



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Ronald Sklansky
Clearinghouse Director

Terry C. Anderson
Legislative Council Director

Richard Sweet
Clearinghouse Assistant 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 01-049

AN ORDER to repeal N 2.03 (1) (d) and (2) (d), 2.04 (1) (b) and (5), 3.04 (1) (a) and (b), (5) and (6) and 3.05 (2) (b) and (c); to renumber N 3.04 (7); to renumber and amend N 2.04 (1) (intro.) and (a), 3.04 (2), (3) and (4) and 3.05 (2) (a); to amend N 2.02 (2), 2.03 (1) (c) and (2) (c), 2.04 (2), (5) and (6) and 3.04 (1) (intro.); to repeal and recreate N 3.03; and to create N 3.04 (1) (c), relating to board-approved schools, application procedures and licensure by endorsement.

Submitted by **DEPARTMENT OF REGULATION AND LICENSING**

04-30-01 RECEIVED BY LEGISLATIVE COUNCIL.

05-25-01 REPORT SENT TO AGENCY.

RS:LR;jal;tlu

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



WISCONSIN LEGISLATIVE COUNCIL

RULES CLEARINGHOUSE

Ronald Sklansky
Clearinghouse Director

Terry C. Anderson
Legislative Council Director

Richard Sweet
Clearinghouse Assistant Director

Laura D. Rose
Legislative Council Deputy Director

CLEARINGHOUSE RULE 01-049

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. In s. N 2.03 (1) (c), reference is made to the "NCLEX." This term, which is defined in current s. N 2.05 (3), should be defined in s. N 2.02, since it is used in more than one section of the rule. Further, an acronym should not be used until it has first been defined.

b. In s. N 2.04, the acronym "CGFNS" should be defined or deleted.

c. Rephrase s. N 3.03 (1) (a) 1. to read "Subject to ss. 111.321, 111.322 and 111.335, Stats., does not have an arrest or conviction record." [See also sub. (2) (a) 1.]

d. In ch. N 3, the term "national council licensure examination" and the acronym "NCLEX" should be defined for the entire chapter.

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

a. Section N 2.02 (2) defines "board-approved school." Should a similar definition be included in s. N 1.03?

b. The term "compact state" is used in s. N 3.03 (1) (a) (intro.) and (2) (a) (intro.). This term should be defined and a cross-reference to subch. II of ch. 441, Stats., should be inserted.

5. Clarity, Grammar, Punctuation and Use of Plain Language

a. The first paragraph of the analysis should be rewritten. Currently, it is unclear and awkwardly phrased. For example, the analysis should begin "SECTION 1 amends the definition of 'board-approved school.'" The syntax in the second sentence is faulty and should be redrafted. The analysis fails to describe the provisions in the rule that follow SECTION 11.

b. In s. N 2.03 (2) (c), a period should be inserted after the word "nursing" on the first line.

c. Why are applicants who have graduated from schools of nursing other than board-approved schools the only applicants required to demonstrate English competency?

d. In ss. N 3.03 (1) (b) and 3.03 (2) (b), applicants who have not graduated from board-approved schools are not required to meet the requirement that, subject to ss. 111.321, 111.322 and 111.335, they do not have an arrest or conviction record. Why are these applicants exempt from this requirement?

e. The rule provides that registered nurses and practical nurses who have not graduated from board-approved schools must verify at least two years of full-time or equivalent "safe practice" within the last five years. What constitutes "safe practice"? This should be clarified in the rule.

f. In s. N 3.03 (2) (a) (intro.), insert the word "licensed" before practical nurse in the first line.

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 repeal N 2.03 (1) (d) and (2) (d), 2.04 (1) (b) and (5), 3.04 (1) (a) and (b), (5) and (6) and 3.05 (2) (b) and (c); to renumber N 3.04 (7); to renumber and amend N 2.04 (1) (intro.) and (1) (a), 3.04 (2), (3), (4) and 3.05 (2) (a); to amend N 2.02 (2), 2.03 (1) (c), (2) (c), 2.04 (2), (5) and (6) and 3.04 (1) (intro.); to repeal and recreate N 3.03; and to create N 3.04 (1) (c), relating to board-approved schools, application procedures and licensure by endorsement.

Analysis prepared by the Department of Regulation and Licensing.

ANALYSIS

Statutes authorizing promulgation: ss. 15.08 (5) (b), 227.11 (2) and 441.01 (3), Stats.

Statutes interpreted: ss. 441.01 (3) and (4), 441.05, 441.06 (1) and 441.10 (3) (d), Stats.

Section 1 further defines "board-approved school" to include institutions located in the United States, a U.S. territory, or a province of Canada. Sections 2 and 4 relate to applicants who graduate from a school other than a board-approved school, including that if an applicant graduates from a school other than a board-approved school, are required to demonstrate English competency prior to admission to the NCLEX. Sections 8 and 10 also relate to schools other than board approved schools.

Sections 3 and 5 repeal sections as a result of the amendments made in Sections 1, 2 and 4. Section 6 amends s. N 2.04 as a result of the renumbering of that section.

Section 7 repeals rules relating to photographs for identification purposes as this is no longer a requirement.

Section 11 repeals and recreates s. N 3.03, qualifications for endorsement. The endorsement rules currently tend to be confusing, with some provisions unclear, and others superfluous. Therefore, the board repeals and recreate the rules relating to endorsement.

what about rest of ch N 3?

TEXT OF RULE

SECTION 1. N 2.02 (2) is amended to read:

N 2.02 (2) "Board-approved school" means an institution located in the United States, a U.S. territory, or a province of Canada which has a school, college, program or department of nursing which meets standards of the board or holds accreditation by a board-recognized nursing accreditation agency.

SECTION 2. N 2.03 (1) (c) is 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.

SECTION 3. N 2.03 (1) (d) is repealed.

SECTION 4. N 2.03 (2) (c) is amended to read:

N 2.03 (2) (c) Has graduated from a board-approved school of practical nursing; and 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 5. N 2.03 (2) (d) is repealed.

SECTION 6. N 2.04 (1) (intro.) and (1) (a) are renumbered N 2.04 (1) and amended to read:

N 2.04 (1) Each applicant shall file with the bureau a completed, notarized application on forms provided by the bureau. The application shall include: ~~(a) Signature~~ the signature of the applicant;

SECTION 7. N 2.04 (1) (b) is repealed.

SECTION 8. N 2.04 (2) and (5) are amended to read:

N 2.04 (2) ~~Nursing schools outside of the United States~~ Schools of professional 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. (c 415)

SECTION 10. N 2.04 (6) is amended to read:

N 2.04 (6) An applicant who has graduated from a school of professional nursing outside the United States other than a board-approved school shall submit a valid certificate issued by the commission on graduates of foreign nursing schools (CGFNS).

SECTION 11. N 3.03 is repealed and recreated to read:

N 3.03 Qualifications for endorsement. (1) REGISTERED NURSE APPLICANT.

(a) A registered nurse holding a license in another state, U.S. territory or province of Canada, or a registered nurse who has held a current license in a compact state within the 5 years prior to application, who has graduated from a board approved school of professional nursing may become licensed in Wisconsin provided the applicant meets all of the following:

1. Does not have an arrest or conviction record subject to ss. 111.321, 111.322 and 111.335, Stats.

2. Has passed the national council licensure examination for registered nurses or the state board test pool examination for registered nurses or other examination approved by the board.

3. Has a license against which no disciplinary action has been taken in any of the states, territories or provinces in which the applicant has held a license.

4. Has not been terminated from any employment related to nursing in another state for reasons of negligence or incompetence.

(b) A registered nurse holding a license in another state or U.S. territory or province of Canada who has not graduated from a board-approved school of professional nursing may become licensed in Wisconsin provided the applicant meets all of the following:

1. Has graduated from a school of professional nursing in this country or the country of original licensure.

2. If originally licensed in a foreign country, has passed the licensure examination in the country of original licensure.

3. Has passed the national council licensure examination for registered nurses or the state board test pool examination for registered nurses or other examination approved by the board.

4. Verifies at least 2 years of full-time or equivalent safe practice as a registered nurse within the last 5 years.

5. Verifies competency in the English language.

accept

anything like this?

6. Has a license against which no disciplinary action has been taken in any of the states, territories, provinces or countries in which the applicant has held a license.

7. Has not been terminated from any employment related to nursing in another state, territory, province or country for reasons of negligence or incompetence.

(2) LICENSED PRACTICAL NURSE APPLICANTS. (a) A practical nurse holding a license in another state, U.S. territory or province of Canada, or a licensed practical nurse who has held a current license in another compact state within the 5 years prior to application, who has graduated from a board-approved school of practical nursing may become licensed in Wisconsin provided the applicant meets all of the following:

1. Does not have an arrest or conviction record subject to ss. 111.321, 111.322 and 111.335, Stats.

2. Has passed the national council licensure examination for practical nurses or the state board test pool examination for practical nurses or other examination approved by the board.

3. Has a license against which no disciplinary action has been taken in any of the states, territories or provinces in which the applicant has held a license.

4. Has not been terminated from any employment related to nursing in another state for reasons of negligence or incompetence.

(b) A practical nurse holding a license in another state or U.S. territory or province of Canada who has not graduated from a board-approved school of practical nursing may become licensed in Wisconsin provided the applicant meets all of the following:

1. Has graduated from a school of practical nursing in this country or the country of original licensure.

2. If originally licensed in a foreign country, has passed the licensure examination in the country of original licensure.

3. Has passed the national council licensure examination for practical nurses or the state board test pool examination for practical nurses or other examination approved by the board.

4. Verifies at least 2 years of full-time or equivalent safe practice as a practical nurse within the last 5 years.

5. Verifies competency in the English language.

6. Has a license against which no disciplinary action has been taken in any of the states, territories, provinces or countries in which the applicant has held a license.

7. Has not been terminated from any employment related to nursing in another state, territory, province or country for reasons of negligence or incompetence.

Note: A list of methods by which English competency may be demonstrated is available at the board office located at P.O. Box 8935, 1400 East Washington Avenue, Madison, Wisconsin 53708.

SECTION 12. N 3.04 (1) (intro.) is amended to read:

N 3.04 Application procedure for R.N. and L.P.N. applicants. (1) Each applicant shall file a completed, signed and notarized application on forms provided by the bureau, along with the fee specified under s. 440.05 (1), Stats. The application shall include all of the following:

SECTION 13. N 3.04 (1) (a) and (b) are repealed.

SECTION 14. N 3.04 (2) and (3) are renumbered N 3.04 (1) (a) and (b) and amended to read:

N 3.04 (1) (a) ~~Statement~~ A statement of graduation shall be forwarded directly from the applicant's school of nursing indicating date applicant completed the nursing program and confirmation that the nursing program was board-approved at time of graduation.

(b) Verification of license shall be forwarded from the state, territory or province in which the original license by examination was issued.

SECTION 15. N 3.04 (1) (c) is created to read:

N 3.04 (1) (c) If originally licensed in a foreign country, verification of having passed the licensure examination in the country of original licensure.

SECTION 16. N 3.04 (4) is renumbered N 3.04 (1) (d) and amended to read:

N 3.04 (1) (d) All Notarized translations of all statements and documents written in a foreign language shall be accompanied by notarized translations. The cost of the translation shall be paid by the applicant.

SECTION 17. N 3.04 (5) and (6) are repealed.

SECTION 18. N 3.04 (7) is renumbered N 3.04 (2).

SECTION 19. N 3.05 (2) (a) is renumbered N 3.05 (2) and amended to read:

N 3.05 (2) An R.N. or L.P.N. licensed in any state, U.S. territory, or province of Canada may be granted a temporary permit from the board upon receipt of a completed application ~~indicating no past or pending disciplinary actions in another state, proof of graduation from a board-approved school of professional or practical nursing or current licensure in another state, demonstrating that the applicant has met the requirements of s. N 3.03 (1) or (2), the fee specified in s. 440.05 (2), Stats., and the permit fee specified in s. 440.05 (6), Stats., and upon meeting the requirements under s. N 3.04 (6).~~

SECTION 20. N 3.05 (2) (b) and (c) are repealed.

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.

g:\rules\nur6.doc
4/30/01

JUN 27 2001

**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 01-049**

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 board-approved schools, application procedures and licensure by endorsement.

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**

| | |
|---------------------------------------|-------------------------------------|
| IN THE MATTER OF RULE-MAKING : | REPORT TO THE LEGISLATURE |
| PROCEEDINGS BEFORE THE : | ON CLEARINGHOUSE RULE 01-049 |
| BOARD OF NURSING : | (s. 227.19 (3), Stats.) |

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 1 amends the definition of "board-approved school" to include institutions located in the United States, a U.S. territory, or a province of Canada. SECTION 2 and SECTION 12 create the definition of "NCLEX." SECTIONS 4 and 6 repeal and SECTIONS 3 and 5 amend the provisions relating to graduating from a school that is not a board-approved school and taking an examination or demonstrating English competency prior to admission to the NCLEX. SECTION 6 repeals the requirement of providing a recent photograph for identification. SECTION 8 repeals rules requiring photographs for identification purposes, as this is no longer a requirement. SECTIONS 9 AND 11 removes the provision relating to schools outside of the United States and amends it to refer to schools other than board-approved schools. SECTION 13 repeals and recreates the qualifications for endorsement. The endorsement rules currently tend to be confusing, with some provisions unclear, and others superfluous. Therefore, the board repeals and recreate the rules relating to endorsement. SECTION 14 amends the application process to include a signed application and fee. SECTION 15 repeals those two sections.

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:

Response to Comment 4.a. There is no rationale for including a definition of "approved school" at s. N 1.03, when that section establishes the standards for approving schools.

Response to Comment 5.c. Only schools utilizing the English language are approved.

The remaining recommendations suggested in the Clearinghouse Report were accepted.

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.

g:\rules\nur6leg.doc
6/27/01

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 01-049)

PROPOSED ORDER

An order of the Board of Nursing to repeal N 2.03 (1) (d) and (2) (d), 2.04 (1) (b) and (5), 3.04 (1) (a) and (b), (5) and (6) and 3.05 (2) (b) and (c); to renumber N 3.04 (7); to renumber and amend N 2.04 (1) (intro.) and (1) (a), 3.04 (2), (3), (4) and 3.05 (2) (a); to amend N 2.02 (2), 2.03 (1) (c), (2) (c), 2.04 (2) and (6) and 3.04 (1) (intro.); to repeal and recreate N 3.03; and to create N 2.02 (5m), 3.02 (4m) and 3.04 (1) (c), relating to board-approved schools, application procedures and licensure by endorsement.

Analysis prepared by the Department of Regulation and Licensing.

ANALYSIS

Statutes authorizing promulgation: ss. 15.08 (5) (b), 227.11 (2) and 441.01 (3), Stats.

Statutes interpreted: ss. 441.01 (3) and (4), 441.05, 441.06 (1) and 441.10 (3) (d), Stats.

SECTION 1 amends the definition of "board-approved school" to include institutions located in the United States, a U.S. territory, or a province of Canada.

SECTION 2 and SECTION 12 create the definition of "NCLEX."

SECTIONS 4 and 6 repeal and SECTIONS 3 and 5 amend the provisions relating to graduating from a school that is not a board-approved school and taking an examination or demonstrating English competency prior to admission to the NCLEX.

SECTION 6 repeals the requirement of providing a recent photograph for identification.

SECTION 8 repeals rules requiring photographs for identification purposes, as this is no longer a requirement.

SECTIONS 9 AND 11 removes the provision relating to schools outside of the United States and amends it to refer to schools other than board-approved schools.

SECTION 13 repeals and recreates the qualifications for endorsement. The endorsement rules currently tend to be confusing, with some provisions unclear, and others superfluous. Therefore, the board repeals and recreate the rules relating to endorsement.

SECTION 14 amends the application process to include a signed application and fee. SECTION 15 repeals those two sections.

TEXT OF RULE

SECTION 1. N 2.02 (2) is amended to read:

N 2.02 (2) "Board-approved school" means an institution located in the United States, a U.S. territory, or a province of Canada which has a school, college, program or department of nursing which meets standards of the board or holds accreditation by a board-recognized nursing accreditation agency.

SECTION 2. N 2.02 (5m) is created to read:

N 2.02 (5m) "NCLEX" means national council licensure examination.

SECTION 3. N 2.03 (1) (c) is 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.

SECTION 4. N 2.03 (1) (d) is repealed.

SECTION 5. N 2.03 (2) (c) is amended to read:

N 2.03 (2) (c) Has graduated from a board-approved school of practical nursing, ~~and~~ 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 6. N 2.03 (2) (d) is repealed.

SECTION 7. N 2.04 (1) (intro.) and (1) (a) are renumbered N 2.04 (1) and amended to read:

N 2.04 (1) Each applicant shall file with the bureau a completed, notarized application on forms provided by the bureau. The application shall include: ~~(a) Signature~~ the signature of the applicant.

SECTION 8. N 2.04 (1) (b) is repealed.

SECTION 9. N 2.04 (2) is amended to read:

N 2.04 (2) ~~Nursing schools outside of the United States~~ Schools of professional 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.

SECTION 10. N 2.04 (5) is repealed.

SECTION 11. N 2.04 (6) is amended to read:

N 2.04 (6) An applicant who has graduated from a school of professional nursing ~~outside the United States~~ other than a board-approved school shall submit a valid certificate issued by the commission on graduates of foreign nursing schools (CGFNS).

SECTION 12. N 3.02 (4m) is created to read:

N 3.02 (4m) "NCLEX" means national council licensure examination.

SECTION 13. N 3.03 is repealed and recreated to read:

N 3.03 Qualifications for endorsement. (1) REGISTERED NURSE APPLICANT.

(a) A registered nurse holding a license in another state, U.S. territory or province of Canada, or a registered nurse who has held a current license in a state which has adopted the nurse licensure compact within the 5 years prior to application, who has graduated from a board approved school of professional nursing may become licensed in Wisconsin provided the applicant meets all of the following:

1. Subject to ss. 111.321, 111.322 and 111.335, Stats., does not have an arrest or conviction record.

2. Has passed the national council licensure examination for registered nurses or the state board test pool examination for registered nurses or other examination approved by the board.

3. Has a license against which no disciplinary action has been taken in any of the states, territories or provinces in which the applicant has held a license.

4. Has not been terminated from any employment related to nursing in another state for reasons of negligence or incompetence.

5. Is licensed in another state, U.S. territory or province, the requirements for licensure of which are substantially equivalent to the requirements for licensure in this state at the time of original licensure.

(b) A registered nurse holding a license in another state or U.S. territory or province of Canada who has not graduated from a board-approved school of professional nursing may become licensed in Wisconsin provided the applicant meets all of the following:

1. Has graduated from a school of professional nursing in this country or the country of original licensure.

2. If originally licensed in a foreign country, has passed the licensure examination in the country of original licensure.

3. Has passed the national council licensure examination for registered nurses or the state board test pool examination for registered nurses or other examination approved by the board.

4. Verifies at least 2 years of full-time or equivalent practice as a registered nurse within the last 5 years.

5. Verifies competency in the English language.

6. Has a license against which no disciplinary action has been taken in any of the states, territories, provinces or countries in which the applicant has held a license.

7. Has not been terminated from any employment related to nursing in another state, territory, province or country for reasons of negligence or incompetence.

8. If originally licensed in another state, U.S. territory or province, proves that the requirements for licensure in that state, territory or province were substantially equivalent to the requirements for licensure in this state at the time of original licensure.

9. Subject to ss. 111.321, 111.322 and 111.335, Stats., does not have an arrest or conviction record.

(2) LICENSED PRACTICAL NURSE APPLICANTS. (a) A practical nurse holding a license in another state, U.S. territory or province of Canada, or a licensed practical nurse who has held a current license in another state which has adopted the nurse licensure compact within the 5 years prior to application, who has graduated from a board-approved school of practical nursing may become licensed in Wisconsin provided the applicant meets all of the following:

1. Subject to ss. 111.321, 111.322 and 111.335, Stats., does not have an arrest or conviction record.

2. Has passed the national council licensure examination for practical nurses or the state board test pool examination for practical nurses or other examination approved by the board.

3. Has a license against which no disciplinary action has been taken in any of the states, territories or provinces in which the applicant has held a license.

4. Has not been terminated from any employment related to nursing in another state for reasons of negligence or incompetence.

5. Is licensed in another state, U.S. territory or province the requirements for licensure of which are substantially equivalent to the requirements for licensure in this state at the time of original licensure.

(b) A practical nurse holding a license in another state or U.S. territory or province of Canada who has not graduated from a board-approved school of practical nursing may become licensed in Wisconsin provided the applicant meets all of the following:

1. Has graduated from a school of practical nursing in this country or the country of original licensure.

2. If originally licensed in a foreign country, has passed the licensure examination in the country of original licensure.

3. Has passed the national council licensure examination for practical nurses or the state board test pool examination for practical nurses or other examination approved by the board.

4. Verifies at least 2 years of full-time or equivalent practice as a practical nurse within the last 5 years.

5. Verifies competency in the English language.

6. Has a license against which no disciplinary action has been taken in any of the states, territories, provinces or countries in which the applicant has held a license.

7. Has not been terminated from any employment related to nursing in another state, territory, province or country for reasons of negligence or incompetence.

8. If originally licensed in another state, U.S. territory or province, proves that the requirements for licensure in that state, territory or province were substantially equivalent to the requirements for licensure in this state at the time of original licensure.

9. Subject to ss. 111.321, 111.322 and 111.335, Stats., does not have an arrest or conviction record.

Note: A list of methods by which English competency may be demonstrated is available at the board office located at P.O. Box 8935, 1400 East Washington Avenue, Madison, Wisconsin 53708.

SECTION 14. N 3.04 (1) (intro.) is amended to read:

N 3.04 Application procedure for R.N. and L.P.N. applicants. (1) (intro.) Each applicant shall file a completed, signed and notarized application on forms provided by the bureau, along with the fee specified under s. 440.05 (1), Stats. The application shall include all of the following:

SECTION 15. N 3.04 (1) (a) and (b) are repealed.

SECTION 16. N 3.04 (2) and (3) are renumbered N 3.04 (1) (a) and (b) and amended to read:

N 3.04 (1) (a) ~~Statement~~ A statement of graduation shall be forwarded directly from the applicant's school of nursing indicating date applicant completed the nursing program ~~and confirmation that the nursing program was board approved at time of graduation.~~

(b) Verification of license ~~shall be~~ forwarded from the state, territory or province in which the original license by examination was issued.

SECTION 17. N 3.04 (1) (c) is created to read:

N 3.04 (1) (c) If originally licensed in a foreign country, verification of having passed the licensure examination in the country of original licensure.

SECTION 18. N 3.04 (4) is renumbered N 3.04 (1) (d) and amended to read:

N 3.04 (1) (d) ~~All~~ Notarized translations of all statements and documents written in a foreign language ~~shall be accompanied by notarized translations.~~ The cost of the translation shall be paid by the applicant.

SECTION 19. N 3.04 (5) and (6) are repealed.

SECTION 20. N 3.04 (7) is renumbered N 3.04 (2).

SECTION 21. N 3.05 (2) (a) is renumbered N 3.05 (2) and amended to read:

N 3.05 (2) An R.N. or L.P.N. licensed in any state, U.S. territory, or province of Canada may be granted a temporary permit from the board upon receipt of a completed application ~~indicating no past or pending disciplinary actions in another state, proof of graduation from a board approved school of professional or practical nursing or current licensure in another state,~~ demonstrating that the applicant has met the requirements of s. N 3.03 (1) or (2), the fee specified in s. 440.05 (2), Stats., and the permit fee specified in s. 440.05 (6), Stats., and upon meeting the requirements under s. N 3.04 (6).

SECTION 22. N 3.05 (2) (b) and (c) are repealed.

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.

g:\rules\nur6.doc
6/2701