

Chapter N 2

LICENSURE BY EXAMINATION

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Note: Chapter N 4 as it existed on July 31, 1981 was repealed and a new chapter N 4 was created effective August 1, 1981. Chapter N 4 as it existed on March 31, 1984 was repealed and a new chapter N 2 was created effective April 1, 1984.

N 2.01 Authority and intent. (1) This chapter is adopted pursuant to authority of ss. 15.08, 227.11 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 license by examination as a registered nurse or a licensed 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.

History: Cr. Register, March, 1984, No. 339, eff. 4-1-84; am. (2), Register, May, 1990, No. 413, eff. 5-1-90; correction in (1) made under s. 13.93 (2m) (b) 7., Stats., Register, May, 1990, No. 413, eff. 6-1-90.

N 2.02 Definitions. As used in this chapter:

(1) "Board" means board of nursing.

(2) "Board-approved school" means an institution which has a school, college, program or department of nursing which meets standards of the board or holds accreditation by a board-recognized nursing accreditation agency.

(3) "Bureau" means the bureau of health service professions within the department of regulation and licensing.

(4) "Direct supervision" means immediate availability to continually coordinate, direct and inspect at first hand the practice of another.

(5) "L.P.N." means licensed practical nurse.

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

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

History: Cr. Register, March, 1984, No. 339, eff. 4-1-84; renum. (1), (2), (4) to (6) to be (2), (1), (5), (6) and (4) and am. (2), (4) and (5) am. (3), Register, May, 1990, No. 413, eff. 6-1-90.

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 graduated from high school or its equivalent; and,

(c) Has graduated from a board-approved school of professional nursing.

(d) An applicant who has graduated from a board-approved school of professional nursing outside of the United States or a U.S. territory shall be required to take and satisfactorily complete a board-approved 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 of 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;

(c) Has graduated from a board-approved 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.

History: Cr. Register, March, 1984, No. 339, eff. 4-1-84; am. (1) (b) to (d) and (2) (b) and (c), Register, May, 1990, No. 413, eff. 6-1-90.

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. 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.

(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. The bureau may accept certified credentials directly from the commission on graduates of foreign nursing schools attesting to receipt of the original transcript or documentation of the applicant's nursing education directly from the school of nursing.

(3) Certification of graduation from a board-approved 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 prior to the determination of eligibility. 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 provided by the board.

(6) An applicant who has 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.

(8) An applicant who is unable to submit the educational credentials required by this section may submit an explanation of his

or her inability to submit required credentials together with other evidence of education. The board shall determine whether the applicant's explanation and other evidence are sufficient.

History: Cr. Register, March, 1984, No. 339, eff. 4-1-84; am. (3), (5) and (6), cr. (8), Register, May, 1990, No. 413, eff. 6-1-90; am. (2), Register, June, 1993, No. 450, eff. 7-1-93; am. (1) (Intro.) and (3), r. (1) (c), Register, December, 1993, No. 456, eff. 1-1-94.

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

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

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

(c) The board shall notify the applicant of eligibility for admission to the examination. The applicant shall contact the examination provider and schedule the examination date and time within one year from the time the notice of eligibility is received and pay the fee specified in s. 440.05 (1), Stats. The applicant must reapply if an examination is not taken within one year.

(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 practical nurse.

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

(b) An unsuccessful applicant may request to review or challenge, or both, his or her examination results. The request must be received by the bureau within 30 days of the postmark on the mailing of results.

(c) The cost of a review or challenge, or both, of results shall be paid by the applicant, as established by the national council and s. RL 4.05.

(6) FAILURE AND REEXAMINATION. An applicant who fails to earn a passing score on the examination for licensure may be scheduled for reexamination.

Note: A list of all current examination fees may be obtained at no charge from the Office of Examinations, Department of Regulation and Licensing, 1400 East Washington Avenue, P.O. Box 8935, Madison, WI 53708.

History: Cr. Register, March, 1984, No. 339, eff. 4-1-84; am. (4) (b), Register, May, 1990, No. 413, eff. 6-1-90; am. (2) (a), (b), (5) (b) and (c), r. and recr. (2) (c), renum. (6) (a) to be (6) and am., r. (6) (b), Register, December, 1993, No. 456, eff. 1-1-94; am. (6), Register, June, 1994, No. 462, eff. 7-1-94.

N 2.06 Temporary permits. (1) ELIGIBILITY. (a) An applicant for R.N. licensure or L.P.N. licensure who has graduated from a board-approved 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. To maintain eligibility, an applicant shall schedule and take the examination prior to

the expiration date of the temporary permit. Exceptions may be granted in hardship cases, if an affidavit is filed with the board identifying the hardship. Except as provided in par. (b), an applicant for a temporary permit shall schedule and take the examination prior to the expiration date of the temporary permit.

(b) An applicant for a temporary permit who is unable to take or complete a scheduled examination prior to the expiration of the temporary permit because of an unforeseen hardship, including but not limited to illness of the applicant, the illness or death of a family member of the applicant, an accident or a natural disaster, may renew the temporary permit as provided under sub. (4) (b) if the applicant files an affidavit with the board identifying the reason that the applicant was unable to take or complete the scheduled examination.

(2) SUPERVISION REQUIRED. The holder of a temporary permit shall not practice beyond the scope of the license the holder is seeking to obtain. The holder is required to practice under the direct 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. N 3.05 (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. N 3.05 (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 3 months or until the holder receives failing 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 9 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 7.

(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.

History: Cr. Register, March, 1984, No. 339, eff. 4-1-84; am. (1), (2) and (6) (a), Register, May, 1990, No. 413, eff. 6-1-90; am. (1), (4) (a) and (d), Register, December, 1993, No. 456, eff. 1-1-94; renum. (1) to be (1) (a) and am., cr. (1) (b), Register, June, 1995, No. 474, eff. 7-1-95.

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. li-

censing exams on behalf of the board, and assistance in exam monitoring.

(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 3 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, 2 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.

History: Cr. Register, March, 1984, No. 339, eff. 4-1-84; am. (1), Register, December, 1993, No. 456, eff. 1-1-94.