

STATE OF WISCONSIN
BEFORE THE
BOARD OF NURSING

IN THE MATTER OF RULEMAKING : ORDER OF THE BOARD OF NURSING
PROCEEDINGS BEFORE THE : REPEALING, AMENDING OR
BOARD OF NURSING : ADOPTING RULES

ORDER

Pursuant to authority vested in the Board of Nursing in ss. 15.08(5)(b), 227.014 and 441.01(3), Stats., the Board of Nursing hereby repeals and creates rules, interpreting ss. 15.407(3), 441.01(3), 441.04, 441.05 and 441.10, Stats., as follows:

SECTION 1. Chapters N 2 and N 3 are created to read:

Chapter N 2
LICENSURE BY EXAMINATION

N 2.01 AUTHORITY AND INTENT. (1) This chapter is adopted pursuant to authority of ss.15.08, 227.014 and 441.01(3), Stats.

(2) The intent of the board of nursing in adopting rules in this chapter is to specify the requirements and procedures for obtaining a certificate of registration or license by examination as a registered nurse or a licensed trained practical nurse, to outline the board's policies and procedures on exam administration, to set forth qualifications and procedures for obtaining a temporary permit, and to provide rules governing the board's examining councils.

N 2.02 DEFINITIONS. As used in this chapter:

(1) "Accredited school" means an institution which has a school, college, program or department of nursing which meets standards of the board or an accrediting body approved by the board.

(2) "Board" means board of nursing.

(3) "Bureau" means bureau of nursing within the department of regulation and licensing.

(4) "L.P.N." means licensed practical nurse, licensed trained practical nurse or trained practical nurse.

(5) "R.N." means registered nurse.

(6) "Supervision" means to coordinate, direct and inspect continually and at first hand the practice of another.

Note: The bureau is located at Room 174, 1400 East Washington Avenue, Madison, Wisconsin 53702-0001.

N.2.03 QUALIFICATIONS FOR EXAMINATION.

(1) REGISTERED NURSE APPLICANTS. An applicant is eligible for the examination for registered nurses if the applicant:

(a) Does not have an arrest or conviction record, subject to ss. 111.321, 111.322 and 111.335, Stats.;

(b) Has been graduated from high school or its equivalent. An applicant shall be considered to have the equivalent of a 12th grade education if he or she has completed an accredited program of professional nursing.

(c) Has been graduated from an accredited school of professional nursing in the U.S. or a U.S. territory; or,

(d) An applicant who has been graduated from a school of professional nursing outside of the United States or a U.S. territory shall be required to take and satisfactorily complete a qualifying examination prior to admission to the NCLEX.

Note: Information on the qualifying examination administered by the Commission on Graduates of Foreign Nursing Schools (CGFNS) is available at the bureau office.

(2) LICENSED PRACTICAL NURSE APPLICANTS. An applicant is eligible for the examination for practical nurses if the applicant:

(a) Does not have an arrest or conviction record subject to ss. 111.321, 111.322 and 111.335, Stats.;

(b) Has completed 2 years of high school or its equivalent. An applicant shall be considered to have the equivalent of 10th grade education if he or she has completed an accredited program of practical nursing;

(c) Has been graduated from an accredited school of practical nursing; and

(d) Has successfully demonstrated English competency to the board if English was not the primary spoken and written language of instruction and communication in the school of practical nursing from which the applicant was graduated.

Note: A list of methods by which English competency may be demonstrated is available at the bureau office.

N 2.04 APPLICATION PROCEDURE FOR R.N. AND L.P.N. APPLICANTS. (1) Each applicant shall file with the bureau a completed, notarized application on forms provided by the bureau, no later than 28 days prior to the examination date. The application shall include:

(a) Signature of the applicant;

(b) Recent photograph for identification, signed by both the applicant and the educational administrator of the nursing program or the administrator's designee. A graduate of a school of nursing outside the United States shall have the photograph notarized as a true likeness of the graduate if he or she is unable to obtain the signature of the educational administrator of the nursing program.

(c) Fee specified under s.440.05(1), Stats.

(2) Nursing schools outside of the United States shall forward, directly to the Bureau, official transcripts of nursing education for applicants who were graduated from the school.

(3) Certification of graduation from an accredited school shall be completed by the educational administrator of the nursing education program or other person designated by the educational administrator. The certification of graduation shall be filed with the bureau no later than 28 days prior to the examination, unless an extension for filing the certification is approved by the board in advance of the 28-day deadline. An applicant who is unable to submit educational certification from a foreign country shall request that the board make a determination of educational qualifications.

(4) 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.

(5) Any change of name or credentials received in a name other than that on the original application shall be reported to the bureau in a change of name form.

(6) An applicant who has been graduated from a school of professional nursing outside the United States shall submit a valid certificate issued by the commission on graduates of foreign nursing schools (CGFNS).

(7) An applicant who has a pending criminal charge or has been convicted of any crime or ordinance violation shall provide the board all related information necessary for the board to determine whether the circumstances of the arrest or conviction or other offense substantially relate to the circumstances of the licensed activity.

N 2.05 LICENSURE EXAMINATION (1) DEFINITION. In this section, "NCLEX" means national council licensure examination.

(2) ADMINISTRATION. (a) The examination administered by the board is the NCLEX.

(b) NCLEX shall be administered twice yearly for both R.N. and L.P.N. applicants.

(c) At least 10 days prior to the examination, the board shall mail to eligible applicants an admission card. That card shall be presented at the door of the examination room with a photograph which is an exact duplicate of that filed with the application for licensure. The applicant shall sign

the duplicate photograph. The board may invalidate the examination score of an applicant whose identity cannot be verified by the board for failure to comply with the admission identification requirement.

(d) Specific instructions shall be provided at the beginning of the examination.

(e) An applicant who violates examination security or national examination administration rules may be denied licensure by the board. Violations include, but are not limited to, answering questions after time allotted for the examination has expired, or bringing notes or exam aids for use during the exam.

(3) NURSING BEHAVIORS TESTED. (a) Nursing behaviors tested are the basic principles of the practice of professional nursing or the practice of practical nursing.

(b) The test plan identifying nursing behaviors on which the NCLEX is based shall be furnished to schools or individuals on request.

(4) PASSING SCORES. (a) Registered nurse licensure. The passing score on the NCLEX for registered nurse licensure is set by the board in advance of the examination. An applicant obtaining a passing score on the NCLEX may be eligible for licensure as a registered nurse.

(b) Licensed practical nurse licensure. The passing score on the NCLEX for practical nurse licensure is set by the board in advance of the examination. An applicant obtaining a passing score on the NCLEX may be eligible for licensure as a licensed trained practical nurse.

(5) SCORING. (a) The board shall send written notification of results to applicants.

(b) An unsuccessful applicant may request to have his or her examination rescored by hand to verify the accuracy of scoring. The rescoring request must be received by the bureau within 30 days of the postmark on the mailing of the score.

(c) The cost of rescoring shall be paid by the applicant.

(6) FAILURE AND RE-EXAMINATION. (a) An applicant who fails to earn a passing score on the examination for licensure may be re-examined, but not sooner than the next scheduled test date.

(b) The applicant shall request the re-examination at least 28 days prior to the examination date by filing with the bureau a written request and re-examination fee specified in s. RL 4.04.

N 2.06 TEMPORARY PERMITS (1) ELIGIBILITY. An applicant for the next scheduled examination required for R.N. registration or L.P.N. licensure who has been graduated from an accredited school of professional or practical nursing, and who has paid the fee specified in s.440.05(6), Stats., may be eligible for a temporary permit to practice.

(2) SUPERVISION REQUIRED. The holder of a temporary permit shall not practice beyond the scope of the certificate or license the holder is seeking to obtain. The holder is required to practice under the supervision of an R.N.

(3) TITLE. (a) Registered nurse applicants. Only an applicant for R.N. licensure who holds a valid permit under this section or s. N3.05(4)(a) may use the title "graduate nurse" or the letters "G.N."

(b) Licensed practical nurse applicants. Only an applicant for L.P.N. licensure who holds a valid permit under this section or s. N3.05(4)(b) may use the title, "graduate practical nurse" or the letters, "G.P.N."

(4) DURATION. (a) The duration of temporary permits granted by the board is for a period of 6 months or until the holder receives examination results, whichever is shorter. The permit of a candidate who is unsuccessful on the examination is void upon receipt of the examination results by the holder and shall be returned by the holder to the board immediately. Failure to return the permit promptly shall, without further notice or process, result in a board order to revoke the permit.

(b) A temporary permit may be renewed once for a period of 3 months.

(c) A second renewal for a 3-month period may be granted in hardship cases, if an affidavit is filed with the board identifying the hardship. "Hardship cases", as used in this paragraph includes the inability to take or complete a scheduled examination because of illness, family illness or death, accident or natural disaster or because the person is waiting for examination results.

(d) Practice under temporary permits, including renewals under pars. (b) and (c), may not exceed 12 months total duration.

(5) DENIAL. A temporary permit may be denied any applicant for any of the reasons in sub. (6) for which the board may revoke a temporary permit or for the misrepresentation of being a registered nurse or graduate nurse, or a licensed practical nurse or graduate practical nurse.

(6) REVOCATION. A temporary permit may, after notice and hearing, be revoked by the board for any of the following reasons:

(a) Violation of any of the rules of conduct for registered nurses or licensed practical nurses set forth in ch. N 11.

(b) Failure to pay the required fees under s.440.05(6), Stats.

(c) Provision of fraudulent information on an application for licensure.

(7) INELIGIBILITY FOR TEMPORARY PERMITS. An applicant who fails a licensing examination in any state may apply for admission to another examination in Wisconsin, but shall not be eligible for any temporary permit.

N 2.07 EXAMINING COUNCILS. (1) DUTIES. The duties of the examining councils on registered nurses and licensed practical nurses include the review of test items for the R.N. or L.P.N. licensing exams on behalf of the board, and assistance in exam administration.

(2) QUALIFICATIONS. (a) R.N. Council. Qualifications for appointment to the R.N. council are a current Wisconsin license to practice professional nursing and experience in nursing practice or nursing education within three years immediately preceding the appointment.

(b) L.P.N. Council. Qualifications for appointment to the L.P.N. council are:

1. Registered nurse members of the council shall have a current Wisconsin license to practice professional nursing and experience as a supervisor of L.P.N.s in practice or as an educator of practical nursing students within 3 years immediately preceding the appointment.

2. L.P.N. members of the council shall have a current Wisconsin license to practice practical nursing and experience in practical nursing within 3 years immediately preceding the appointment.

(3) COMPOSITION. (a) R.N. Council. The R.N. council shall consist of 4 members, including one R.N. member of the board, and representatives from both nursing practice and nursing education.

(b) L.P.N. Council. The L.P.N. council shall consist of 5 members, including one L.P.N. member of the board, two L.P.N. members at large, one R.N. member who supervises L.P.N. practice and one R.N. member who instructs practical nursing students.

(4) APPOINTMENT PROCEDURES. (a) The board shall send to nursing related organizations, schools and others a call for nominations for open council appointments prior to the expiration of a term.

(b) Nominations for council appointments shall be filed with the bureau. Consent of the person nominated shall be included. Self-nominations are allowed.

(c) The board shall appoint a nominee from those submitted.

(5) TERM OF APPOINTMENT. (a) R.N. Council. The board shall appoint members to the R.N. Council for staggered 4-year terms.

(b) L.P.N. Council. The board shall appoint members to the L.P.N. Council for staggered 3-year terms.

(c) Changes in qualifications. A member of either council whose qualifications change after appointment by the board may continue serving the term of appointment if approved by the board.

(6) TERMINATION OF COUNCIL MEMBERS. The board may terminate the appointment of a council member prior to the expiration of the term under sub. (5) if it finds the member is not satisfactorily carrying out any of the duties under sub. (1), or if the member is found to have violated exam security provisions or rules of the board.

CHAPTER N 3
LICENSURE BY ENDORSEMENT

N 3.01 AUTHORITY AND INTENT. (1) This chapter is adopted pursuant to authority of ss.15.08, 227.014, 441.01(3), Stats.

(2) The intent of the board of nursing in creating this chapter is to specify the requirements and procedures for obtaining a certificate of registration by endorsement as a registered nurse and for obtaining a license by endorsement as a licensed trained practical nurse.

N 3.02 DEFINITIONS. As used in this chapter:

(1) "Accredited school" means an institution which has a school, college, program or department of nursing which meets standards of the board or of an accrediting body approved by the board.

(2) "Board" means board of nursing.

(3) "Bureau" means bureau of nursing within the department of regulation and licensing.

(4) "L.P.N." means licensed practical nurse, licensed trained practical nurse or trained practical nurse.

(5) "R.N." means registered nurse.

(6) "Supervision" means to coordinate, direct and inspect continually and at first hand the practice of another.

Note: The bureau is located at Room 174, 1400 East Washington Avenue, Madison, Wisconsin 53702-0001.

N 3.03 QUALIFICATIONS FOR ENDORSEMENT.

(1) REGISTERED NURSE APPLICANT. A registered nurse holding a certificate of registration in another state or U.S. territory or province of Canada may become registered in Wisconsin provided the applicant:

(a) Does not have an arrest or conviction record subject to ss. 111.321, 111.322 and 111.335, Stats.;

(b) Has been graduated from high school or its equivalent. An applicant shall be considered to have the equivalent of 12th grade education if he or she has completed an accredited program of professional nursing;

(c) Has been graduated from an accredited school of professional nursing;

(d) Has passed in the applicant's state of original licensure 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;

(e) Has a license against which no disciplinary action has been taken in any of the states in which the applicant has held a license; and

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

(2) LICENSED PRACTICAL NURSE APPLICANTS. A licensed practical nurse holding a license in another state or U.S. territory or province of Canada may become licensed in Wisconsin if the applicant:

(a) Does not have an arrest or conviction record subject to ss. 111.321, 111.322 and 111.335, Stats.;

(b) Has completed 2 years of high school or its equivalent. An applicant shall be considered to have the equivalent of 10th grade education if he or she has completed an accredited program of practical nursing;

(c) Has been graduated from an accredited school of practical nursing;

(d) Has passed in the applicant's state of original licensure 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;

(e) Has a license against which no disciplinary action has been taken in any of the states in which the applicant has held a license; and

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

N 3.04 APPLICATION PROCEDURE FOR R.N. AND L.P.N. APPLICANTS. (1) Each applicant shall file a completed, notarized application on forms provided by the bureau. The application shall include:

(a) Signature of the applicant; and

(b) Fee specified under s.440.05(1), Stats.

(2) 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 state accredited at time of graduation.

(3) Verification of license shall be forwarded from the state in which the original license by examination was issued.

(4) 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.

(5) Any change of name or credentials received in a name other than that on the original application shall be reported to the bureau in a change of name form.

(6) An applicant who did not take the licensing exam in English shall be required to demonstrate competency in the English language before being granted a temporary permit or certificate of registration or license. A list of methods by which English competency may be demonstrated is available in the bureau office.

(7) Applicants who have a pending criminal charge or have been convicted of any crime or ordinance violation shall provide the board all related information necessary for the board to determine whether the circumstances of the arrest, conviction or other offense are substantially related to the circumstances of the licensed activity.

N 3.05 TEMPORARY PERMITS. (1) DEFINITIONS. In this section:

(a) "G.N." means graduate nurse.

(b) "G.P.N." means graduate practical nurse.

(2) ELIGIBILITY. (a) 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 an accredited school of professional or practical nursing or current licensure in another state, the fee specified in s. 440.05(2), Stats., permit fee specified in s. 440.05(6), Stats., and upon meeting the requirements under s. N 3.04(6).

(b) A graduate of an accredited school of professional nursing in any state, U.S. territory or foreign country whose initial application for licensure as an R.N. in another state, U.S. territory or province of Canada is pending, and who has not failed any licensing examination in another state, may be eligible for a temporary permit from the board upon receipt of a completed application, proof of graduation, the licensing fee as specified in s. 440.05(2), Stats., permit fee as specified in s. 440.05(6), Stats., and upon meeting the requirements under s. N 3.04(6).

(c) A graduate of an accredited school of practical nursing in any state, U.S. territory or foreign country whose initial application for licensure as an L.P.N. in another state, U.S. territory or province of Canada is pending, and who has not failed any licensing examination in another state, may be eligible for a temporary permit from the board upon receipt of a completed application, proof of graduation, the licensing fee specified in s. 440.05(2), Stats., permit fee specified in s. 440.05(6), Stats. and upon meeting the requirements under s. N 3.04(6).

(3) SUPERVISION REQUIRED. A G.N. or G.P.N. not licensed in another jurisdiction who holds a valid permit under this section shall practice under the supervision of a registered nurse.

(4) TITLE. (a) Only an applicant for R.N. licensure who holds a valid permit under this section or s. N2.06(3)(a) shall be permitted to use the title "graduate nurse" or the letters "G.N."

(b) Only an applicant for L.P.N. licensure who holds a valid permit under this section or s. N2.06(3)(b) shall be permitted to use the title "graduate practical nurse" or the letters "G.P.N."

(c) An applicant licensed as an R.N. in another jurisdiction who holds a valid permit under this section may use the title "registered nurse" or the letters "R.N." and may practice without supervision of an R.N.

(d) An applicant licensed as an L.P.N. in another jurisdiction who holds a valid permit under this section may use the title, "licensed practical nurse" or the letters "L.P.N." and shall be supervised according to the standards of practice for L.P.N.s under s. N10.04.

(5) DURATION. (a) The duration of temporary permits granted by the board is for a period of 3 months. The permit of a candidate who is unsuccessful on the examination in another state is void upon receipt of the examination results by the holder and shall be returned to the board immediately. Failure to return the permit promptly shall, without further notice or process, result in a board order to revoke the permit.

(b) A temporary permit may be renewed once for a period of 3 months. A permit may not be renewed for graduates not registered or licensed in another jurisdiction unless exam results have not yet been issued.

(c) A second renewal for a 3-month period may be granted in hardship cases, provided an affidavit is filed with the board identifying the hardship. "Hardship cases," as used in this paragraph, includes the inability to take or complete a scheduled examination because of illness, family illness or death, accident or natural disaster or the awaiting of verification of licensure from another state.

(d) Practice under temporary permits, including renewals under pars. (b) and (c) may not exceed 12 months total duration.

(6) DENIAL. A temporary permit may be denied any applicant for any of the grounds for which the board may revoke a temporary permit, or for the misrepresentation of being an R.N., G.N., L.P.N. or G.P.N. without holding a valid temporary permit under this section.

(7) REVOCATION. A temporary permit may, after hearing, be revoked for any of the following reasons:

(a) Violation of any of the rules of conduct for registered nurses and licensed practical nurses set forth in ch. N 11,

(b) Failure to pay the required fees under s.440.05(6), Stats., and

(c) Provision of fraudulent information on an application for licensure.

SECTION 2. Chapters N 4 and N 5 are repealed.

SECTION 3. Chapter N 8 is repealed.

The rules repealed and created in this order shall take effect on the first day of the month following publication in the Wisconsin administrative register, pursuant to s. 227.026, Stats.

Dated this 1st day of February, 1984.

By:


Vivian DeBack, Chair
Board of Nursing

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1/25/84