

STATE OF WISCONSIN
BOARD OF NURSING

IN THE MATTER OF RULE-MAKING : ORDER OF THE
PROCEEDINGS BEFORE THE : BOARD OF NURSING
BOARD OF NURSING : ADOPTING RULES
: (CLEARINGHOUSE RULE 01-046)

ORDER

An order of the Board of Nursing to amend N 4.03 (3), 4.04 (1) (d) and (3), 8.02 (1) (a) and 8.03 (1); and to create N 4.04 (4), relating to the Nurse Licensure Compact.

Analysis prepared by the Department of Regulation and Licensing

ANALYSIS

Statutes authorizing promulgation: ss. 15.08 (5) (b), 227.11 (2) and 441.01 (3), Stats., and s. 441.50, Stats., as created by 1999 Wisconsin Act 22.

Statutes interpreted: ss. 441.15 (3) (a) and 441.50, Stats.

By 1999 Wisconsin Act 22, the Wisconsin legislature adopted the Nurse Licensure Compact, by which nurses licensed and residing in one compact state may practice in another compact state without a separate license. Under the Compact, nurses residing in a compact state may be licensed in only one compact state, and that state must be their state of residence. While the Compact creates a practice privilege for registered nurses and licensed practical nurses in all compact states, there is no corresponding practice privilege for advanced practice nurse prescribers (APNPs) or for certified registered nurse midwives (nurse midwives). APNPs and nurse midwives are licensed or certified in each state where they practice regardless of whether their state of practice is a compact state. Accordingly, in order for an APNP or nurse midwife who resides and is licensed in another compact state to practice in Wisconsin, he or she must be certified as an APNP or nurse midwife in this state. The current requirement for certification in Wisconsin is that the applicant be licensed as an RN in this state. That is an impossible condition under the Compact, again because a nurse may be licensed in only one compact state, and that state must be the nurse's state of residence. This suggested amendment to the rule would suspend the requirement that the applicant for APNP or nurse midwife certification be licensed in Wisconsin if he or she is duly licensed as an RN in another compact state.

TEXT OF RULE

SECTION 1. N 4.03 (3) is amended to read:

N 4.03 (3) Is currently licensed to practice as a professional nurse in Wisconsin, or is currently licensed to practice professional nursing in another state which has adopted the nurse licensure compact.

SECTION 2. N 4.04 (1) (d) and (3) are amended to read:

N 4.04 (1) (d) Identification of current licensure as a professional nurse in Wisconsin, ~~to include licensure~~ or of current licensure in another state which has adopted the nurse licensure compact, including the license number and renewal information.

(3) Renewal of a license to practice nurse-midwifery shall be conducted as a separate procedure from the renewal of the nurse's license as a professional nurse; ~~however the time for renewal of each license shall be the same. The applicant for renewal shall inform the board whether the license [certificate] issued to him or her by the American college of nurse-midwives has been revoked or suspended.~~

SECTION 3. N 4.04 (4) is created to read:

N 4.04 (4) The applicant for renewal shall inform the board whether the certificate issued to him or her by the American college of nurse-midwives has been revoked or suspended.

SECTION 4. N 8.02 (1) (a) is amended to read:

N 8.02 (1) (a) The registered nurse has a current license to practice professional nursing in this state, or has a current license to practice professional nursing in another state which has adopted the nurse licensure compact;

SECTION 5. N 8.03 (1) is amended to read:

N 8.03 (1) Has a current license to practice as a professional nurse in this state or has a current license to practice professional nursing in another state which has adopted the nurse licensure compact.

(END OF TEXT OF RULE)

The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin administrative register, pursuant to s. 227.22 (2) (intro.), Stats.

Dated _____

Agency _____

Chairperson
Board of Nursing