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 17-096**

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 proposed rule is to clarify provisions based upon feedback received during the implementation of the 2014 revision. The provisions include requirements for the approval stages, accreditation, and faculty. In addition, the proposed rule clarifies the approval process for schools of nursing with post licensure programs.

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

The Board of Nursing held a public hearing on January 11, 2018. The following people either testified at the hearing, or submitted written comments:

Gina Dennik-Champion representing Wisconsin Nurses Association
Charles Hossler representing Western Governors University
Elizabeth Markham

The Board of Nursing summarizes the comments received either by hearing testimony or by written submission as follows:

Wisconsin Nurses Association is in favor of the rules and appreciates the clarifications these rules provide.

Western Governors University is opposed to the rules. While the Board of Nursing has authorization to approve schools of nursing with graduate programs, nursing

accreditation oversees the programs' quality making oversight by the Board of Nursing duplicative.

Elizabeth Markham is opposed to the modification in N 1.02.

The Board of Nursing explains modifications to its rule-making proposal prompted by public comments as follows:

The Board of Nursing did not make any modifications prompted by the public comments.

Without rules in place graduate programs would not be required to have nursing accreditation, therefore, it is not duplicative to have Board of Nursing oversight which is authorized by statutes for any school of nursing operating in the state of Wisconsin.

The 2014 revision changed institutional accreditation from regional to either regional or national. Since 2014 the U.S. Department of Education has taken action against major national accreditation organizations. Removal of federal recognition of accreditation organizations can have a major impact on students attending those schools. The Board of Nursing does not want nursing students to be suddenly unable to obtain financial aid or to graduate from unapproved programs due to loss of institutional accreditation. The Board of Nursing looked at other licensing standards in many health professions in Wisconsin and in nursing in other states, to evaluate whether a change back to regional institutional accreditation is warranted. The prevailing institutional accreditation standard is regional accreditation. In addition, all currently approved schools of nursing in Wisconsin have regional accreditation so there will be no impact resulting from this change.

VI. RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS:

Comment 5c: The reference to "documentation" in s. N 1.08 (1) (d) is not clear. Consider requiring the school to "maintain written agreements between" the school of nursing and the parties listed in the rule. Also, consider specifying not only that the agreements must be maintained, but also what they should contain. For a comparison, see par. (a), which does not just require provision of resources, but requires provision of resources "adequate to support school processes, security, and outcomes".

Response: By changing the word "contract" to "documentation" the Board of Nursing is removing the burden of having contracts and letting the schools determine the best way to document these relationships. Inserting "written agreements" is in essence still requiring contracts.

Comment 5f: In s. N 1.08 (3) (d) 2. and 2m., consider revising each provision to provide a clearer distinction between the statements in each that the emergency exception cannot be renewed, versus the final statements in each regarding the board's approval of "another" emergency exception. Specifically, if an emergency exception in each situation cannot be renewed, what authority does the board have to approve "another" emergency exception?

Response: An emergency exception is granted for a particular person and class. The emergency exception cannot be renewed. The school of nursing must provide that class with a qualified faculty member the following semester. In addition, a school of nursing cannot maintain the unqualified faculty member on staff but teaching a different course each semester. The Board of Nursing recognizes that there may be a situation necessitating a second consecutive emergency request but prior to granting the new request, a plan must be submitted regarding the nursing staffing levels, courses and extenuating circumstances to ensure that the school is not relying on staff not meeting the faculty qualifications.

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.