Report From Agency

STATE OF WISCONSIN
BOARD OF NURSING

IN THE MATTER OF RULEMAKING	**:**	
PROCEEDINGS BEFORE THE	**:**	**REPORT TO THE LEGISLATURE**
BOARD OF NURSING	**:**	**CR 15-067**

I. THE PROPOSED RULE:

The proposed rule, including the analysis and text, is attached.

II. REFERENCE TO APPLICABLE FORMS: N/A

III. FISCAL ESTIMATE AND EIA:

The Fiscal Estimate and EIA is attached.

IV. DETAILED STATEMENT EXPLAINING THE BASIS AND PURPOSE OF THE PROPOSED RULE, INCLUDING HOW THE PROPOSED RULE ADVANCES RELEVANT STATUTORY GOALS OR PURPOSES:

The purpose of the rule is to reflect the change resulting from 2013 Act 114 which gives authority to the board to deny an initial license or certificate.

V. SUMMARY OF PUBLIC COMMENTS AND THE BOARD'S RESPONSES, EXPLANATION OF MODIFICATIONS TO PROPOSED RULES PROMPTED BY PUBLIC COMMENTS:

The (Board or Department) held a public hearing on October 8, 2015. No one testified or submitted written comments.

VI. RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS:

Comment 4: In the plain language analysis, the reference to "authority to deny an initial license or certificate" could be qualified to more accurately reflect the statute, which allows denial for certain types of misconduct, subject to department rules promulgated pursuant to s. 440.03 (1), Stats.

Response: The authority to deny an initial license or certificate lies with the Board. S. 440.03 (1), Stats. authorizes the Department of Safety and Professional Services to promulgate rules defining uniform procedures for receiving, filing and investigating complaints, for commencing disciplinary proceedines and for conducting hearings. The Board has the authority to promulgate rules indicating the certain types of misconduct which may result in a denial of a license or certificate.

Comment 5: In s. N 7.01 (2), the agency added "denying an initial license or certificate" as a separate phrase form "denying renewal of a license or certificate". Should the same structure be used in s. N 7.03 (intro.) instead of deleting "renewal".

Response: The sentence would be more cumbersome by adding the phrase into the sentence in N 7.03 (intro). The Board may deny any license whether it is initial or renewal so it is simplier and more clear to delete the word "renewal".

All of the remaining recommendations suggested in the Clearinghouse Report have been accepted in whole.

VII. REPORT FROM THE SBRRB AND FINAL REGULATORY FLEXIBILITY ANALYSIS:

This rule does not have an effect on small business.