

STATEMENT OF SCOPE

BOARD OF NURSING

Rule No.: N 2

Relating to: Modification of Board review process to take the NCLEX

Rule Type: Emergency and Permanent

1. Finding/nature of emergency (Emergency Rule only):

This rule is necessary for the public by increasing health care access by modifying the Board review process that allows nurse applicants to take the National Council Licensure Examination (NCLEX). An expeditious promulgation of the proposed rule is in the best interest of Wisconsin's economy and public welfare, as it will help ensure the opportunity for nurses to start practicing faster in Wisconsin by making the eligibility process more accessible.

2. Detailed description of the objective of the proposed rule:

The Board's primary objective is to promulgate an emergency and permanent rule that will modify the Board's eligibility process needed to make applicants for licensure eligible to take the NCLEX, which has created delays in licensure due to the extended application processing times.

3. Description of the existing policies relevant to the rule, new policies proposed to be included in the rule, and an analysis of policy alternatives:

Chapter N 2 contains the application procedures for single state and multistate licenses, which includes the provision that the Board of Nursing will make the applicants eligible to take the NCLEX upon receiving the required education verifications. The Board of Nursing would like to review this requirement in an effort to make nurse applications go through the licensure process much faster than in the past, which will benefit the state of Wisconsin by having more nursing applicants join the workforce sooner.

The alternative is to not revise this requirement, which will maintain the current inefficiencies in the application process and delay the entrance of nurses into the workforce.

4. Detailed explanation of statutory authority for the rule (including the statutory citation and language):

Section 15.01 (7), Stats., defines examining boards and states that "[e]xamining board' includes the board of nursing."

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 227.24 (1) (a), Stats., provides "[a]n agency may, except as provided in s. 227.136 (1), promulgate a rule as an emergency rule without complying with the notice, hearing, and publication requirements under this chapter if preservation of the public peace, health, safety, or welfare necessitates putting the rule into effect prior to the time it would take effect if the agency complied with the procedures."

Section 441.01 (3), Stats., provides "[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, and make and provide periodic surveys and consultations to such schools. It may also establish rules to prevent unauthorized persons from practicing professional nursing. It shall approve all rules for the administration of this chapter in accordance with ch. 227."

5. Estimate of amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule:

80 hours

6. List with description of all entities that may be affected by the proposed rule:

Nursing students, nursing school graduates, entities that hire or may hire nursing students and nursing school graduates, and individuals accessing health care services.

7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule:

None

8. Anticipated economic impact of implementing the rule (note if the rule is likely to have a significant economic impact on small businesses):

The proposed rule will have minimal to no economic impact on small businesses and the state's economy as a whole.

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