

**Clearinghouse Rule 16-071**

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 )

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PROPOSED ORDER

An order of the Board of Nursing to repeal ch. N 3 relating to examining councils.

Analysis prepared by the Department of Safety and Professional Services.

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ANALYSIS

**Statutes interpreted:** Section 203p of 2015 Act 55 repealed s. 15.407(3), Stats.  
Section 4416g of 2015 Act 55 repealed s. 441.05, Stats.

**Statutory authority:** 441.01 (3), Stats.

**Explanation of agency authority:**

The board shall approve all rules for the administration of this chapter in accordance with ch. 227. [441.01 (3), Stats]

**Related statute or rule:** N/A

**Plain language analysis:**

Section 441.05, Stats. had authorized the creation of examining councils for registered nurses and licensed practical nurses in order to prepare or select written examination questions and administer examinations as part of the licensure requirements. This statute was obsolete with the current licensing practice of the requiring candidates to pass a national examination.

2015 Act 55 repealed the statutory creation and authorization for the examining councils. This rule repeals the administrative code chapter, N 3, governing Board of Nursing examining councils in order to reflect current statutes.

**Summary of, and comparison with, existing or proposed federal regulation:** None

**Comparison with rules in adjacent states:**

**Illinois:** Illinois does not have examining councils under the Board of Nursing.

**Iowa:** Iowa does not have examining councils under the Board of Nursing.

**Michigan:** Michigan does not have examining councils under the Board of Nursing.

**Minnesota:** Minnesota does not have examining councils under the Board of Nursing.

**Summary of factual data and analytical methodologies:**

The Board is repealing the chapter to conform to the statutes.

**Analysis and supporting documents used to determine effect on small business or in preparation of economic impact analysis:**

**Fiscal Estimate and Economic Impact Analysis:**

The Fiscal Estimate and Economic Impact Analysis is attached.

**Effect on small business:**

These proposed rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department's Regulatory Review Coordinator may be contacted by email at Jeffrey.Weigand@wisconsin.gov, or by calling (608) 267-2435.

**Agency contact person:**

Sharon Henes, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, Room 151, P.O. Box 8366, Madison, Wisconsin 53708; telephone 608-261-2377; email at DSPSAdminRules@wisconsin.gov.

**Place where comments are to be submitted and deadline for submission:**

Comments may be submitted to Sharon Henes, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, Room 151, P.O. Box 8366, Madison, WI 53708-8366, or by email to DSPSAdminRules@wisconsin.gov. Comments must be received at or before the public hearing to be held on December 8, 2016 to be included in the record of rule-making proceedings.

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TEXT OF RULE

SECTION 1. Ch. N 3 is repealed.

SECTION 2. EFFECTIVE DATE. 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.

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(END OF TEXT OF RULE)

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