

STATE OF WISCONSIN
BOARD OF NURSING

IN THE MATTER OF RULE-MAKING PROCEEDINGS BEFORE THE
BOARD OF NURSING

ORDER OF THE BOARD OF NURSING
ADOPTING EMERGENCY RULES

The statement of scope for this rule, SS(# 016-18), was approved by the Governor on February 7, 2018, published in Register 746A3 on February 19, 2018, and approved by the Board of Nursing on May 30, 2018. This emergency rule as approved by the Governor on July 30, 2018.

ORDER

An order of the Board of Nursing to amend N 8.10 (2), (5) and (7) relating to advance practice nurse prescribers collaboration with dentists.

Analysis prepared by the Department of Safety and Professional Services.

FINDING OF EMERGENCY

The Board of Nursing finds that an emergency exists and that this rule is necessary for the immediate preservation of the public peace, health, safety, or welfare. A statement of facts constituting the emergency is:

Advanced practice nurse prescribers, who work in dental practice settings, are encountering barriers to working in those practices due to the requirement that advanced practice nurse prescribers are to work collaboratively with a physician. Most dental practices do not have physicians on staff. This rule is necessary for the preservation of the health and welfare of the public by increasing health care access by allowing advance practice nurse prescribers to collaborate with a dentist when working in a dental setting.

ANALYSIS

Statutes interpreted: s. 441.16, Stats.

Statutory authority: ss. 15.08 (5) (b) and 441.16 (3) (b), Stats.

Explanation of agency authority:

Each examining board shall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains and define and enforce professional conduct and unethical practices not inconsistent with the law relating to the particular trade or profession. [s. 15.08 (5) (b), Stats.]

The board shall promulgate rules necessary to administer this section, including rules for defining the scope of practice within which an advanced practice nurse may issue prescription orders. [s. 441.016 (3) (b), Stats.]

Related statute or rule: s. 441.16, Stats. and N 8, Wis. Admin. Code

Plain language analysis:

Advanced practice nurse prescribers are required to work in collaboration with other health care professions with at least one being a physician. As health care practice evolves, there are advanced practice nurse prescribers working in dental practice settings. These dental practice settings may not have a physician as part of the practice. This proposed rule amends the rule to require advanced practice nurse prescribers to work in a collaborative relationship with a physician or dentist.

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

Comparison with rules in adjacent states:

Illinois: Illinois requires an advanced practical nurse to additionally hold a separate license for the prescribing of controlled substances. In order to obtain a mid-level practitioner controlled substances license, the advanced practice nurse is required to provide the license number and controlled substances license number of the delegating or collaborating physician or podiatrist and the written notice of delegation of prescriptive authority signed by the physician or podiatrist including the schedule of controlled substances that the mid-level practitioner may dispense or prescribe.

Iowa: Iowa licenses nurses at three levels: licensed practical nurse, registered nurse and advanced registered nurse practitioner. The advanced registered nurse prescriber has a scope of practice which includes prescriptive authority. There is no equivalent certification in Iowa to the Wisconsin advanced practice nurse prescriber certificate.

Michigan: Michigan licenses nurses at two levels: licensed practical nurse and registered nurse. Michigan has specialty certifications for a nurse anesthetist, nurse midwife and nurse practitioner. There is no equivalent certification in Michigan to the Wisconsin advanced practice nurse prescriber certificate.

Minnesota: Minnesota licenses nurses at three levels: licensed practical nurse, registered nurse and advanced practice registered nurse. The advanced practice registered nurse has a scope of practice which includes prescriptive authority. There is no equivalent certification in Minnesota to the Wisconsin advanced practice nurse prescriber certificate.

Summary of factual data and analytical methodologies:

Advanced practice nurse prescribers, particularly nurse anesthetists, are working in dental offices that do not employ physicians. This proposed rule recognizes this evolving practice and allows for a collaborative relationship with a dentist.

Fiscal Estimate:

This rule will not have a fiscal impact.

Effect on small business:

Effect on small business:

These proposed rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department's Regulatory Review Coordinator may be contacted by email at Nathaniel.L.Ristow@wisconsin.gov, or by calling (608) 267-2435.

Agency contact person:

Sharon Henes, 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 608-261-2377; email at DSPSAdminRules@wisconsin.gov.

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

Comments may be submitted to Sharon Henes, 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 at or before the public hearing to be held on November 8, 2018 to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. N 8.10 (2), (5), and (7) are amended to read:

N 8.10 (2) Advanced practice nurse prescribers shall facilitate collaboration with other health care professionals, at least 1 of whom shall be a physician or dentist, through the use of modern communication techniques.

(5) The board shall promote communication and collaboration among advanced practice nurse prescribers, physicians, dentists and other health care professionals.

(7) Advanced practice nurse prescribers shall work in a collaborative relationship with a physician or dentist. The collaborative relationship is a process in which an advanced practice nurse prescriber is working with a physician or dentist in each other's presence when necessary, to deliver health care services within the scope of the practitioner's training, education, and experience. The advanced practice nurse prescriber shall document this relationship.

SECTION 2. EFFECTIVE DATE. This emergency rule shall take effect upon publication in the official state newspaper.

(END OF TEXT OF RULE)

Dated October 10, 2018

Agency /s/ Sheryl Krause
Chair
Board of Nursing