WNA Legislative and Regulatory Update
April 13, 2018

WNA continues to monitor and provide feedback to legislators on legislative proposals that are of interest to professional nurses and our patients. Below is a summary of WNA’s position on legislative and regulatory proposals.

**Board of Nursing Update – April 2018**

There was discussion on the following items at the April 12, 2018 WI Board of Nursing Meeting:

**Approval of Emergency Rule on Advanced Practice Nurse Prescribers (APNPs) Collaboration with Dentists**

The Board of Nursing in July, 2017 approved the forwarding of a Scope Statement SS 016-18, that amends Nursing Administrative Code N8.10 by requiring APNPs to have a collaboration agreement with dentists. This was identified as an Emergency Rule by the Board of Nursing. The Governor approved the Emergency Rule Scope Statement on February 7, 2018. At the April 12, 2018 Board of Nursing Meeting the Board approved the Scope Statement, which moves the amendment on to the publication process. Emergency Rules expedite the regular process of developing or changing Administrative Rules. You can find more about the Emergency Rule Procedure please go to: [https://docs.legis.wisconsin.gov/code/rules_manual/manual/2/12](https://docs.legis.wisconsin.gov/code/rules_manual/manual/2/12).

WNA has concerns about adding another provider to the list of required collaboration agreements as the goal is to eliminate all collaboration agreements. The Certified Registered Nurse Anesthetists (CRNA), requested the amendment as there are a number of dentists, who do not practice sedation in their offices but would like to by utilizing the services of a CRNA.

**Concerns Regarding Proposed Changes to Administrative Code N1 – Approval of Schools of Nursing**

The two Clearinghouse Rules CR 17-096 Rule Text which addresses approval of schools of nursing and CR 17-095 Rule Text which addresses clinical and curriculum programs are moving through the regular Administrative Rule making process. One of the last steps is the opportunity for the two Health Committees, Assembly and Senate, to hold public hearings if requested. Members of the Administrators of Nurse Educators in Wisconsin (ANEW) graduate level programs shared with the Board two concerns that they had regarding the proposed rules. There is a meeting pending with the Board chair, Sheryl Krause, to clarify their concerns and determine if any of the language needs to be amended. The deadline for requesting the Assembly Health Committee to hold a public hearing is April 20 and 23, 2018.

**Professional Assistance Procedure Program Report**

The Board reviewed the report on the status of the participants enrolled in the Department of Safety and Professional Services (DSPS) Professional Assistance Procedure Program. The report consisted of the five years of data related to nurses licensed in Wisconsin. There were 89 nurses who applied to be in the program, 50 were accepted or 56 percent. 15 or 30 percent of the 50 participants were unsuccessful at maintaining the contract requirements. To read the report, go to: [https://wisconsinnurses.org/wp-content/uploads/2018/04/PAP-Report-Professionals-Assistance-P.pdf](https://wisconsinnurses.org/wp-content/uploads/2018/04/PAP-Report-Professionals-Assistance-P.pdf)

**2017 Board of Nursing Report of Complaints Received Against Nurses and Decisions**

Representatives from the Division of Legal Services and Compliance (DLSC) which is part of DSPS, provided the annual report of the 2017 submitted a summary of complaints and investigation against nurses. The BON relies on DLSC to provide investigation and legal services for complaints of unprofessional conduct filed against
these licensees. This report provides information regarding the disciplinary process and a summary of the number, types and case decisions. During 2017 there were 828 complaints. 177 or 64% were closed at the time of screening. 127 or 15% were closed after a formal investigation and findings that indicated violation of the Administrative Code for Nursing N7 – Unprofessional Conduct. To learn more go to: https://wisconsinnurses.org/wp-content/uploads/2018/04/BON-2017-Annual-Report.pdf

**2017 – 2019 Legislation Regular Sessions**

**AB41** - Grants to technical college district boards and technical college faculty, staff, and students and making appropriations.

**Position:** Support  
**Rationale:** Increase the capacity of nursing education programs to minimize wait times for nursing students through targeted funding.  
**Status:** Referred to Committee on Workforce Development. 6/14/17 - Refused to suspend rules to withdraw from committee on Workforce Development and take up, Ayes 33, Noes 63, 2017 Assembly Bill 41

**AB96/SB209** - Supply and use of epinephrine auto-injectors by certain authorized individuals

**Position:** Support  
**Rationale:** Apply evidence-based care to improve patient outcomes  
**Status:** 4/20/17 AB 96 Passed the Assembly and referred to Senate Health and Human Services Committee. Passed Senate, 10/31/17. 11/7/17 Correctly Enrolled. Waiting Governor’s decision to sign. 2017 Assembly Bill 96

**AB146/SB114** - The practice of dental hygienists.

**Position:** Support  
**Rationale:** Provide access to affordable dental and preventive health services  
**Status:** 6/20/17 Signed by the Governor 2017 Wisconsin Act 20

**AB225/SB307** - Placement of cigarettes, nicotine products, or tobacco products by retailers and providing a penalty.

**Position:** Support  
**Rationale:** Apply evidence-based care to improve patient outcomes  
**Status:** 4B 307 11/7/17, Passed full Senate. 6/15/17 – Referred to Senate Committee on Agriculture, Small Business and Tourism. 11/14/17 – Referred to Assembly Committee State Affairs 2017 Assembly Bill 225, 2017 Senate Bill 307

**AB227/SB161** - Training grants for advanced practice clinicians and making an appropriation

**Position:** Support  
**Rationale:** Support practice innovation to drive exceptional nursing care  
**Status:** 5/3/17 Public hearing Assembly Committee on Rural Development 2017 Assembly Bill 227  
5/24/17 Public Hearing Mining and the Senate Committee Revenue, Financial Institutions, and Rural Issues 2017 Senate Bill 161

**AB252/SB172** - Administration of vaccines by pharmacy students

**Position:** Support  
**Rationale:** Provide affordable prescription drugs, medical supplies, and healthcare services that are accessible and preventable.  
**Status:** AB 252 – 6/14/17 Passed the full Assembly, 6/16/17 – Passed the Senate – Correctly enrolled.  
8/2/17 – Signed by the Governor http://docs.legis.wisconsin.gov/document/acts/2017/42
AB260/SB232 - Physical examinations conducted by chiropractors; performance of medical examinations by chiropractors for youth athletic activity and for the Federal Motor Carrier Safety Administration
**Position:** Oppose
**Rationale:** Protect the rights and safety of patients in and across all health care settings.
**Status:** 6/22/17 – Passed the full Assembly, Public hearing Assembly Health Committee [2017 Assembly Bill 260](http://www.legis.wisconsin.gov/bill.html?Session=2017&BillNumber=260) and Received by the Senate and referred to Committee on Health and Human Services

AB293/SB 242 - Communicable disease control and prevention funding
**Position:** Support
**Rationale:** Promote a strong, viable, well-funded public health system and infrastructure that utilizes state and county health rankings to improve the health of the population
**Status:** 6/13/17 – Passed out of the Committee on Health and referred to the Joint Committee on Finance. 5/17/17 Public hearing Assembly Committee on Health [2017 Assembly Bill 293](http://www.legis.wisconsin.gov/bill.html?Session=2017&BillNumber=293) and 5/11/17- Introduced and referred to Senate Committee on Health and Human Services

AB306/SB237 – Tracking the sale of pseudoephedrine products
**Position:** Support
**Rationale:** Apply evidence-based care to improve patient outcomes
**Status:** AB 306 – 7/21/17 Passed out of the full Assembly. 5/8/17-Introduced and referred to Assembly Committee on Health. [2017 Assembly Bill 306](http://www.legis.wisconsin.gov/bill.html?Session=2017&BillNumber=306). 10/17/17 – Public hearing (AB306) in the Senate Health and Human Services Committee. 6/23/17 Senate - Received by the Assembly, and referred to the Senate Committee on Health & Human Services. 5/11/17 Introduced and referred to Senate Committee on Health and Human Services.

AB 382/SB 382 - Screening school district employees for tuberculosis.
**Position:** Support
**Rationale:** Promote a strong, viable, well-funded public health system and infrastructure that utilizes state and county health rankings to improve the health of the population

AB432/SB 341 - Prohibits the hours of instructional program for nurse aids to be greater than the federal requirement of 75 hr. The hours required for Wisconsin 120 hours.
**Position:** In discussion
**Rationale:** Protect the rights and safety of patients in and across all health care settings.
**Status:** Assembly: 11/6/17 – Referred to Senate Committee on Health and Human Services; 11/2/17 – Passed full Assembly; 6/30/17 Introduced and referred to Assembly Committee on Aging and Long-Term Care.

AB 500/SB 417 - Ratification of the Enhanced Nurse Licensure Compact, extending the time limit for emergency rule procedures, and providing an exemption from emergency rule procedures.
**Position:** Strongly support
**Rationale:** Appropriate utilization of APRNs and RNs

AB529/SB 452 - Requirements for certain services covered under the Medical Assistance program
Position: Support
Rationale: Appropriate utilization of APRNs and RNs.

AB 568/SB 497 – Relating to licensure of advanced practice registered nurses and granting rule-making authority.
Position: Strongly support
Rationale: Appropriate utilization of APRNs and RNs
Status: Assembly: 1/22/18 – Legislation withdrawn until further negotiations could be achieved. 10/24/17 – Introduced and referred to Health Committee. 2017 Assembly Bill 568
Senate: 10/27/17 – introduced and referred to Health and Human Services Committee 2017 Senate Bill 497

AB 582/SB 477- Relating to: delegation of the practice of podiatry.
Position: Information only
Rationale: Appropriate utilization of APRNs and RNs
Status: Assembly: 2/20/18 – Passed the Assembly and sent over to the Senate for a vote. 11/29/17 – Public Hearing. 10/24/17 – Introduced and referred to Committee on Health. 2017 Assembly Bill 582
Senate: 2/12/18 – Received voted on bill from the Assembly and waiting to be scheduled. 2/8/18 – Passed out of Committee. 2/6/18 – Public Hearing, 10/18/17- Introduced and referred to Health and Human Services Committee. 2017 Senate Bill 477

AB 633/SB 548 - Relating to: establishing a palliative care council.
Position: Support
Rationale: Protect the rights and safety of patients in and across all health care settings.
Status: Assembly: 12/12/17 – Public Hearing. 11/10/17 – Introduced and referred to Committee on Mental Health. 2017 Assembly Bill 633
Senate: 1/10/18 – Public Hearing. 11/20/17 Introduced and referred to Committee on Workforce Development, Military Affairs and Senior Issues. 2017 Senate Bill 548

AB 680/SB 576 - Authorizing pharmacists and pharmacy students to administer vaccines. If the vaccine is administered pursuant to the prescription order of a physician or other prescribing practitioner issued within the 29 days immediately preceding the day on which the vaccine is administered and the pharmacist has satisfied certain education requirements.
Position: More information needed
Rationale: Protect the rights and safety of patients in and across all health care settings.
Status: Assembly: 1/25/18 – Public Hearing. 11/29/17 Introduced and referred to Committee on Health
Senate: 2/26/18 – Public Hearing. 11/20/17 Introduced and referred to Committee on Health and Human Services
AB 681/SB 587 - Prohibiting the sale of dextromethorphan without a prescription to persons under 18 and providing a penalty.

**Position:** Support

**Rationale:** Protect the rights and safety of patients in and across all health care settings.

**Status:** Assembly: 2/20/18 – Passed the full Assembly. 12/20/17 – Passed out of committee. 12/13/17 – Public Hearing. 11/29/17 – Introduced and Referred to Assembly Committee on Health

**Senate:** 2/21/18 – Waiting to be voted on by the full Senate. 2/9/18 – Passed out of Committee. 11/29/17 – Introduced and Referred to Senate Committee on Health and Human Services

AB 707/SB 595 - Relating to: administration of prescription drugs by correctional officers.

**Position:** More info needed.

**Rationale:** Protect the rights and safety of patients in and across all health care settings.

**Status:** Assembly: 12/1/17 – Introduced and referred to Committee on Health.

**Senate:** 11/30/17 – Introduced and Referred to Senate Committee on Judiciary and Public Safety

AB 819/ SB 689 - Relating to: employment of individuals with disabilities enrolled in long-term care programs and making an appropriation.

**Position:** Support

**Rationale:** Registered nurses and advanced practice registered nurses are uniquely positioned to improve the quality, safety and satisfaction of the patient and their family/caregivers.

**Status:** Assembly: 2/20/18 – Passed out of the full Assembly. 2/2/18 – Passed out of committee. 1/30/18 – Public Hearing. 1/8/18 Introduced and referred to Committee on Workforce Development.

**Senate:** 2/21/18 - Waiting to be voted on by the full Senate. 2/8/18 – Passed out of Committee. 1/17/18 Public Hearing. 1/4/18 Introduced and referred to Committee on Workforce Development, Military Affairs and Senior Issues

AB 848/SB 737 - Relating to: emergency outpatient mental health treatment for minors.

**Position:** Support

**Rationale:** Engagement of patients as partners in their health care

**Status:** Assembly: 2/20/18 – Passed the full Assembly. 2/13/18 – Passed out of committee, 1/30/18 – Public Hearing, 1/18/18 – Introduced and referred to Committee on Mental Health

**Senate:** 2/21/18 – Received from Assembly, waiting to be voted on by the full Senate. 2/9/18 – Passed out of Committee, 2/6/18 – Public Hearing, 1/29/18 – Introduced and referred to Committee on Health and Human Services.

AB 903/SB 751 - Relating to: various changes to statutes administered by the Department of Safety and Professional Services and attached credentialing boards.

**Position:** 2/16/18 Actively Opposed the proposed amendment AA1. 2/22/18 – Amendment removed – WNA now has a neutral position.

**Rationale:** The mandatory nursing workforce survey needs to remain in place in order to proactively plan for an adequate supply of nurses for the future. Continue to fund data driven planning including forecasting supply and demand needs for the future nursing workforce

**Status:** Assembly: 2/21/18 – passed out of the full assembly without AA1. 2/21/18- the author of AA1 was withdrawn. 2/13/18 – Amendment AA1 (changing nurse workforce survey to voluntary) this was approved and passed out of the committee. 2/8/18- Public Hearing, 1/31/18 - referred to Committee on Regulatory Licensing Reform

**Status:** Senate: 2/22/18 – Received from the Assembly and waiting to be voted on by the full Senate. 2/14/18 – Public hearing, 1/29/18 – Introduced and referred to Committee on Public Benefits, Licensing and State-Federal Relations
AB 907/SB 767 - Relating to: continuing education in prescribing controlled substances for certain health care practitioners; maintenance and detoxification treatment provided by physician assistants and advanced practice nurse prescribers; graduate training of psychiatric nurses and others.

**Position:** Support

**Rationale:** Increase the capacity of nursing education programs to minimize wait times for nursing students through targeted funding

**Status:**
- **Assembly:** 2/20/18 – Passed the full Assembly; 2/12/18 – Passed out of Committee; 2/7/18 – Public Hearing; 1/31/18 – Introduced and referred to Joint Committee on Finance.
- **Senate:** 2/21/18 – Received the Assembly bill waiting to be voted on. 2/8/18 – Passed out of Committee; 2/7/18 – Public hearing, 2/2/18 - Introduced and referred to Joint Committee on Finance

SB27 - [2017 Senate Bill 27](#) Intravenous technician endorsement for emergency medical technicians

**Position:** Support

**Rationale:** Apply evidence-based care to improve patient outcomes

**Status:** 2/8/17 Introduced and referred to Assembly Health Committee

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**Administrative Rules/ Regulatory Updates**

**Scope Statement** N3 – [SS 034-16](#) Repeal Examining councils on registered nurses and licensed practical nurses

**Position:** Support—Apply evidence-based care to improve patient outcomes

**Rationale:** Wisconsin Board of Nursing no longer prepares the testing to become licensed as an LPN or RN. This is now a national standardized exam through National Council of States Board of Nursing.

**Status:** Cleared Senate and Assembly Health Committees (no comments received).

6/26/27 Submitted to Joint Commission on Administrative Rules

**Scope Statement** SS 012-17 N1 – School of Nursing Approval (Curriculum and Clinical)

**Position** Support. Apply evidence-based care to improve patient outcomes

**Rationale:** Changes are being proposed that support the nursing student.

**Status:** 2/9/18 – Passed out of the Board of Nursing; 1/11/18 – Public Hearing; Board of Nursing working on drafting of rule

**Scope Statement** SS 056-16 N1 Approval of Schools of Nursing.

**Position** Support. Provides greater clarity and expectations of schools of nursing.

**Rationale:** Quality nursing care is dependent upon an educated, competent and sustainable nursing workforce

**Status:** 1/11/18 – Public Hearing; 12/18/17 – Proposed rule change submitted for review and approval by Governor.

**Scope Statement** CR 17-008 CSB 2/SS 004 17 Scheduling of AB-Fubinaca and ADB-Pinaca

**Position** Support

**Rationale:** Categorizes as a schedule I controlled substance

**Status:** 7/7/17 No action taken by Assembly or Senate Health Committees Legislative review process

**Scope Statement** CR 17-009 CSB 2/SS 002_17 Scheduling of Brivaracetam

**Position** Support

**Rationale:** Categorizes Brivaracetam as a schedule V controlled substance.
Status: 7/6/17 No action taken by Senate or Assembly Health Committees

Scope Statement CR 17-007 CSB 2/SS 003_17 Scheduling of Thiafentanil
Position: Support
Rationale: Categorizes Thiafentanil as a schedule II controlled substance.
Status: Passed with Effective date of 8/1/17

Scope Statement CR 17-020 CSB 2/SS 015_17 Schedule U-47700
Position: Support
Rationale: Categorizes U-4770 as a schedule 1 controlled substance

January 2017 Special Session
AB1/SB1 - Emergency administration of opioid antagonist to pupils and other persons.
Position: Support
Rationale: Promote comprehensive and judicious approach to minimizing overuse/abuse of prescribed or non-prescribed opioids that include crisis intervention, inpatient, community-based treatment and support

AB4/SB4 - Prohibiting certain schedule V controlled substances from being dispensed without a prescription.
Position: Support
Rationale: Apply evidence-based care to improve patient outcomes

AB8/SB8 - Creating additional opioid treatment programs and making an appropriation.
Position: Support
Rationale: Apply evidence-based care to improve patient outcomes
Status: 7/17/17 Signed by the Governor http://docs.legis.wisconsin.gov/2017/related/acts/27

AB9/SB9 - Addiction medicine consultation program and making an appropriation
Position: Support
Rationale: Allow registered nurses and advanced practice registered nurses to practice to the full extent of their education, training, experience and license.
Status: 7/17/17 Signed by the Governor http://docs.legis.wisconsin.gov/2017/related/acts/28