

**Report From Agency**

**STATE OF WISCONSIN  
BOARD OF NURSING**

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**IN THE MATTER OF RULEMAKING :  
PROCEEDINGS BEFORE THE : REPORT TO THE LEGISLATURE  
BOARD OF NURSING : CR 20-065**

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**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:**

The Board conducted a comprehensive review of ch. N 4 to ensure its provisions are statutorily compliant and current with professional standards and practices. As a result of this review, the following changes have been made:

- A definition of “bureau” and associated references to the Bureau of Health Service Professions within the Department of Safety and Professional Services are removed, as the Bureau no longer exists.
- A definition of “written agreement” is removed, as it contains substantive and self-evident criteria for the required written agreement under which a nurse-midwife works in collaboration with a physician.
- Sections N 4.03 and 4.05 are updated to reflect that the current accrediting body of educational programs in nurse-midwifery is the Accreditation Commission for Midwifery Education, and that the American Midwifery Certification Board is the current national certifying body.
- Section N 4.04 is revised to remove an obsolete requirement that an application be notarized.
- Section N 4.043 is created to specify the requirements for renewal of a license to practice nurse-midwifery.
- Section N 4.10, relating to malpractice insurance, is revised to be consistent with the exceptions to the malpractice insurance coverage requirements enumerated in s. 441.15 (5) (a), Stats.
- Provisions concerning licensure and temporary permits have been reorganized for connectivity and clarity.

- Other revisions throughout ch. N 4 have been made to provide clarity and comply with current drafting standards.

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

The Board of Nursing held a public hearing on December 10, 2020. The following people either testified at the hearing, or submitted written comments:

- MaryAnne Scherer, Wisconsin Affiliate of the ACNM (American College of Nurse Midwives)
- Leonna Vandevusse

The Board of Nursing summarizes the comments received either by hearing testimony or by written submission as follows:

- Both commenters support the rule as drafted. Ms. Vandevusse would like to see additional statutory reforms.

The Board of Nursing explains modifications to its rule-making proposal prompted by public comments as follows:

- No modifications are necessary as a result of public comments.

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

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

**VII. REPORT FROM THE SBRRB AND FINAL REGULATORY FLEXIBILITY ANALYSIS: N/A**