

Report From Agency

**STATE OF WISCONSIN
BOARD OF NURSING**

**IN THE MATTER OF RULEMAKING :
PROCEEDINGS BEFORE THE : REPORT TO THE LEGISLATURE
BOARD OF NURSING : CR 18-030**

I. THE PROPOSED RULE:

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

II. REFERENCE TO APPLICABLE FORMS: N/A

III. FISCAL ESTIMATE AND EIA:

The Fiscal Estimate and EIA is attached.

IV. DETAILED STATEMENT EXPLAINING THE BASIS AND PURPOSE OF THE PROPOSED RULE, INCLUDING HOW THE PROPOSED RULE ADVANCES RELEVANT STATUTORY GOALS OR PURPOSES:

2017 Act 135 adopted the new Nurse Licensure Compact which allows for the choice between a single state and a multistate license. This rule clarifies and delineates the application requirements for single state and multistate licenses. The rule repeals the rules promulgated by the Board of Nursing under the authority granted in the prior nurse licensure compact. In addition, it creates an appendix for the rules promulgated by the Nurse Licensure Compact Commission under the authority of the new licensure compact in order for the citizens of Wisconsin to be aware of the Nurse Licensure Compact rules.

V. SUMMARY OF PUBLIC COMMENTS AND THE BOARD'S RESPONSES, EXPLANATION OF MODIFICATIONS TO PROPOSED RULES PROMPTED BY PUBLIC COMMENTS:

The Board held a public hearing on June 27, 2018. No one testified or provided written comments.

VI. RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS:

Comment 2a: Because the statutes refer to Wisconsin's current compact as the "enhanced nurse licensure compact", it would be helpful to specify in the rule itself (in addition to the language in the appendix) that the rule refers to the current compact as the "nurse licensure compact" rather than the "enhanced nurse licensure compact".

Response 2a: The Board of Nursing rejects this comment. The Nurse Licensure Compact and the rules promulgated by the Nurse Licensure Compact Commission (included in the appendix), refer to the compact as “Nurse Licensure Compact”. The term “enhanced” was used when referring to the new compact (which was not in effect) to differentiate between the the two compacts and was never the name of the compact. It was an error to include in the statutes the word “enhanced”. It is the Board of Nursing’s understanding that the statutes will be updated to reflect the true name of the Nurse Licensure Compact, therefore, there is no reason to refer to “enhanced Nurse Licensure Compact” in rule.

Comment 2b: The Board should review the definitions in s. N 2.02 (8m), (9m), and (11) for clarity. All three terms are already defined in statute. Is it necessary to define them differently by rule? Why does the rule’s definition of “single state license” omit part of the statutory definition? The Board could consider either removing these subsections, in which case the statutory definitions would control, or incorporating the statutory definitions by reference.

Response 2b: The Board rejects this comment. The rule’s definitions do not change the meaning of the definitions in statute or the definitions in the Nurse Licensure Compact; rather the definitions create simplicity and clarity. In all three definitions the phrase “nurse licensure compact” is inserted instead of using the phrase “this compact” to create clarity as to what compact is being referred to. In the rule’s definition for “multistate”, the word “Wisconsin” was substituted for “home state licensing board” to create clarity. In the definition of “single state license” the Board of Nursing omitted the phrase “authorizing practice only within the issuing state and” as being redundant. The person who is applying for a single state license in the state of Wisconsin is applying for a license to practice in the state of Wisconsin.

Comment 2c: The board could modify s. N 2.10 (1m) and (2m) to incorporate statutory requirements by reference where appropriate to avoid unnecessary repetition of statutory language. [See s. 1.08 (1), Manual.] For example, the rule could require that applicants satisfy s. 441.51 (3) (c) 4. to 10., Stats., as well as a list of other items.

Response 2c: The Board of Nursing rejects this comment. It is clearer to have the requirements for both the single state and multistate license enumerated.

Comment 2d: In terms of overall style, the Board could consider placing all of the provisions related to multistate licenses under the compact into ch. N 9, since that chapter as proposed would only contain one section. Chapter N 2 could be retitled to apply only to single state licenses.

Response 2d: The Board of Nursing rejects this comment. It is less confusing for applicants to have all application requirements in one location. In addition, the Board does not want to combine Board rules with Commission rules which could create confusion over who has authority to promulgate rules relating to the Nurse Licensure Compact. It is intentional to not have any rules in N 9 other than the appendix which contains all rules promulgated by the Nurse Licensure Compact Commission. This

appendix allows Wisconsin citizens to easily reference the Nurse Licensure Compact rules.

All of the remaining recommendations suggested in the Clearinghouse Report have been accepted in whole.

VII. REPORT FROM THE SBRRB AND FINAL REGULATORY FLEXIBILITY ANALYSIS:

These proposed rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats.