

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 24 - 031
	:	
	:	

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:

Section N 6 contains the standards of practice for registered nurses and licensed practical nurses, which includes delegated acts. The Board of Nursing has reviewed and updated ch. N 6 with the following changes:

- Extension of the definition of “delegated acts”.
- More general definition of “provider” to broaden the range of professionals who are authorized to delegate acts.
- Addition of a definition of “unlicensed assistive personnel (UAP)”.
- Inclusion of UAPs as staff who could be performing interventions under the directing or supervision of registered nurses.
- Replacement of the term “assignments” to “delegated acts” under standards of practice for licensed practical nurses.

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 May 9, 2024. The following people either testified at the hearing, or submitted written comments:

- Hannah Rowe, RN, Waupaca School District.
- Kimberly Hess, RN, Parkway – Glen Hills School District and Maple Dale – Indian Hill School District.
- Bonnie Baranczyk, RN, Green Bay Area Public School District.
- Tiffany Jothan, RN, Westby School District.
- Suzanne Brinkman, RN, Boscobel School District and Wisconsin Association of School Nurses (WASN) District 3 Director.
- Jayne Lindsey, RN, Mineral Point Unified School District.
- Melissa Guay, RN, Marinette School District.
- Jennifer Hinz, RN, Manitowoc Public School District.
- Jaime Rietveld, RN, Clintonville School District.
- Jamie Trzebiatowski, RN, Waupaca School District and Wisconsin Association of School Nurses President.
- Michelle Neumann, RN, West De Pere School District.
- Amanda Dehli, RN, St Francis School District.
- Laurie Walker, RN, Lancaster Community Schools.
- Dr. Kerri Kliminski, RN, Dean of Madison College School of Nursing.
- Louise Wilson, RN, School Nursing and Health Services Consultant.
- Gina Dennik-Champio on behalf of the Wisconsin Nurses Association (WNA).
- R.J. Pirlot on behalf of the Wisconsin Academy of Physician Assistants (WAPA).
- Kristen Kelm, Public Health Nurse.
- Janet Kazmierczak, Public Health Nurse and past School Nurse.
- Ann Zenk, Wisconsin Hospital Association.
- Laura Hieb, Emplify-Bellin Health.
- Shonda Helgeson, Western Wisconsin Health.
- Rudy Jackson, UW Health.

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

- Multiple school nurses expressed their concern about the broader definition of “provider” and suggested keeping the list as is but adding physician assistants to the list.
- WNA expressed support for the modifications the rule project proposes except for the definition of “provider” and suggested to keep the list as is but include physician assistants.
- WAPA commented in support of the new definition of “provider”, however, after hearing the multiple concerns from school nurses during the public hearing, they amended their comment to support any changes the board may consider as long as it clarifies the role physician assistants have in delegating acts to nurses.
- Ms. Kelm and Ms. Kazmierczak suggested revising the definition of “patient” to be more inclusive for public health nursing. Ms. Kelm suggested adjusting the N 6 definition of “patient” to be more like Minnesota’s definition, which better reflects public health nursing work.

- Dr. Kliminski commented on the concern that the age requirement for UAPs could create unintended consequences for some CNAs who are younger than 18 years old.
- Ms. Zenk, Ms. Hieb, Ms. Helgeson, and Mr. Jackson presented their arguments against adding an age requirement to the definition of UAPs, though they supported the creation of the definition.

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

- N 6.02 (10m) was amended to read: “‘provider’ means a physician, podiatrist, dentist, optometrist, advanced practice nurse prescriber, pharmacist, physician assistant, or any licensed professional who is legally authorized to delegate acts within the scope of their practice.”
- The board considered modifying the definition of “patient” to be more like the Minnesota definition. However, upon further consideration, the board does not consider it necessary to modify it at this time because of concerns of unintended consequences for other nurses that are not working as public health nurses.
- The definition of UAP created under N 6.02 (13) is modified to read: “‘Unlicensed Assistive Personnel (UAP)’ means any person who is not licensed under ch. 441, Stats. to whom nursing acts may be delegated and has received the appropriate education and documented training required to perform the delegated acts. An UAP must be at least 18 years old if the delegated act involves medication administration.”

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:

This rule does not have an effect on small business.