

STATEMENT OF SCOPE

Department of Safety and Professional Services

Rule No.: SPS 180, 181, 182, and 183

Relating to: Licensure, standards of practice, and grounds for discipline of midwives

Rule Type: Permanent

1. Finding/nature of emergency (Emergency Rule only):

N/A

2. Detailed description of the objective of the proposed rule:

The objective of the proposed rule is to revise Chapter SPS 180-183 relating to licensure, standards of practice, and grounds for discipline of midwives to remove an unnecessary definition, to revise several definitions to reference the appropriate definitions found in the statutes, to correct internal statutory references, and to ensure the code is otherwise drafted in conformity with current drafting standards.

3. Description of the existing policies relevant to the rule, new policies proposed to be included in the rule, and an analysis of policy alternatives:

Chapter SPS 180 contains a definition for “health care provider,” which includes first responders. 2017 Wisconsin Act 12 amended s. 256.15 (8), Stats. to replace the terminology “first responder” with “emergency medical responder.”

The purpose of this rule is to bring SPS 180 into conformity with this change in terminology. Upon review of Chapter SPS 180, it was discovered that the term “health care provider” is not actually used anywhere in SPS 180, and should be removed from the rule rather than amended. Additionally, several of the other definitions in SPS 180 are identical to definitions found in subch. I of ch. 440. Further, the rules contain inaccurate statutory references and the improper use of gender specific pronouns in numerous locations throughout.

Not updating the administrative code to resolve these issues may result in confusion to stakeholders, and leaves the code out of compliance with current drafting standards.

4. Detailed explanation of statutory authority for the rule (including the statutory citation and language):

Section 227.11 (2) (a), Stats., empowers the Department of Safety and Professional Services to promulgate rules interpreting the provision of any statute the Department enforces or administers.

Section 440.08 (3), Stats., “The department or the interested examining board or affiliated credentialing board, as appropriate, may promulgate rules requiring the holder of a credential who fails to renew the credential within 5 years after its renewal date to complete requirements in order to restore the credential, in addition to the applicable requirements for renewal established under chs. 440 to 480, that the department, examining board or affiliated credentialing board determines are necessary to protect the public health, safety or welfare. The rules may not require the holder to complete educational requirements or pass examinations that are more extensive than the educational or examination

Rev. 3/6/2012

requirements that must be completed in order to obtain an initial credential from the department, the examining board or the affiliated credentialing board.”

Section 440.984 (1), Stats., “The department shall promulgate rules necessary to administer this subchapter. Except as provided in subs. (2), (2m), and (3), any rules regarding the practice of midwifery shall be consistent with standards regarding the practice of midwifery established by the National Association of Certified Professional Midwives or a successor organization.”

5. Estimate of amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule:

The staff time needed to develop the rules is expected to be about 80 hours, depending on the complexity. The agency will utilize existing staff. There are no other resources necessary to develop the rules.

6. List with description of all entities that may be affected by the proposed rule:

Licensed midwives and those seeking licensure as a midwife.

7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule:

None.

8. Anticipated economic impact of implementing the rule (note if the rule is likely to have a significant economic impact on small businesses):

None to minimal.

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Approved for publication:

Approved for implementation:

Authorized Signature

Date Approved