

MAY 29 2001

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FORM 2



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## WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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**Ronald Sklansky**  
*Clearinghouse Director*

**Richard Sweet**  
*Clearinghouse Assistant Director*

**Terry C. Anderson**  
*Legislative Council Director*

**Laura D. Rose**  
*Legislative Council Deputy Director*

### CLEARINGHOUSE REPORT TO AGENCY

[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 01-046

AN ORDER to amend N 4.03 (3), 4.04 (1) (d) and (3), 8.02 (1) (a) and 8.03 (1); and to create N 4.04 (4), relating to the nurse licensure compact.

Submitted by **DEPARTMENT OF REGULATION AND LICENSING**

04-26-01 RECEIVED BY LEGISLATIVE COUNCIL.

05-24-01 REPORT SENT TO AGENCY.

RNS:JLK;jal;ksm

**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



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## CLEARINGHOUSE RULE 01-046

### Comments

**[NOTE: All citations to "Manual" in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated September 1998.]**

#### 2. Form, Style and Placement in Administrative Code

a. The analysis explains that the rule is necessary to suspend the requirement that an applicant for advanced practice nurse prescriber certification be licensed in Wisconsin if he or she is duly licensed as a registered nurse in another compact state. However, the rule also makes similar changes for licensure of nurse-midwives. This also should be acknowledged in the analysis.

b. Sections N 4.03 (3), 4.04 (1) (d), 8.02 (1) (a), and 8.03 (1) refer to the "interstate nursing compact." It may be useful to define this term at the beginning of chs. N 4 and 8, especially since neither s. N 4.01 (1) nor 8.01 (1) refers to s. 441.50, Stats. This definition also would be useful because the statutory term is "nurse licensure compact," rather than "interstate nursing compact."

#### 4. Adequacy of References to Related Statutes, Rules and Forms

It appears that in the analysis, the statutes interpreted also should include a reference to s. 441.15 (3) (a), Stats.

STATE OF WISCONSIN  
BOARD OF NURSING

IN THE MATTER OF RULE-MAKING : PROPOSED ORDER OF THE  
PROCEEDINGS BEFORE THE : BOARD OF NURSING  
BOARD OF NURSING : ADOPTING RULES  
: (CLEARINGHOUSE RULE 01- )

PROPOSED ORDER

An order of the Board of Nursing to amend N 4.03 (3), 4.04 (1) (d) and (3), 8.02 (1) (a) and 8.03 (1); and to create N 4.04 (4), relating to the Nurse Licensure Compact.

Analysis prepared by the Department of Regulation and Licensing.

ANALYSIS

Statutes authorizing promulgation: ss. 15.08 (5) (b), 227.11 (2), 441.01 (3), Stats. and s. 441.50, Stats., created by 1999 Wisconsin Act 22.

Statutes interpreted: s. 441.50, Stats.

*midwives also*

By 1999 Wisconsin Act 22, the Wisconsin legislature adopted the Nurse Licensure Compact, by which nurses licensed and residing in one compact state may practice in another compact state without a separate license. Under the Compact, nurses residing in a compact state may be licensed in only one compact state, and that state must be their state of residence. While the Compact creates a practice privilege for registered nurses and licensed practical nurses in all compact states, there is no corresponding practice privilege for advanced practice nurse prescribers (APNPs). APNPs are licensed or certified in each state where they practice regardless of whether their state of practice is a compact state. Accordingly, in order for an APNP who resides and is licensed in another compact state to practice as an APNP in Wisconsin, he or she must be certified as an APNP in this state. The current requirement for certification in Wisconsin is that the applicant be licensed as an RN in this state. That is an impossible condition under the compact, again because a nurse may be licensed in only one compact state, and that state must be the nurse's state of residence. This suggested amendment to the rule would suspend the requirement that the applicant for APNP certification be licensed in Wisconsin if he or she is duly licensed as an RN in another compact state.

TEXT OF RULE

SECTION 1. N 4.03 (3) is amended to read:

N 4.03 (3) Is currently licensed to practice as a professional nurse in Wisconsin, or is currently licensed to practice professional nursing in another state which has adopted the interstate nursing compact.

SECTION 2. N 4.04 (1) (d) and (3) are amended to read:

N 4.04 (1) (d) Identification of current licensure as a professional nurse in Wisconsin, ~~to include licensure~~ or of current licensure in another state which has adopted the interstate nursing compact, including the license number and renewal information.

(3) Renewal of a license to practice nurse-midwifery shall be conducted as a separate procedure from the renewal of the nurse's license as a professional nurse; ~~however the time for renewal of each license shall be the same. The applicant for renewal shall inform the board whether the license [certificate] issued to him or her by the American college of nurse-midwives has been revoked or suspended.~~

SECTION 3. N 4.04 (4) is created to read:

N 4.04 (4) The applicant for renewal shall inform the board whether the certificate issued to him or her by the American college of nurse-midwives has been revoked or suspended.

SECTION 4. N 8.02 (1) (a) is amended to read:

N 8.02 (1) (a) The registered nurse has a current license to practice professional nursing in this state, or has a current license to practice professional nursing in another state which has adopted the interstate nursing compact;

SECTION 5. N 8.03 (1) is amended to read:

N 8.03 (1) Has a current license to practice as a professional nurse in this state or has a current license to practice professional nursing in another state which has adopted the interstate nursing compact.

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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.

INITIAL REGULATORY FLEXIBILITY ANALYSIS

These proposed rules will be reviewed by the department through its Small Business Review Advisory Committee to determine whether there will be an economic impact on a substantial number of small businesses, as defined in s. 227.114 (1) (a), Stats.

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JUN 22 2001

**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 01-046**

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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 the nurse licensure compact.

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.

**STATE OF WISCONSIN  
BOARD OF NURSING**

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<b>IN THE MATTER OF RULE-MAKING :</b>	<b>REPORT TO THE LEGISLATURE</b>
<b>PROCEEDINGS BEFORE THE :</b>	<b>ON CLEARINGHOUSE RULE 01-046</b>
<b>BOARD OF NURSING :</b>	<b>(s. 227.19 (3), Stats.)</b>

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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:**

By 1999 Wisconsin Act 22, the Wisconsin legislature adopted the Nurse Licensure Compact, by which nurses licensed and residing in one compact state may practice in another compact state without a separate license. Under the Compact, nurses residing in a compact state may be licensed in only one compact state, and that state must be their state of residence. While the Compact creates a practice privilege for registered nurses and licensed practical nurses in all compact states, there is no corresponding practice privilege for advanced practice nurse prescribers (APNPs) or for certified registered nurse midwives (nurse midwives). APNPs and nurse midwives are licensed or certified in each state where they practice regardless of whether their state of practice is a compact state. Accordingly, in order for an APNP or nurse midwife who resides and is licensed in another compact state to practice in Wisconsin, he or she must be certified as an APNP or nurse midwife in this state. The current requirement for certification in Wisconsin is that the applicant be licensed as an RN in this state. That is an impossible condition under the Compact, again because a nurse may be licensed in only one compact state, and that state must be the nurse's state of residence. This suggested amendment to the rule would suspend the requirement that the applicant for APNP or nurse midwife certification be licensed in Wisconsin if he or she is duly licensed as an RN in another compact state.

**V. NOTICE OF PUBLIC HEARING:**

A public hearing was held on June 1, 2001. There were no appearances at the public hearing nor were any written comments received.

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

The term "interstate nursing compact" has been replaced by the term "nurse licensure compact." The remaining recommendations suggested in the Clearinghouse Report were accepted in whole.

**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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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 01-046)

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PROPOSED ORDER

An order of the Board of Nursing to amend N 4.03 (3), 4.04 (1) (d) and (3), 8.02 (1) (a) and 8.03 (1); and to create N 4.04 (4), relating to the Nurse Licensure Compact.

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 441.01 (3), Stats., and s. 441.50, Stats., as created by 1999 Wisconsin Act 22.

Statutes interpreted: ss. 441.15 (3) (a) and 441.50, Stats.

By 1999 Wisconsin Act 22, the Wisconsin legislature adopted the Nurse Licensure Compact, by which nurses licensed and residing in one compact state may practice in another compact state without a separate license. Under the Compact, nurses residing in a compact state may be licensed in only one compact state, and that state must be their state of residence. While the Compact creates a practice privilege for registered nurses and licensed practical nurses in all compact states, there is no corresponding practice privilege for advanced practice nurse prescribers (APNPs) or for certified registered nurse midwives (nurse midwives). APNPs and nurse midwives are licensed or certified in each state where they practice regardless of whether their state of practice is a compact state. Accordingly, in order for an APNP or nurse midwife who resides and is licensed in another compact state to practice in Wisconsin, he or she must be certified as an APNP or nurse midwife in this state. The current requirement for certification in Wisconsin is that the applicant be licensed as an RN in this state. That is an impossible condition under the Compact, again because a nurse may be licensed in only one compact state, and that state must be the nurse's state of residence. This suggested amendment to the rule would suspend the requirement that the applicant for APNP or nurse midwife certification be licensed in Wisconsin if he or she is duly licensed as an RN in another compact state.

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TEXT OF RULE

SECTION 1. N 4.03 (3) is amended to read:

N 4.03 (3) Is currently licensed to practice as a professional nurse in Wisconsin, or is currently licensed to practice professional nursing in another state which has adopted the nurse licensure compact.

SECTION 2. N 4.04 (1) (d) and (3) are amended to read:

N 4.04 (1) (d) Identification of current licensure as a professional nurse in Wisconsin, ~~to include licensure~~ or of current licensure in another state which has adopted the nurse licensure compact, including the license number and renewal information.

(3) Renewal of a license to practice nurse-midwifery shall be conducted as a separate procedure from the renewal of the nurse's license as a professional nurse; ~~however the time for renewal of each license shall be the same. The applicant for renewal shall inform the board whether the license [certificate] issued to him or her by the American college of nurse-midwives has been revoked or suspended.~~

SECTION 3. N 4.04 (4) is created to read:

N 4.04 (4) The applicant for renewal shall inform the board whether the certificate issued to him or her by the American college of nurse-midwives has been revoked or suspended.

SECTION 4. N 8.02 (1) (a) is amended to read:

N 8.02 (1) (a) The registered nurse has a current license to practice professional nursing in this state, or has a current license to practice professional nursing in another state which has adopted the nurse licensure compact;

SECTION 5. N 8.03 (1) is amended to read:

N 8.03 (1) Has a current license to practice as a professional nurse in this state or has a current license to practice professional nursing in another state which has adopted the nurse licensure compact.

-----  
(END OF TEXT OF RULE)  
-----

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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