

Clearinghouse Rule 21-009

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)

PROPOSED ORDER

An order of the Board of Nursing to repeal s. N 1.08 (5m) (a) 3., relating to clinical learning simulations.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted: s. 441.01 (3), Stats.

Statutory authority: ss. 15.08 (5) (b) and 441.01 (3), Stats.

Explanation of agency authority:

Section 15.08 (5) (b), Stats., provides that 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 441.01 (3), Stats., provides that “[t]he board may establish minimum standards for schools for professional nurses and schools for licensed practical nurses, including all related clinical units and facilities...”

Related statute or rule: None.

Plain language analysis:

This rule project removes the requirement that a simulation used to meet clinical requirements must provide an opportunity for each student to participate while in the role of the nurse.

Summary of, and comparison with, existing or proposed federal regulation: None.

Summary of public comments received on statement of scope and a description of how and to what extent those comments and feedback were taken into account in drafting the proposed rule: N/A.

Comparison with rules in adjacent states:

Illinois:

Illinois administrative rules do not discuss the use of simulations for clinical learning purposes. The Illinois Board of Nursing has issued guidelines for the use of simulation in nursing programs:

http://nursing.illinois.gov/PDF/2015-11-06_IDFPR_BON_Simulation_Guidelines.pdf

The guidelines do not specify that each student participant in the simulation be required to play the role of the nurse.

Iowa:

The Iowa Board of Nursing provides that nursing programs with a simulation component must ensure that simulation does not exceed 50% of total clinical hours in a course. There is no requirement that each student participant in the simulation be required to play the role of the nurse (655 IAC s. 2.10 (7)).

Michigan:

The Michigan Board of Nursing limits the use of clinical simulation to being used to meet no more than 50% of the required clinical experience. The Board adopts the International Nursing Association for Clinical Simulation and Learning's "Standards of Best Practice: Simulation" 2016 (Mich. Admin. Rules R 338.10308 (2)). Those standards do not require each student participant in the simulation be required to play the role of the nurse.

Minnesota:

The Minnesota Board of Nursing allows for the use of "high-fidelity simulation" to meet no more than 50% of the clinical learning requirement. The simulation must provide each student "an opportunity to demonstrate clinical competence while in the role of the nurse" (MN Admin Rules 6301.2340 (3) (B) (4)).

Summary of factual data and analytical methodologies:

This rule project removes the requirement that a simulation used to meet clinical requirements must provide an opportunity for each student to participate while in the role of the nurse. The board considers this requirement to be unnecessary given that there is significant evidence that students learn as much from playing the patient role or observing the simulation as they do playing the role of the nurse.

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

The proposed rule was posted on the department's website for 14 days to solicit economic impact comments from small businesses, local governmental units, and individuals. No comments were received.

Fiscal Estimate and Economic Impact Analysis:

The Fiscal Estimate and Economic Impact Analysis are attached.

Effect on small business:

These rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department's Regulatory Review Coordinator, Dan Hereth, may be contacted by calling (608) 267-2435.

Agency contact person:

Jon Derenne, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, P.O. Box 8366, Madison, Wisconsin 53708; telephone 608-266-0955; email at DSPSAdminRules@wisconsin.gov.

Place where comments are to be submitted and deadline for submission:

Comments may be submitted to Jon Derenne, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, P.O. Box 8366, Madison, WI 53708-8366, or by email to DSPSAdminRules@wisconsin.gov. Comments must be received on or before the public hearing to be held by the board on February 11, 2021 at 8:00 AM to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. N 1.08 (5m) (a) 3. is repealed.

SECTION 2. 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)
