

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 20-065**

I. THE PROPOSED RULE:

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

II. REFERENCE TO APPLICABLE FORMS: N/A

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:

The Board conducted a comprehensive review of ch. N 4 to ensure its provisions are statutorily compliant and current with professional standards and practices. As a result of this review, the following changes have been made:

- A definition of “bureau” and associated references to the Bureau of Health Service Professions within the Department of Safety and Professional Services are removed, as the Bureau no longer exists.
- A definition of “written agreement” is removed, as it contains substantive and self-evident criteria for the required written agreement under which a nurse-midwife works in collaboration with a physician.
- Sections N 4.03 and 4.05 are updated to reflect that the current accrediting body of educational programs in nurse-midwifery is the Accreditation Commission for Midwifery Education, and that the American Midwifery Certification Board is the current national certifying body.
- Section N 4.04 is revised to remove an obsolete requirement that an application be notarized.
- Section N 4.043 is created to specify the requirements for renewal of a license to practice nurse-midwifery.
- Section N 4.10, relating to malpractice insurance, is revised to be consistent with the exceptions to the malpractice insurance coverage requirements enumerated in s. 441.15 (5) (a), Stats.
- Provisions concerning licensure and temporary permits have been reorganized for connectivity and clarity.

- Other revisions throughout ch. N 4 have been made to provide clarity and comply with current drafting standards.

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 10, 2020. The following people either testified at the hearing, or submitted written comments:

- MaryAnne Scherer, Wisconsin Affiliate of the ACNM (American College of Nurse Midwives)
- Leonna Vandevusse

The Board of Nursing summarizes the comments received either by hearing testimony or by written submission as follows:

- Both commenters support the rule as drafted. Ms. Vandevusse would like to see additional statutory reforms.

The Board of Nursing explains modifications to its rule-making proposal prompted by public comments as follows:

- No modifications are necessary as a result of public comments.

VI. RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS:

All of the recommendations suggested in the Clearinghouse Report have been accepted in whole.

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