

2001 DRAFTING REQUEST

Bill

Received: 10/31/2001

Received By: grantpr

Wanted: As time permits

Identical to LRB:

For: Regulation and Licensing 6-0011

By/Representing: Bill Dusso

This file may be shown to any legislator: NO

Drafter: grantpr

May Contact:

Addl. Drafters:

Subject: Occupational Reg. - misc

Extra Copies: MDK

Submit via email: NO

Pre Topic:

No specific pre topic given

Topic:

Disclosure of information about nurses to coordinated licensure information system

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	grantpr 11/02/2001	hhagen 11/06/2001	pgreensl 11/09/2001	_____			
/1			rschluet 11/09/2001	_____	lrb_docadmin 11/09/2001	lrb_docadmin 11/27/2001 lrb_docadmin 11/27/2001	

FE Sent For:

<END>

↓
Sent to Robson
per MDK

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→ Sent to Sen. Robson's office per MDK

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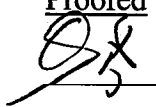
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1?	grantpr	lhmd 11/6/01					

11-9-1

FE Sent For:

<END>



State of Wisconsin
DEPARTMENT OF REGULATION AND LICENSING
CORRESPONDENCE / MEMORANDUM

DATE: October 30, 2001
TO: Mark Kunkel, Legislative Reference Bureau
FROM: William Dusso, Department of Regulation and Licensing
SUBJECT: Drafting request: Add additional exceptions in Wis. Stat. § 440.14 (5) (b).

This is a drafting request for legislation that would specifically permit the Department of Regulation and Licensing and the Board of Nursing to provide the Coordinated Licensure Information System identified in sec. 441.50, Stats. with licensing and disciplinary data, including social security numbers, for all credential holders of the Board of Nursing.

The Nurse Compact statute, Wis. Stat. § 441.50, requires the Department and the Board of Nursing to participate in a "Coordinated Licensure Information System" (System).¹ Wis. Stat. § 441.50 (7) requires the state to:

- a) participate in a cooperative effort to create a coordinated database of all nurses;
- b) report adverse actions, actions against multistate licensure privileges, any current significant investigative information yet to result in adverse action, denials of applications, and the reasons for such denials, to the coordinated licensure information system.

Current law restricts the Department or Board from disclosing the social security numbers of any credential holder to the Coordinated Licensure Information System. Current law also prohibits disclosure to the System of the personal identifiers of credential holders who have made a declaration prohibiting disclosure under Wis. Stat. § 440.14.

Under the terms of Wis. Stat. § 440.14, if a credential holder or an applicant "declares" that their personal identifiers are not be disclosed on any Department list, then the Department may not disclose a personal identifier of that person on any list that it furnishes to another person. The restrictions do not apply to a list that the department furnishes to another state agency, a law enforcement agency or a federal governmental agency. Sec. 440.14 (5) (b), Stats. Neither the coordinated licensure information system nor its operators are within the three exemptions.

Also under current law, social security numbers obtained in the application process may not be disclosed to any person son except to the Department of Workforce Development and the Department of Revenue, and then only for limited purposes.

“The department of regulation and licensing may not disclose a social security number obtained under par. (a) to any person except to the department of workforce development for purposes of administering s. 49.22 and, for a social security number obtained under par. (a) 1., the department of revenue for the sole purpose of requesting certifications under s. 73.0301.

Wis. Stat. § 440.03 (11m) (c)

Would you draft legislation that permits the Department to fully participate in the Coordinated Licensure Information System without violating the requirements of Wis. Stat. §§ 440.14 or 440.03 (11m) (c)?

¹ "Coordinated licensure information system" means an integrated process for collecting, storing and sharing information on nurse licensure and enforcement activities related to nurse licensure laws, which is administered by a nonprofit organization composed of and controlled by state nurse licensing boards." Wis. Stat. § 440.50 (2) (c)

BILL

PLs: hmb

Use the appropriate components and routines developed for bills.

AN ACT... [generate catalog] to repeal...; to renumber...; to consolidate and renumber...; to renumber and amend...; to consolidate, renumber and amend...; to amend...; to repeal and recreate...; and to create... of the statutes; relating to: the disclosure of information about licensed nurses to the coordinated licensure information system.

[NOTE: See section 4.02 (2) (br), Drafting Manual, for specific order of standard phrases.]

Analysis by the Legislative Reference Bureau

If titles are needed in the analysis, in the component bar:

For the main heading, execute: create -> anal: -> title: -> head

For the subheading, execute: create -> anal: -> title: -> sub

For the sub-subheading, execute: create -> anal: -> title: -> sub-sub

For the analysis text, in the component bar:

For the text paragraph, execute: create -> anal: -> text

(attached)

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

SECTION #.

X

Section #. 440.03 (11m) (c) of the statutes is amended to read:

440.03 (11m) (c) The department of regulation and licensing may not disclose a social security number obtained under par. (a) to any person except ~~to~~ the department of workforce development for purposes of administering s. 49.22³ and, for a social security number obtained under par. (a) 1., the department of revenue for the sole purpose of requesting certifications under s. 73.0301.

History: 1977 c. 418 ss. 24, 792; 1979 c. 34, 221, 337; 1981 c. 94; 1985 a. 29, 340; 1989 a. 31, 340; 1991 a. 39; 1993 a. 16, 102, 107, 443, 445, 490, 491; 1995 a. 27 ss. 6472g, 6472j, 9126 (19); 1995 a. 233; 1997 a. 27, 75, 79; 1997 a. 191 ss. 312, 313, 318; 1997 a. 231, 237; 1997 a. 261 ss. 1 to 4, 7, 10, 13; 1997 a. 311; 1999 a. 9, 32.

the coordinated licensure information system
under s. 44.50 (7);

✕

Section #. 440.14 (5) (b) of the statutes is amended to read:

440.14 (5) (b) Paragraph (a) does not apply to a list that the department or a credentialing board furnishes to another state agency, a law enforcement agency or a federal governmental agency. A state agency that receives a list from the department or a credentialing board containing a personal identifier of any individual who has made a declaration under sub. (2), (3) or (4) may not disclose the personal identifier to any person other than a state agency, a law enforcement agency or a federal governmental agency.

History: 1999 a. 88.

In addition, par. (a) does not apply to a list that the department or the board of nursing furnishes to the coordinated licensure information system under s. 441.50 (7).

(Ehd)

ANALYSIS

Wisconsin ~~is a party member of the~~ has adopted the Nurse Licensure Compact, which requires the member states to participate in the coordinated licensure information system. The system is a cooperative effort ~~among~~ ^{by} the member states to create a coordinated database of all licensed registered nurses and licenses practical nurses, ~~and~~ all disciplinary actions taken against ^{licensed nurses, and all denials of nurse} licensure. However, current law prohibits the department of regulation and licensing and the board of nursing from disclosing the ~~social security number~~ ^{personal} ~~identifiers~~ the name, social security number, telephone number, or street address of any ^{licensee} person who informs the department or the board that

he or she does not want such information:

disclosed. This bill ^{allows} the department

and the board to disclose such

information to the coordinated licensure
information system.

licensed
about nurses and about persons whose applications
for nurse licensure were denied

Basford, Sarah

From: Basford, Sarah
Sent: Friday, November 09, 2001 11:14 AM
To: Myra Shelton
Subject: LRB -4176/1 (attached)

Sarah Basford
Program Assistant
State of Wisconsin
Legislative Reference Bureau
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sarah.basford@legis.state.wi.us