

STATE OF WISCONSIN  
BOARD OF NURSING

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IN THE MATTER OF RULE-MAKING : ORDER OF THE  
PROCEEDINGS BEFORE THE : BOARD OF NURSING  
BOARD OF NURSING : ADOPTING RULES  
: (CLEARINGHOUSE RULE 05-121)  
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ORDER

An order of the Board of Nursing to repeal N 2.06 (4) (b), (c) and (d); to renumber N 2.06 (4) (a); to amend N 2.03 (1) (c) and (2) (c), 2.04 (2) and (6) and 2.06 (1) (b); and to create N 3.04 (1m), relating to qualifications for examination and application procedures, temporary permits and refresher courses.

Analysis prepared by the Department of Regulation and Licensing.

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ANALYSIS

**Statutes interpreted:**

Sections 441.04 and 441.10, Stats.

**Statutory authority:**

Sections 15.08 (5) (b) and 227.11 (2), Stats.

**Explanation of agency authority:**

The Board of Nursing has the authority under ss. 441.04 and 441.10, Stats., to establish the prerequisites for examination of registered nurses and licensed practical nurses, including the professional educational qualifications of those applicants who have graduated from nursing schools located outside of this state.

**Related statute or rule:**

There are no other statutes or rules other than those listed above.

**Plain language analysis:**

The proposed revision to s. N 2.03 (1) (c) eliminates the requirement that a graduate of a school of nursing other than a board-approved school, complete a board-approved qualifying examination prior to admission to the NCLEX examination. This rule primarily affects foreign graduates who are required under the existing rule to take and pass the Commission on Graduates of Foreign Nursing Schools (CGFNS) Qualifying Examination. The rule revision allows foreign graduate nurse applicants to submit verification from the Credentials Evaluation

Service (CES) of the Commission of Graduates of Foreign Nursing Schools (CGFNS), as proof of the equivalence of their nursing coursework prior to admission to NCLEX, instead of taking the qualifying examination. Under the proposed rule revision, passage of the qualifying examination will not be a mandatory requirement for licensure; however, an applicant may take the examination voluntarily. Studies have shown that the value of the qualifying examination as a predictor of successful passage of the NCLEX does not outweigh the additional cost and potential barrier resulting from the imposition of this as a prerequisite for taking the NCLEX. Foreign graduates are not restricted as to the number of attempts or scheduled NCLEX reexaminations which are taken.

The proposed revision of s. N 2.04 (2) and (6) inserts the reference to schools of practical nursing because the CGFNS coursework evaluation service was previously only available for schools of professional nursing. This rule primarily affects foreign graduate registered nurses. The CGFNS service has been expanded to include schools of practical nursing.

The proposed revision of s. N 2.06 (1) (b) limits the time period for renewal of the temporary permit which is issued to graduate nurses who are eligible to take NCLEX. Currently, an applicant is allowed to work as a nurse under a temporary permit for up to nine months, with renewals, if they have scheduled to take the NCLEX. Under the proposed revision, the permit will be limited to a period of three months or until the holder receives failing examination results with no option to renew for successive periods, whichever is shorter. The need for renewal of the temporary permit has been obviated by the increased availability of the examination; the NCLEX is administered as a computer-based examination at multiple sites seven days per week as compared to the former periodic administration of the examination, which resulted in an applicant having to wait for a period of time to take or retake the examination.

The proposed revision to s. N 3.04 (1m) requires that an applicant for a license by endorsement who has not actively practiced as a nurse within five years must complete a board-approved nursing refresher course. A limited license will be issued to any such endorsement applicant for the purpose of completing the course. Upon successful completion of the refresher course, the applicant may petition the board for full licensure. This provision is similar to the existing requirement for renewal of a Wisconsin nursing license if the credential holder has not actively practiced as a nurse within five years after its renewal date under s. N 5.08 (2) (b).

**Summary of, and comparison with, existing or proposed federal regulation:**

None.

## **Comparison with rules in adjacent states:**

### **Illinois:**

The state of Illinois does not require the CGFNS Qualifying Examination as a requirement to obtain a nursing license. In Illinois, a foreign graduate nurse has three requirements: the Credentials Evaluation Services Report (CES); the test of English as a Foreign Language (TOEFL); and the National Council Licensure Examination (NCLEX). Temporary permits are issued to applicants for a period of three months with no option for renewal. The temporary permit expires when the applicant receives failing examination results. Illinois requires that a nurse applicant who has not had an active license for five years or more must take a medical-surgical nursing theory and clinical course as proof of their fitness to practice prior to reactivating their license. Illinois does not require proof of active practice. Applicants seeking licensure in Illinois through the endorsement provision must have an active license in their state of licensure.

### **Minnesota:**

Applicants who have graduated from a nursing program in a country other than the United States or Canada must successfully complete the CGFNS Qualifying Examination. The Credentials Evaluation Service of the CGFNS is accepted in lieu of the qualifying examination until the examination is available to practical nursing applicants. Non-renewable temporary permits are issued for a period of 60 days and remain effective until notification of the applicant's failure of the NCLEX, whichever is shorter. A licensee who has an inactive or lapsed registration and has not engaged in active practice for ten years is required to complete a refresher course and receives a permit to practice for participation in the clinical component of the course. Minnesota issues a professional nursing or practical nursing license without examination to applicants who have been duly licensed under the laws of another state, if the licensure qualifications are equivalent to the requirements in their state. License recognition or reciprocity to nurses is granted to nurses from border states, including Wisconsin. Licensed practical nurses from other states with 24 months experience in the five years prior to their application are eligible for licensure without meeting any additional educational requirements.

### **Iowa:**

Applicants for RN or LPN licensure in the state of Iowa on the basis of nursing education in another country are not required to take the CGFNS Qualifying Examination; they are only required to take the TOEFL and obtain a CES Report from CGFNS. Iowa does not issue temporary permits to applicants for licensure by examination. An endorsement applicant may obtain a 30 day temporary permit, which may be renewed for an additional 30 days. Iowa does not have a nurse refresher course requirement for nurses who are seeking to reinstate their lapsed licenses. Nor is there an active practice requirement for nurse applicants seeking licensure through endorsement. Iowa has a mandatory continuing education requirement that must be fulfilled by the nurse applicant who seeks to reinstate or renew their license.

### **Michigan:**

The state of Michigan does not require the CGFNS Qualifying Examination. A foreign graduate nurse is only required to obtain a credentials certification and the English language proficiency examination administered by CGFNS. Temporary permits are only issued to Canadian applicants. A nurse applicant who does not have an active license within three years from the date of application will be required to retake the NCLEX. If the license lapse is less than three years, the nurse applicant will be required to complete 25 continuing education credits prior to renewal. Endorsement candidates must have an active license from another state in order to obtain licensure in Michigan; there is no inquiry as to whether the nurse applicant has been actively practicing, only whether the state's license is in active status.

**Summary of factual data and analytical methodologies:**

The comparison information with the rules in adjacent states was obtained directly from contact with those states and a review of those state rules. The rule revisions were based upon a collection of information from various sources, including informational literature, studies, recommendations and departmental and board member reports. The comparison to the adjacent states demonstrates that the revisions are substantially consistent with the rules in those states.

**Anticipated costs incurred by private sector:**

The Department of Regulation and Licensing has determined that this rule change will have no significant fiscal effect on the private sector.

**Fiscal estimate:**

These rule changes will have no impact on funds of the Department of Regulation and Licensing.

**Effect on small business:**

These proposed rules will have no significant economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department's Regulatory Review Coordinator may be contacted by email at [larry.martin@dr1.state.wi.us](mailto:larry.martin@dr1.state.wi.us) or by calling (608) 266-8608.

**Agency contact person:**

Pamela Haack, Paralegal, Department of Regulation and Licensing, Office of Legal Counsel, 1400 East Washington Avenue, Room 152, P.O. Box 8935, Madison, Wisconsin 53708-8935. Telephone: (608) 266-0495. Email: [pamela.haack@dr1.state.wi.us](mailto:pamela.haack@dr1.state.wi.us).

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

Comments may be submitted to Pamela Haack at the Department of Regulation and Licensing, Office of Legal Counsel, 1400 East Washington Avenue, Room 152, P.O. Box 89235, Madison, Wisconsin 53708-8935. Email to [pamela.haack@dr1.state.wi.us](mailto:pamela.haack@dr1.state.wi.us). Comments must be received on or before February 6, 2006 to be included in the record of rule-making proceedings.

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TEXT OF RULE

SECTION 1. N 2.03 (1) (c) and (2) (c) are amended to read:

N 2.03 (1) (c) Has graduated from a board-approved school of professional nursing. ~~An applicant who has graduated from a school of professional nursing other than a board-approved school shall be required to take and satisfactorily complete a board-approved qualifying examination prior to admission to the NCLEX.~~

(2) (c) Has graduated from a board-approved school of practical nursing. ~~An applicant who has graduated from a school of practical nursing other than a board-approved school shall be required to demonstrate English competency prior to admission to the NCLEX.~~

SECTION 2. N 2.04 (2) and (6) are amended to read:

N 2.04 (2) Schools of professional nursing and schools of practical nursing other than board-approved schools shall forward, directly to the bureau, official transcripts of nursing education for applicants who were graduated from the school. The bureau may accept certified credentials directly from the commission on graduates of foreign nursing schools attesting to receipt of the original transcript or documentation of the applicant's nursing education directly from the school of nursing.

(6) An applicant who has graduated from a school of professional nursing or a school of practical nursing other than a board-approved school shall submit a valid certificate issued by the commission on graduates of foreign nursing schools.

SECTION 3. N 2.06 (1) (b) is amended to read:

N 2.06 (1) (b) An applicant for a temporary permit who is unable to take or complete a scheduled examination prior to the expiration of the temporary permit because of an unforeseen hardship, including but not limited to illness of the applicant, the illness or death of a family member of the applicant, an accident or a natural disaster, may renew the temporary permit ~~as provided under sub. (4) (b)~~ for 3 months if the applicant files an affidavit with the board identifying the reason that the applicant was unable to take or complete the scheduled examination.

SECTION 4. N 2.06 (4) (a) is renumbered N 2.06 (4).

SECTION 5. N 2.06 (4) (b), (c) and (d) are repealed.

SECTION 6. N 3.04 (1m) is created to read:

N 3.04 (1m) An applicant for a license by endorsement who has not been employed in a position that requires a nursing license within 5 years of application 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.

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(END OF TEXT OF RULE)  
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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.

Dated \_\_\_\_\_ Agency \_\_\_\_\_  
Chairperson  
Board of Nursing

N 2, 3 CR05-121 (App, Exams, Temp Permits, Refresher Courses) Final for Adoption 3-16-06