

Report From Agency

**STATE OF WISCONSIN
BOARD OF NURSING**

**IN THE MATTER OF RULEMAKING :
PROCEEDINGS BEFORE THE : REPORT TO THE LEGISLATURE
BOARD OF NURSING : CR 13-098
:**

I. THE PROPOSED RULE:

The proposed rule, including the analysis and text, is attached.

II. REFERENCE TO APPLICABLE FORMS:

None

III. FISCAL ESTIMATE AND EIA:

The Fiscal Estimate and EIA is attached.

IV. DETAILED STATEMENT EXPLAINING THE BASIS AND PURPOSE OF THE PROPOSED RULE, INCLUDING HOW THE PROPOSED RULE ADVANCES RELEVANT STATUTORY GOALS OR PURPOSES:

This rule adopts the uniform rules to facilitate and coordinate implementation of the nurse licensure compact under s. 441.50, Stats.

V. SUMMARY OF PUBLIC COMMENTS AND THE BOARD'S RESPONSES, EXPLANATION OF MODIFICATIONS TO PROPOSED RULES PROMPTED BY PUBLIC COMMENTS:

The Board of Nursing held a public hearing on December 19, 2013. No one testified or submitted written comments.

VI. RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS:

Comment 2c: The agency might consider including a purpose statement at the beginning of ch. N 9 to explain that ch. N 9 is implementing s. 441.50(6)(d), Stats.

Response: The Board declines to include a purpose statement. In addition, while s. 441.50(6)(d) authorizes the promulgation of uniform rules and regulations, it is s. 441.50(8)(c) which requires the uniform rules to be adopted.

Comment 2i: In s. N 9.01(1)(c), the word "domicile" at the end of the definition of "primary state of residence" should be deleted.

Response: According to the Legislative Reference Bureau’s drafting manual, “An interstate compact should be enacted in identical language in each state, except for changes relating to the internal operation of the compact within the state, spelling, and other technical changes such as changing numbers from words to numerals.” Deleting a word which has a specific legal meaning from a definition is more than a technical change.

Comment 2k: In s. N 9.02(1), the acronym “NCLEX” should be defined before it is used.

Response: An interstate compact should be enacted in identical language in each state. The compact’s uniform rules do not have a definition for NCLEX. This is the commonly referred to name of the nurse council licensure examination and inserting a definition would be more than a technical change.

Comment 2l: In s. N 9.02(2), the phrase “but is not limited to” should be deleted.

Response: An interstate compact should be enacted in identical language in each state, therefore, the Board rejects this recommendation.

Comment 2m: When using subunits for lists in the rule, such as in ss. N 9.02(2) and 9.04(1)(a) and (3), each subunit should end in a period to make future insertions or deletions easier. In addition, the introductory clause preceding the subunits should contain a phrase such as “all of the following” or “any of the following”.

Response: The Board accepts the technical recommendation of ending each subunit with a period for future insertions or deletions. However, the Board rejects the recommendation of the insertion of “all of the following” or “any of the following” because it will change the meaning of the language of the interstate compact.

Comment 2p: In s. N 9.02(5), the phrase “single state license”, in parentheses, should be defined in the definitions section in s. N 9.01. Parenthetical terms should not be used in the rule.

Response: An interstate compact should be enacted in identical language in each state. The uniform compact rules does not include a definition for “single state license”. It is basically defined in this section. The Board rejects the recommendation to create a definition in the definition section as that would go beyond the identical language in the uniform compact rules. The Board rejects the removal of the parenthetical terms because this is included in the uniform compact rules and adds a necessary explanation with a term which is recognized by the party states.

Comment 2q: In ss. N 9.03(2) and 9.04(1)(a)2., “s” should not be used to form the plural of a word.

Response: An interstate compact should be enacted in identical language in each state, therefore, the Board rejects the recommendation.

Comment 5d: In s. N 9.04(1)(intro.), the introductory sentence is incomplete and unclear. In addition, it appears that “in the information system” should be inserted after “nurse licensure information” in s. N9.04(1)(a)

Response: An interstate compact should be enacted in identical language in each state, therefore, the Board rejects the recommendation.

All of the remaining recommendations suggested in the Clearinghouse Report have been deemed by chief legal counsel and the Board to be technical changes to the interstate compact and, therefore, are accepted in whole.

VII. REPORT FROM THE SBRRB AND FINAL REGULATORY FLEXIBILITY ANALYSIS:

None. This will not have an affect on small businesses.