



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-5436/1
MED:klm&kjf

2017 ASSEMBLY BILL 986

February 28, 2018 - Introduced by Representative MACCO. Referred to Committee on Health.

1 **AN ACT** *to repeal* 106.30 (1); *to amend* 441.01 (7) (a) (intro.), 441.01 (7) (a) 1.,
2 441.01 (7) (b), 441.08, 441.10 (6), 441.15 (3) (b) and 441.16 (3) (d); and *to repeal*
3 *and recreate* 441.06 (3) of the statutes; **relating to:** the nursing workforce
4 survey, extending the time limit for emergency rule procedures, and providing
5 an exemption from emergency rule procedures.

Analysis by the Legislative Reference Bureau

Under current law, in order to renew a credential issued by the Board of Nursing, including a registered nurse or licensed practical nurse license, an individual must 1) complete and submit with the application for renewal a nursing workforce survey developed by the Department of Workforce Development; and 2) pay a nursing workforce survey fee of \$4. The board is prohibited from renewing a credential unless the renewal applicant has completed the nursing workforce survey to the satisfaction of the board. Completed survey forms are to be submitted to DWD, which must then compile, process, and evaluate the survey results and submit a report of its findings to specified recipients. Moneys received from survey fees are used to fund a grant to a statewide nursing center and to pay for costs associated with the survey.

This bill makes completion of the nursing workforce survey and payment of the survey fee optional. Under the bill, an applicant for a renewal of a credential issued by the board may, but is not required to, complete the survey and pay the fee. The bill also makes changes regarding which credential holders are requested to complete the survey and pay the fee.

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For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 106.30 (1) of the statutes is repealed.

2 **SECTION 2.** 441.01 (7) (a) (intro.) of the statutes is amended to read:

3 441.01 (7) (a) (intro.) The board shall ~~require~~ request that each applicant for
4 the renewal of a registered nurse or licensed practical nurse license, ~~certificate, or~~
5 ~~permit~~ issued under this chapter ~~to do all of the following as a condition for~~ when
6 renewing the license, ~~certificate, or permit~~:

7 **SECTION 3.** 441.01 (7) (a) 1. of the statutes is amended to read:

8 441.01 (7) (a) 1. Complete and submit to the department with the application
9 for renewal of the license, ~~certificate, or permit~~ a nursing workforce survey developed
10 by the department of workforce development under s. 106.30 (2).

11 **SECTION 4.** 441.01 (7) (b) of the statutes is amended to read:

12 441.01 (7) (b) The board may not require that an applicant complete the
13 nursing workforce survey or pay the nursing workforce survey fee in order to renew
14 a registered nurse or licensed practical nurse license, ~~certificate, or permit~~ under this
15 chapter ~~unless the renewal applicant has completed the nursing workforce survey~~
16 ~~to the satisfaction of the board.~~

17 (c) The board shall may establish standards to determine whether the survey
18 has been completed.

19 (d) The board shall, by no later than June 30 of each odd-numbered year,
20 submit all completed nursing workforce survey forms to the department of workforce
21 development.

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1 **SECTION 5.** 441.06 (3) of the statutes is repealed and recreated to read:

2 441.06 (3) A registered nurse practicing for compensation shall, on or before
3 the applicable renewal date specified under s. 440.08 (2) (a), submit to the board on
4 furnished forms a statement giving name, residence, and other facts that the board
5 requires, with the applicable renewal fee determined by the department under s.
6 440.03 (9) (a).

7 **SECTION 6.** 441.08 of the statutes is amended to read:

8 **441.08 Temporary permit.** A nurse who has graduated from a school
9 approved by the board or that the board has authorized to admit students pending
10 approval but who is not licensed in this state may be granted a temporary permit
11 upon payment of the fee specified in s. 440.05 (6) by the board to practice for
12 compensation until the nurse can qualify for licensure. The temporary permit may
13 be renewed once. ~~Each applicant for renewal of a temporary permit under this~~
14 ~~section shall complete the nursing workforce survey and pay the fee required under~~
15 ~~s. 441.01 (7).~~ Further renewals may be granted in hardship cases. The board may
16 promulgate rules limiting the use and duration of temporary permits and providing
17 for revocation of temporary permits.

18 **SECTION 7.** 441.10 (6) of the statutes is amended to read:

19 441.10 (6) On or before the applicable renewal date specified under s. 440.08
20 (2) (a), a licensed practical nurse practicing for compensation shall submit to the
21 board, on forms furnished by the department, an application for license renewal,
22 together with a statement giving name, residence, nature and extent of practice as
23 a licensed practical nurse during the prior year and prior unreported years, ~~the~~
24 ~~nursing workforce survey and fee required under s. 441.01 (7), and other facts~~

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1 bearing upon current competency that the board requires, accompanied by the
2 applicable license renewal fee determined by the department under s. 440.03 (9) (a).

3 **SECTION 8.** 441.15 (3) (b) of the statutes is amended to read:

4 441.15 (3) (b) On or before the applicable renewal date specified under s. 440.08
5 (2) (a), a person issued a license under par. (a) and practicing nurse-midwifery shall
6 submit to the board on furnished forms a statement giving his or her name,
7 residence, ~~the nursing workforce survey and fee required under s. 441.01 (7), and~~
8 other information that the board requires by rule, with the applicable renewal fee
9 determined by the department under s. 440.03 (9) (a). If applicable, the person shall
10 also submit evidence satisfactory to the board that he or she has in effect the
11 malpractice liability insurance required under the rules promulgated under sub. (5)
12 (bm). The board shall grant to a person who pays the fee determined by the
13 department under s. 440.03 (9) (a) for renewal of a license to practice
14 nurse-midwifery and who satisfies the requirements of this paragraph the renewal
15 of his or her license to practice nurse-midwifery and the renewal of his or her license
16 to practice as a registered nurse.

17 **SECTION 9.** 441.16 (3) (d) of the statutes is amended to read:

18 441.16 (3) (d) Establishing procedures for maintaining a certificate to issue
19 prescription orders, including requirements for continuing education ~~and a~~
20 ~~requirement to complete the nursing workforce survey and submit the fee required~~
21 ~~under s. 441.01 (7).~~

22 **SECTION 10. Nonstatutory provisions.**

23 (1) The board of nursing may promulgate emergency rules under section 227.24
24 of the statutes necessary to implement this act. Notwithstanding section 227.24 (1)
25 (c) and (2) of the statutes, emergency rules promulgated under this subsection

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1 remain in effect until May 1, 2019, or the date on which permanent rules take effect,
2 whichever is sooner. Notwithstanding section 227.24 (1) (a) and (3) of the statutes,
3 the board is not required to provide evidence that promulgating a rule under this
4 subsection as an emergency rule is necessary for the preservation of the public peace,
5 health, safety, or welfare and is not required to provide a finding of emergency for a
6 rule promulgated under this subsection.

7 **SECTION 11. Initial applicability.**

8 (1) This act first applies to renewals of a license, permit, or registration for a
9 renewal that occurs on the effective date of this subsection.

10 **SECTION 12. Effective dates.** This act takes effect on the day after publication,
11 except as follows:

12 (1) If either 2017 Assembly Bill 903 or 2017 Senate Bill 751 is enacted into law,
13 the repeal and recreation of section 441.06 (3) of the statutes takes effect on the
14 effective date of 2017 Wisconsin Act ... (Assembly Bill 903) or 2017 Wisconsin Act ...
15 (Senate Bill 751) or on the day after publication, whichever is later. If either 2017
16 Assembly Bill 903 or 2017 Senate Bill 751 is not enacted into law, the repeal and
17 recreation of section 441.06 (3) of the statutes are void.

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(END)