



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. 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 (DPS) 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>

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 DPS, 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://wisconsinurses.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: **-SB 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](#) 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](#) 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](#). **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

Status: 10/13/17 – AB 382 Waiting to be scheduled for a floor vote in the Assembly. AB 382 – Passed out of the Education Committee. 9/21/17 – Passed out of Education Committee. 8/24/17 – Public Hearing. 6/8/17 – Introduced and referred to Assembly Education Committee. Senate SB 382 – 9/28/17 – Waiting to be scheduled for a floor vote in the Senate. 9/28/17 – Passed out of the Senate Education Committee. 9/14/17 – Public Hearing. 8/3/17 – Introduced and referred to Senate Education Committee. [2017 Senate Bill 382](#) **Signed by the Governor** [2017 Wisconsin Act 107](#)

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.

Senate: 7/13/17 Introduced and referred Senate Committee on Health and Human Services. [2017 Senate Bill 341](#)

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

Status: Assembly: 10/18/17 – Scheduled to be passed out of the Committee. 10/11/17 – Fiscal Estimate received. 9/28/17 – Public Hearing in the Assembly Committee on Health. 9/20/17 – Introduced and referred to Assembly Committee on Health. [2017 Assembly Bill 500](#) **Senate:** 10/17/17 –Public hearing in Senate Health & Human Service Committee. 10/5/17 – Fiscal Estimate. 9/21/17 – Introduced and referred to Senate Health & Human Service Committee. [2017 Senate Bill 417](#) **11/8/17. Passed full Assembly and Senate. 12/12/17 – Signed by the Governor** [2017 Wisconsin Act 135](#)

AB529/SB 452- Requirements for certain services covered under the Medical Assistance program

Position: Support

Rationale: Appropriate utilization of APRNs and RNs.

Status [2017 Assembly Bill 529](#) - 10/18/17 – Scheduled for a public hearing 10/19/17 - Introduced and referred to Assembly Health Committee.

[2017 Senate Bill 452](#) – 10/17/17 –Public hearing in Senate Health & Human Service Committee. 10/12/17 - Introduced and referred to Senate Committee on Health and Human Services.

11/3/17 Passed full Senate, 11/8/17 passed full Assembly. Signed by the Governor 11/30/17 [2017 Wisconsin Act 119](#)

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

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-Fubina 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

Status: 7/17/17/ - Submitted to the Assembly and Senate Health Committees – waiting for public comment. Passed 12/1/17.

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

Status: 7/17/17 Signed by the Governor <http://docs.legis.wisconsin.gov/2017/related/acts/29> .

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

Status: 7/17/17 Signed by the Governor <http://docs.legis.wisconsin.gov/2017/related/acts/25>

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>