

WISCONSIN LEGISLATIVE COUNCIL STAFF



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**CLEARINGHOUSE REPORT TO AGENCY**

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[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

**CLEARINGHOUSE RULE 00-168**

AN ORDER to create N 8.02 (6m) and 8.05 (3), relating to continuing education of nurses.

Submitted by **DEPARTMENT OF REGULATION AND LICENSING**

11-30-00 RECEIVED BY LEGISLATIVE COUNCIL.  
12-22-00 REPORT SENT TO AGENCY.

RNS:REL:jal

**LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT**

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]

Comment Attached

YES

NO

2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]

Comment Attached

YES

NO

3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]

Comment Attached

YES

NO

4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS  
[s. 227.15 (2) (e)]

Comment Attached

YES

NO

5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]

Comment Attached

YES

NO

6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL  
REGULATIONS [s. 227.15 (2) (g)]

Comment Attached

YES

NO

7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]

Comment Attached

YES

NO

STATE OF WISCONSIN  
BOARD OF NURSING

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IN THE MATTER OF RULE-MAKING : PROPOSED ORDER OF THE  
PROCEEDINGS BEFORE THE : BOARD OF NURSING  
BOARD OF NURSING : ADOPTING RULES  
: (CLEARINGHOUSE RULE 00-168)

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PROPOSED ORDER

An order of the Board of Nursing to create N 8.02 (6m) and 8.05 (3), relating to continuing education.

Analysis prepared by the Department of Regulation and Licensing.

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ANALYSIS

Statutes authorizing promulgation: ss. 15.08 (5) (b), 227.11 (2) and 441.16 (3) (d), Stats.

Statutes interpreted: s. 441.16 (2) and (3), Stats.

Section N 8.05 (1) requires advanced practice nurse prescribers to complete at least 8 contact hours per year of continuing education in clinical pharmacology/therapeutics, but does not define the term "contact hour." This proposed rule-making order of the Board of Nursing will obviate confusion that has arisen in that regard by creating a definition of "contact hour."

Evidence of continuing education completed by advanced practice nurse prescribers must be submitted by licensees on a schedule consistent with the schedule of submission of such evidence to the nurses' national certifying bodies. Because of variations both as to frequency and date of filing with the national certifying bodies, there has been confusion among licensees as to how long evidence of continuing education must be retained. The board proposes creation of a rule which would establish a uniform minimum retention time of 4 years.

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TEXT OF RULE

SECTION 1. N 8.02 (6m) is created to read:

N 8.02 (6m) "One contact hour" means a period of attendance in a continuing education program of at least 50 minutes.

SECTION 2. N 8.05 (3) is created to read:

N 8.05 (3) Every advanced practice nurse prescriber shall retain for a minimum period of 4 years, and shall make available to the board or its agent upon request, certificates of attendance issued by the program sponsor for all continuing education programs for which he or she claims credit for purposes of renewal of his or her certificate.

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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

FISCAL ESTIMATE

1. The anticipated fiscal effect on the fiscal liability and revenues of any local unit of government of the proposed rule is: \$0.00.
2. The projected anticipated state fiscal effect during the current biennium of the proposed rule is: \$0.00.
3. The projected net annualized fiscal impact on state funds of the proposed rule is: \$0.00.

FINAL REGULATORY FLEXIBILITY ANALYSIS

These rules will have no significant economic impact on a substantial number of small businesses, as defined in s. 227.114 (1) (a), Stats.

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4/19/2001

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**STATE OF WISCONSIN  
BOARD OF NURSING**

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**IN THE MATTER OF RULE-MAKING : PROPOSED ORDER OF THE  
PROCEEDINGS BEFORE THE : BOARD OF NURSING  
BOARD OF NURSING : ADOPTING RULES  
: (CLEARINGHOUSE RULE 00-168)**

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TO: Senator Judy Robson, Senate Co-Chairperson  
Joint Committee for the Review of Administrative Rules  
Room 15 South, State Capitol  
Madison, Wisconsin 53702

PLEASE TAKE NOTICE that the BOARD OF NURSING is submitting in final draft form rules relating to continuing education.

Please stamp or sign a copy of this letter to acknowledge receipt. If you have any questions concerning the final draft form or desire additional information, please contact Pamela Haack at 266-0495.

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**STATE OF WISCONSIN  
BOARD OF NURSING**

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**IN THE MATTER OF RULE-MAKING :           REPORT TO THE LEGISLATURE  
PROCEEDINGS BEFORE THE        :       ON CLEARINGHOUSE RULE 00-168  
BOARD OF NURSING                 :                               (s. 227.19 (3), Stats.)**

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**I.       THE PROPOSED RULE:**

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

**II.      REFERENCE TO APPLICABLE FORMS:**

No new or revised forms are required by these rules.

**III.     FISCAL ESTIMATES:**

These rules will have no significant impact upon state or local units of government.

**IV.     STATEMENT EXPLAINING NEED:**

Section N 8.05 (1) requires advanced practice nurse prescribers to complete at least 8 contact hours per year of continuing education in clinical pharmacology/therapeutics, but does not define the term "contact hour." This proposed rule-making order of the Board of Nursing will obviate confusion that has arisen in that regard by creating a definition of "contact hour."

Evidence of continuing education completed by advanced practice nurse prescribers must be submitted by licensees on a schedule consistent with the schedule of submission of such evidence to the nurses' national certifying bodies. Because of variations both as to frequency and date of filing with the national certifying bodies, there has been confusion among licensees as to how long evidence of continuing education must be retained. The board proposes creation of a rule which would establish a uniform minimum retention time of 4 years.

**V.      NOTICE OF PUBLIC HEARING:**

A public hearing was held on January 4, 2001. Gina Dennik-Champion, Madison, WI, representing the Wisconsin Nurses Association, registered in support of the proposed rule. There were no other appearances at the public hearing nor were any written comments received.

**VI.     RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS:**

There were no recommendations suggested in the Clearinghouse Report.

**VII. FINAL REGULATORY FLEXIBILITY ANALYSIS:**

The rules will have no significant economic impact on small businesses, as defined in s. 227.114 (1) (a), Stats.

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4/19/01