

STATEMENT OF SCOPE

BOARD OF NURSING

Rule No.: N 2

Relating to: Temporary Permits

Rule Type: Emergency and Permanent

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

Administrative rules provide that a nurse who has graduated from an approved school or comparable school or granted a certificate of completion by an approved school may be granted a temporary permit to practice nursing. A temporary permit may not exceed 6 months duration, and the holder of the permit must practice under the direct supervision of a registered nurse. The spread of COVID-19 and the resulting closures and safety precautions have resulted in the postponement of NCLEX exams at Wisconsin testing sites. As a result, some graduate nurses currently practicing under a temporary permit may be unable to schedule their examination prior to the permit's expiration. In addition, the current supervision requirement would make response to an emergency surge of COVID-19 more difficult. An expeditious promulgation of the proposed rule is in the best interest of public welfare, as it will help ensure Wisconsin's nursing workforce is in the best possible position to respond to COVID-19.

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

The Board's primary objective is to promulgate an emergency rule that will allow an extension of the duration of temporary permits, and establish criteria under which the holder of a temporary permit may practice without direct supervision.

The Board will also evaluate the requirements for temporary permits in light of the potential need to respond to a future public health crisis or other emergency and may, as a result of this evaluation, promulgate a permanent rule to allow the Board to grant a waiver of or variance to the requirements in emergency situations.

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 N 2 contains the requirements for temporary permits, including the duration of a permit and supervision of a permit holder. If the rules are not updated to allow an extension of the duration of temporary permits and establish criteria under which the holder of a temporary permit may practice without direct supervision, Wisconsin's nursing workforce will not be in the best possible position to respond to the spread of COVID-19. The Board will also determine if allowing a waiver or variance to the requirements on an ongoing basis is appropriate, given the potential need to respond to future emergency situations.

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

Section 15.08 (5) (b), Stats., provides an examining board "[s]hall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains. . ."

Section 227.24 (1) (a), Stats., provides “[a]n agency may, except as provided in s. 227.136 (1), promulgate a rule as an emergency rule without complying with the notice, hearing, and publication requirements under this chapter if preservation of the public peace, health, safety, or welfare necessitates putting the rule into effect prior to the time it would take effect if the agency complied with the procedures.”

Section 441.08, Stats., provides that “[a] nurse who has graduated from a school approved by the board or that the board has authorized to admit students pending approval but who is not licensed in this state may be granted a temporary permit upon payment of the fee specified in s. 440.05 (6) by the board to practice for compensation until the nurse can qualify for licensure. The temporary permit may be renewed once. Further renewals may be granted in hardship cases. The board may promulgate rules limiting the use and duration of temporary permits and providing for revocation of temporary permits.”

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

80 hours

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

Graduate nursing students applying for or working under a temporary permit, and entities who are hiring these students or currently have these students in their employment.

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):

The proposed rule will have minimal to no economic impact on small businesses and the state's economy as a whole.

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Authorized Signature

Date Submitted