

STATE OF WISCONSIN
BOARD OF NURSING

IN THE MATTER OF RULEMAKING	:	PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE	:	BOARD OF NURSING
BOARD OF NURSING	:	ADOPTING RULES
	:	(CLEARINGHOUSE RULE 25-012)

PROPOSED ORDER

An order of the Board of Nursing to **repeal** N 8.045 (2) and N 8.08 (4) (Note); to **amend** N 8.03 (1m), (3), and 8.045 (4); and to **create** N 8.045 (5), relating to advanced practice nurse prescribers.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted:

Subchapter I of ch. 441, Stats.

Statutory authority:

Sections 15.08 (5) (b), 227.11 (2) (a), and 441.16 (3) (a), (am), and (d), Stats.

Explanation of agency authority:

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 227.11 (2) (a), Stats., “[e]ach agency may promulgate rules interpreting the provisions of any statute enforced or administered by the agency, if the agency considers it necessary to effectuate the purpose of the statute...”

Section 441.16 (3) (a), Stats., provides “[t]he board shall promulgate rules necessary to administer this section including... [e]stablishing the education, training or experience requirements that a registered nurse must satisfy to be an advanced practice nurse. The rules promulgated under this paragraph shall require a registered nurse to have education, training or experience that is in addition to the education, training or experience required for licensure as a registered nurse.”

Section 441.16 (3) (am), Stats., provides “[t]he board shall promulgate rules necessary to administer this section including... [e]stablishing the appropriate education, training and examination requirements that an advanced practice nurse must satisfy to qualify for a certificate to issue prescription orders.”

Section 441.16 (3) (d), Stats., provides “[t]he board shall promulgate rules necessary to administer this section including... [e]stablishing procedures for maintaining a certificate to issue prescription orders, including requirements for continuing education.”

Related statute or rule:

Subchapter I of ch. 441, Stats.

Plain language analysis:

Chapter N 8 contains provisions for the certification of advanced practice nurse prescribers (APNP), which includes requirements for initial certification and renewal. The Board of Nursing has reviewed and updated ch. N 8 with the following changes:

- Clarified the provision that an applicant needs to hold a current license to practice as a professional nurse in this state or in another state within the nurse licensure compact.
- Updated the education requirement language to eliminate obsolete terms and to include a clause that would allow the board to review other recognized organizations besides regional accrediting organizations approved by the Council for Higher Education Accreditation.
- Repealed the renewal provision that APNPs need to complete the nursing workforce survey because it does not follow statutory guidelines.
- Simplified the renewal provision regarding holding a current certification by a national certifying body approved by the board as a nurse practitioner, certified nurse-midwife, certified registered nurse anesthetist, or clinical nurse specialist.
- Addition of the requirement that an APNP needs to hold a current license to practice professional nursing whether in this state or in a compact state in order to renew the certification. This was already a requirement but it was not explicitly mentioned under the renewal provisions.

Summary of, and comparison with, existing or proposed federal regulation:

None.

Comparison with rules in adjacent states:

Illinois:

The Illinois Nurse Practice Act establishes licenses for Advanced Practice Registered Nurses (APRN) for individuals who have met the certification requirements to practice as a nurse midwife, nurse practitioner, nurse anesthetist, and clinical nurse specialist. [225 ILCS 65/50-10]

The Act also establishes the requirements needed to obtain an APRN license, which include that the applicant holds a current license to practice as a registered professional nurse in Illinois and has obtained a graduate degree appropriate for national certification in a clinical advanced practice registered nursing specialty or a graduate degree or post-master's

certificate from a graduate level program in a clinical advanced practice registered nursing specialty. [225 ILCS 65/65-5]

Iowa:

Iowa issues licenses as an Advanced Registered Nurse Practitioners (ARNP) to individuals who hold an active unrestricted license as a registered nurse and has graduated from an accredited graduate or postgraduate advanced practice educational programs in one of the following roles: 1) nurse-midwife; 2) nurse anesthetist; 3) nurse practitioner; or 4) clinical nurse specialist. Iowa provides an exception as a way to grandfather ARNPs who completed educational programs before the board require graduation from an accredited graduate or postgraduate advanced practice educational program. This exception allows applicants to obtain an ARPN license if the hold a current certification issued by a national professional certification organization as a nurse-midwife, nurse anesthetist, nurse practitioner, or clinical nurse specialist if the certification focuses on women's health or gender related, family (individual across the lifespan), psychiatric mental health, adult/gerontology, pediatrics, or neonatal. [655 IAC 7.2 (152)]

Michigan:

Michigan has a nurse practitioner specialty certification that allows registered nurses to prescribe pharmacological and nonpharmacological interventions and treatments within the scope of their practice. [MI Admin. Code R 338.10401]

In order to obtain a nurse practitioner specialty certification, individuals have to hold a current and valid license to practice nursing in Michigan and possess an advance practice certification from one of the following organizations:

- 1) The American Nurses Credentialing Center.
- 2) The Pediatric Nursing Certification Board.
- 3) The National Certification Corporation for Women's Health Care Nurse Practitioner and Neonatal Nurse Practitioner.
- 4) The American Academy of Nurse Practitioners for Emergency Nurse Practitioners, Family Nurse Practitioners, and Adult-Gerontology Primary Care Nurse Practitioners.
- 5) The Oncology Nursing Certification Corporation.
- 6) The American Association of Critical Care Nurses Certification Corporation for Acute Care Nurse Practitioner.

[MI Admin. Code R 338.10404b]

Minnesota:

The Minnesota Nurse Practice Act establishes licenses for Advanced Practice Registered Nurses (APRN) to individuals licensed as APRN by the board and certified by a national nurse certification organization to practice as a clinical nurse specialist, nurse anesthetist, nurse-midwife, or nurse practitioner. [MN Statutes s. 148.171 Subd. 3.]

Applicants who are looking to obtain an APRN license must have completed a graduate level APRN program accredited by a nursing or nursing-related accrediting body that is recognized by the United States Secretary of Education or the Council for Higher Education Accreditation as acceptable to the board. The education must be in one of the four APRN roles for at least one population focus. [MN Statutes s. 148.211 Subd. 1a.]

Summary of factual data and analytical methodologies:

The proposed rules were developed by reviewing the provisions of chapter N 8 and current nursing practice standards. The Board provided input and feedback to determine any changes or updates needed in addition to reviewing comments from subject matter experts from the Department of Safety and Professional Services.

Fiscal estimate and economic impact analysis:

The fiscal estimate and economic impact analysis are attached.

Analysis and supporting documents used to determine effect on small business or in preparation of economic impact analysis:

The proposed rule was posted for a period of 14 days to solicit public comment on economic impact, including how the proposed rules may affect businesses, local governmental units, and individuals. No comments were received.

Effect on small business:

These proposed rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department's Regulatory Review Coordinator may be contacted by email at Jennifer.Garrett@wisconsin.gov, or by calling (608) 266-2112.

Agency contact person:

Sofia Anderson, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, P.O. Box 8366, Madison, Wisconsin 53708-8366; email at DSPSAdminRules@wisconsin.gov.

TEXT OF RULE

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

(1m) Provides evidence of holding a current license to practice as a professional nurse in this state or a current multistate license to practice ~~professional nursing in another state which has adopted the nurse licensure compact~~ as a registered nurse as defined in s. 441.51 (2) (h), Stats.

SECTION 2. N 8.03 (3) is amended to read:

(3) Provides evidence of a master's or doctoral degree in nursing ~~or a related health field granted by a college or university accredited by a regional accrediting~~ an organization

approved by the Council for Higher Education Accreditation or other accreditation agency approved by the board. This subsection does not apply to those who received national certification as a nurse practitioner, certified nurse-midwife, certified registered nurse anesthetist or clinical nurse specialist before July 1, 1998.

SECTION 3. N 8.045 (2) is repealed.

SECTION 4. N 8.045 (4) is amended to read:

~~(4) Provide evidence of~~ Hold a current certification by a national certifying body approved by the board as a nurse practitioner, certified nurse-midwife, certified registered nurse anesthetist, or clinical nurse specialist.

SECTION 5. N 8.045 (5) is created to read:

(5) Hold a current license to practice as a professional nurse in this state or a current multistate license to practice as a registered nurse as defined in s. 441.51 (2) (h), Stats.

SECTION 6. N 8.08 (4) (Note) is repealed.

SECTION 7. EFFECTIVE DATE. 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.

(END OF TEXT OF RULE)

This Proposed Order of the Board of Nursing is approved for submission to the Governor and Legislature.

Dated _____

Agency _____

Chairperson
Board of Nursing