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August 6, 2010

Pamela Haack, Paralegal
Department of Regulation and Licensing
1400 East Washington Avenue, Room 116
P.O. Box 8935
Madison, WI 53708

Re: Proposed Rule Changes to RL 7

Dear Ms. Haack:

Thank you for holding this public hearing on the Wisconsin Administrative Rule changes to RL 7 the Impaired Professionals Procedure. I am submitting testimony on behalf of the Wisconsin Nurses Association (WNA). WNA is the professional association for all RNs in Wisconsin. As a professional nurse association, WNA promotes the goal of recognizing the registered nurse an essential provider in all practice settings through education, research, workforce advocacy, legislation, and regulation. We also sponsor a Peer Assistance Program for any nurse or student nurse in Wisconsin who desires to remain in recovery from alcohol or drug misuse or abuse. WNA promotes the nursing profession and the full utilization of registered nurse services so that patient care is delivered safely and competently.

In that capacity we wish to applaud the Department for beginning to address the long standing issues related to the impaired professionals program. We are particularly pleased with the change in title, the Professional Assistance Procedure (PAP), the forwarding of testing data to the therapist of the participant, and the ability to continue in the program after a minor relapse. It is our hope that this beginning will mature into a significant program with adequate funding to protect the public and to benefit those professionals who are impaired.

The proposed changes to Chapter RL 7 of the Wisconsin Administrative Code are generally an improvement to the program for impaired professionals; however we have the following concerns:

1. The role of the board liaisons is larger including more decision-making authority. However it does not appear that there is new training or education for the liaison. It is also not clear that only a properly educated and trained person will fill the PAP liaison role. We would like to see the Department allocate sufficient funding to properly train and support a PAP liaison for each of the boards affected.

2. No criteria for admission and discharge from the PAP are provided in the proposed rules. We strongly urge the Department to consider using the final *Guidelines for Alternative Programs and Discipline Monitoring Programs* developed by the National Councils of State Boards of Nursing criteria for admission to PAP and discharge or termination from the program.
3. The change in s.RL 7.01 (2b) extends the PAP to applicants for a credential. We are concerned that a non-credential holder will be subject to rules that did not apply to their behavior when the events took place. If an applicant wishes to voluntarily apply to be in the program, a mechanism should be developed. However, conduct before becoming a credential holder should not require application of these rules unless the conduct is directly related to the qualification for licensure.
4. Section 13 of the proposal creates s.RL 7.07(3)(e). This section seems to be misplaced. The primary section addresses referrals for investigation while the intent of the new section appears to relate to a second therapists opinion for purposes of early termination.
5. Section 2 of the proposed rule amends s. RL 7.01 (2) and requires more clarity in regards to whether the PAP will be used in conjunction with the formal disciplinary process. The area of vagueness is whether these amendments are intended to broaden the scope of the disciplinary process by adding the words misconduct and negligence and deleting the word substantial. If the provision is read literally one could be disciplined for a minor act of negligence. If this is the case WNA strongly opposes this wording. Please clarify that these changes only apply to situations where the PAP is to be used in conjunction with a formal disciplinary process that has already begun and not as the basis for a disciplinary process.

We thank you again for allowing WNA to submit testimony on the proposed changes to RL 7. Please feel free to contact me if you have any questions regarding our testimony.

Sincerely,



Gina Dennik-Champion RN, MSN, MSHA
WNA Executive Director

c.c. Secretary, Celia Jackson