a council member prior to the expiration of the term if it finds the member is not satisfactorily carrying out any of the duties or if the member is found to have violated rules of the board.

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