

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 01-049)

ORDER

An order of the Board of Nursing to repeal N 2.03 (1) (d) and (2) (d), 2.04 (1) (b) and (5), 3.04 (1) (a) and (b), (5) and (6) and 3.05 (2) (b) and (c); to renumber N 3.04 (7); to renumber and amend N 2.04 (1) (intro.) and (1) (a), 3.04 (2), (3), (4) and 3.05 (2) (a); to amend N 2.02 (2), 2.03 (1) (c), (2) (c), 2.04 (2) and (6) and 3.04 (1) (intro.); to repeal and recreate N 3.03; and to create N 2.02 (5m), 3.02 (4m) and 3.04 (1) (c), relating to board-approved schools, application procedures and licensure by endorsement.

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.

Statutes interpreted: ss. 441.01 (3) and (4), 441.05, 441.06 (1) and 441.10 (3) (d), Stats.

SECTION 1 amends the definition of “board-approved school” to include institutions located in the United States, a U.S. territory, or a province of Canada.

SECTION 2 and SECTION 12 create the definition of “NCLEX.”

SECTIONS 4 and 6 repeal and SECTIONS 3 and 5 amend the provisions relating to graduating from a school that is not a board-approved school and taking an examination or demonstrating English competency prior to admission to the NCLEX.

SECTION 6 repeals the requirement of providing a recent photograph for identification. SECTION 8 repeals rules requiring photographs for identification purposes, as this is no longer a requirement.

SECTIONS 9 AND 11 removes the provision relating to schools outside of the United States and amends it to refer to schools other than board-approved schools.

SECTION 13 repeals and recreates the qualifications for endorsement. The endorsement rules currently tend to be confusing, with some provisions unclear, and others superfluous. Therefore, the

board repeals and recreate the rules relating to endorsement.

SECTION 14 amends the application process to include a signed application and fee. SECTION 15 repeals those two sections.

TEXT OF RULE

SECTION 1. N 2.02 (2) is amended to read:

N 2.02 (2) “Board-approved school” means an institution located in the United States, a U.S. territory, or a province of Canada which has a school, college, program or department of nursing which meets standards of the board or holds accreditation by a board-recognized nursing accreditation agency.

SECTION 2. N 2.02 (5m) is created to read:

N 2.02 (5m) “NCLEX” means national council licensure examination.

SECTION 3. N 2.03 (1) (c) is amended to read:

N 2.03 (1) (c) Has graduated from a board-approved school of professional nursing. An applicant who has graduated from a school of professional nursing other than a board-approved school shall be required to take and satisfactorily complete a board-approved qualifying examination prior to admission to the NCLEX.

SECTION 4. N 2.03 (1) (d) is repealed.

SECTION 5. N 2.03 (2) (c) is amended to read:

N 2.03 (2) (c) Has graduated from a board-approved school of practical nursing. ~~and~~ An applicant who has graduated from a school of practical nursing other than a board-approved school shall be required to demonstrate English competency prior to admission to the NCLEX.

SECTION 6. N 2.03 (2) (d) is repealed.

SECTION 7. N 2.04 (1) (intro.) and (1) (a) are renumbered N 2.04 (1) and amended to read:

N 2.04 (1) Each applicant shall file with the bureau a completed, notarized application on forms provided by the bureau. The application shall include: ~~(a) Signature~~ the signature of the applicant;.

SECTION 8. N 2.04 (1) (b) is repealed.

SECTION 9. N 2.04 (2) is amended to read:

N 2.04 (2) ~~Nursing schools outside of the United States~~ Schools of professional nursing other than board-approved schools shall forward, directly to the bureau, official transcripts of nursing education for applicants who were graduated from the school. The bureau may accept certified credentials directly from the commission on graduates of foreign nursing schools attesting to receipt of the original transcript or documentation of the applicant's nursing education directly from the school of nursing.

SECTION 10. N 2.04 (5) is repealed.

SECTION 11. N 2.04 (6) is amended to read:

N 2.04 (6) An applicant who has graduated from a school of professional nursing ~~outside the United States other than a board-approved school~~ shall submit a valid certificate issued by the commission on graduates of foreign nursing schools (~~CGFNS~~).

SECTION 12. N 3.02 (4m) is created to read:

N 3.02 (4m) "NCLEX" means national council licensure examination.

SECTION 13. N 3.03 is repealed and recreated to read:

N 3.03 Qualifications for endorsement. (1) REGISTERED NURSE APPLICANT. (a) A registered nurse holding a license in another state, U.S. territory or province of Canada, or a registered nurse who has held a current license in a state which has adopted the nurse licensure compact within the 5 years prior to application, who has graduated from a board approved school of professional nursing may become licensed in Wisconsin provided the applicant meets all of the following:

1. Subject to ss. 111.321, 111.322 and 111.335, Stats., does not have an arrest or conviction record.
2. Has passed the national council licensure examination for registered nurses or the state board test pool examination for registered nurses or other examination approved by the board.
3. Has a license against which no disciplinary action has been taken in any of the states, territories or provinces in which the applicant has held a license.
4. Has not been terminated from any employment related to nursing in another state for reasons of negligence or incompetence.
5. Is licensed in another state, U.S. territory or province, the requirements for licensure of which are substantially equivalent to the requirements for licensure in this state at the time of original licensure.

(b) A registered nurse holding a license in another state or U.S. territory or

province of Canada who has not graduated from a board-approved school of professional nursing may become licensed in Wisconsin provided the applicant meets all of the following:

1. Has graduated from a school of professional nursing in this country or the country of original licensure.
2. If originally licensed in a foreign country, has passed the licensure examination in the country of original licensure.
3. Has passed the national council licensure examination for registered nurses or the state board test pool examination for registered nurses or other examination approved by the board.
4. Verifies at least 2 years of full-time or equivalent practice as a registered nurse within the last 5 years.
5. Verifies competency in the English language.
6. Has a license against which no disciplinary action has been taken in any of the states, territories, provinces or countries in which the applicant has held a license.
7. Has not been terminated from any employment related to nursing in another state, territory, province or country for reasons of negligence or incompetence.
8. If originally licensed in another state, U.S. territory or province, proves that the requirements for licensure in that state, territory or province were substantially equivalent to the requirements for licensure in this state at the time of original licensure.
9. Subject to ss. 111.321, 111.322 and 111.335, Stats., does not have an arrest or conviction record.

(2) LICENSED PRACTICAL NURSE APPLICANTS. (a) A practical nurse holding a license in another state, U.S. territory or province of Canada, or a licensed practical nurse who has held a current license in another state which has adopted the nurse licensure compact within the 5 years prior to application, who has graduated from a board-approved school of practical nursing may become licensed in Wisconsin provided the applicant meets all of the following:

1. Subject to ss. 111.321, 111.322 and 111.335, Stats., does not have an arrest or conviction record.
2. Has passed the national council licensure examination for practical nurses or the state board test pool examination for practical nurses or other examination approved by the board.
3. Has a license against which no disciplinary action has been taken in

any of the states, territories or provinces in which the applicant has held a license.

4. Has not been terminated from any employment related to nursing in another state for reasons of negligence or incompetence.

5. Is licensed in another state, U.S. territory or province the requirements for licensure of which are substantially equivalent to the requirements for licensure in this state at the time of original licensure.

(b) A practical nurse holding a license in another state or U.S. territory or province of Canada who has not graduated from a board-approved school of practical nursing may become licensed in Wisconsin provided the applicant meets all of the following:

1. Has graduated from a school of practical nursing in this country or the country of original licensure.

2. If originally licensed in a foreign country, has passed the licensure examination in the country of original licensure.

3. Has passed the national council licensure examination for practical nurses or the state board test pool examination for practical nurses or other examination approved by the board.

4. Verifies at least 2 years of full-time or equivalent practice as a practical nurse within the last 5 years.

5. Verifies competency in the English language.

6. Has a license against which no disciplinary action has been taken in any of the states, territories, provinces or countries in which the applicant has held a license.

7. Has not been terminated from any employment related to nursing in another state, territory, province or country for reasons of negligence or incompetence.

8. If originally licensed in another state, U.S. territory or province, proves that the requirements for licensure in that state, territory or province were substantially equivalent to the requirements for licensure in this state at the time of original licensure.

9. Subject to ss. 111.321, 111.322 and 111.335, Stats., does not have an arrest or conviction record.

Note: A list of methods by which English competency may be demonstrated is available at the board office located at P.O. Box 8935, 1400 East Washington Avenue, Madison, Wisconsin 53708.

SECTION 14. N 3.04 (1) (intro.) is amended to read:

N 3.04 Application procedure for R.N. and L.P.N. applicants. (1) (intro.) Each applicant shall file a completed, signed and notarized application on forms provided by the bureau, along with the fee specified under s. 440.05 (1), Stats. The application shall include all of the following:

SECTION 15. N 3.04 (1) (a) and (b) are repealed.

SECTION 16. N 3.04 (2) and (3) are renumbered N 3.04 (1) (a) and (b) and amended to read:

N 3.04 (1) (a) ~~Statement~~ A statement of graduation ~~shall be~~ forwarded directly from the applicant's school of nursing indicating date applicant completed the nursing program ~~and confirmation that the nursing program was board approved at time of graduation.~~

(b) Verification of license ~~shall be~~ forwarded from the state, territory or province in which the original license by examination was issued.

SECTION 17. N 3.04 (1) (c) is created to read:

N 3.04 (1) (c) If originally licensed in a foreign country, verification of having passed the licensure examination in the country of original licensure.

SECTION 18. N 3.04 (4) is renumbered N 3.04 (1) (d) and amended to read:

N 3.04 (1) (d) ~~All~~ Notarized translations of all statements and documents written in a foreign language ~~shall be accompanied by notarized translations.~~ The cost of the translation shall be paid by the applicant.

SECTION 19. N 3.04 (5) and (6) are repealed.

SECTION 20. N 3.04 (7) is renumbered N 3.04 (2).

SECTION 21. N 3.05 (2) (a) is renumbered N 3.05 (2) and amended to read:

N 3.05 (2) An R.N. or L.P.N. licensed in any state, U.S. territory, or province of Canada may be granted a temporary permit from the board upon receipt of a completed application ~~indicating no past or pending disciplinary actions in another state, proof of graduation from a board approved school of professional or practical nursing or current licensure in another state,~~ demonstrating that the applicant has met the requirements of s. N 3.03 (1) or (2), the fee specified in s. 440.05 (2), Stats., and the permit fee specified in s. 440.05 (6), Stats., and upon meeting the requirements under s. N 3.04 (6).

SECTION 22. N 3.05 (2) (b) and (c) are repealed.

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

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8/8/01