

SB 356 13 ~~X~~

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 1-23-2002

BILL NO. SB 356

or

SUBJECT _____

Linda Sanner, RN, BS, M.B.A., C.P.H.Q.
(NAME) BOARD CHAIR

1400 E. Washington Ave
(Street Address or Route Number)

MADISON 53703
(City and Zip Code)

WI Board of Nursing
(Representing)

Speaking in Favor:

(Written Testimony Submitted)
Speaking Against:

Registering in Favor:
but not speaking:

Registering Against:
but not speaking:

Speaking for information
only; Neither for nor against:

Please return this slip to a messenger PROMPTLY.

Senate Sergeant-At-Arms
State Capitol - B35 South
P.O.Box 7882
Madison, WI 53707-7882

* *William Dusso & Linda Sanner*
will be Testifying Together.

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 1-23-2002

BILL NO. SB 356

or

SUBJECT _____

William Dusso, General Counsel
(NAME)

1400 E. Washington Ave
(Street Address or Route Number)

MADISON 53703
(City and Zip Code)

SECRETARY OSCAR HERMAN,
(Representing)

DEPT. OF REGULATION + LICENSING

Speaking in Favor:

(Written Testimony Submitted)
Speaking Against:

Registering in Favor:
but not speaking:

Registering Against:
but not speaking:

Speaking for information
only; Neither for nor against:

Please return this slip to a messenger PROMPTLY.

Senate Sergeant-At-Arms
State Capitol - B35 South
P.O.Box 7882
Madison, WI 53707-7882

Vote Record

Senate - Committee on Human Services and Aging

Date: 1/23/02
 Moved by: Robson Seconded by: Roessler
 AB: _____ SB: 356 Clearinghouse Rule: _____
 AJR: _____ SJR: _____ Appointment: _____
 AR: _____ SR: _____ Other: _____

A/S Amdt: _____
 A/S Amdt: _____ to A/S Amdt: _____
 A/S Sub Amdt: _____
 A/S Amdt: _____ to A/S Sub Amdt: _____
 A/S Amdt: _____ to A/S Amdt: _____ to A/S Sub Amdt: _____

- Be recommended for:
- Passage
 - Introduction
 - Adoption
 - Rejection
 - Indefinite Postponement
 - Tabling
 - Concurrence
 - Nonconcurrence
 - Confirmation

<u>Committee Member</u>	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
Sen. Judith Robson, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Gwendolynne Moore	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Robert Wirch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. David Hansen	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Carol Roessler	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Robert Welch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Ted Kanavas	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Totals: _____

Motion Carried Motion Failed



Judith B. Robson

Wisconsin State Senator

Human Services & Aging Committee
January 23, 2002

SENATE BILL 356

Senate Bill 356 is needed to fully implement the Nurse Compact law that was passed last session. A key to the Nurse Compact is the participation of member states in a coordinated database. The database contains information about licensed nurses that can be accessed by member states to verify the current status of a nurse.

The Department of Regulation and Licensing and the Board of Nursing need to forward licensing information, including social security number and performance record, to the national registry.

Current law, however, restricts the Department and Board from disclosing the social security numbers. The Departments of Workforce Development and Revenue are the only departments authorized to receive this information.

The nurses could also opt out of having any personal identifiers disclosed. In that case, actions taken against the nurse or an application denial could not be divulged to the national registry.

Senate Bill 356 allows the department and board to disclose this information to the coordinated licensure information system.

Current law then protects this information from being shared with nonparty states or any other entity without express permission of the contributing state, and within the "extent permitted by the laws of the party state contributing the information."
Sec. 441.50(7)(d)(e)



SENATE COMMITTEE ON HUMAN SERVICES AND AGING

Senator Judith Robson, Chairperson

Statement of William Dusso
representing the Department of Regulation and Licensing concerning

2001 Senate Bill 356

relating to the disclosure of information about licensed nurses
to the coordinated licensure information system.

300 Southeast, Capitol
Wednesday, January 23, 2002 10:00 A.M.

Chairperson Robson and members of the Committee, thank you for the opportunity to appear in support of Senate Bill 356.

Under current law, participation of the state in the Compact that governs the licensing of nurses is restricted by two statutes that limit the sharing of data. This bill would permit limited sharing of personal information about licensed nurses and applicants with the organization that administers the interstate compact. The personal information shared would be used by the compact administrators to match records and track disciplinary actions and complaints and would not be available to the general public.

The Nurse Compact statute, Wis. Stat. § 441.50 (7) (a), requires the state to participate in a cooperative effort to create a coordinated database of all nurses called the "Coordinated licensure information system."¹ This database includes information on nurse licensure and enforcement activities related to nurse licensure laws. It is administered by a nonprofit organization composed of and controlled by state nurse licensing boards. Under the law, the Board of Nursing and the Department are to report adverse actions taken against nurses, significant investigative information, denials of applications and the reasons for such denials, to the coordinated licensure information system.

The Board and the Department have found full participation in the database to be impossible because of statutory restrictions on release of data. Under current law, social security numbers obtained in the application process may not be disclosed to any person except to the Department of Workforce Development and the Department of Revenue, and then only for limited purposes.²

Current law also prohibits disclosure to the System of the personal identifiers of credential holders who have made a declaration prohibiting disclosure of personal information on lists of credential holders prepared by the Department. Wis. Stat. § 440.14.³ (This declaration is often referred to as electing to “opt out.”) Under the terms of Wis. Stat. § 440.14, if a credential holder or an applicant “declares” that their personal identifiers are not to be disclosed on any Department list, then the Department may not disclose a personal identifier of that person on any list that it furnishes to another person. The restrictions do not apply to a list that the department furnishes to another state agency, a law enforcement agency or a federal governmental agency. Sec. 440.14 (5) (b), Stats. Neither the coordinated licensure information system nor its operators are within the three exemptions..

Senate Bill 356 would permit the Board of Nursing and the Department of Regulation and Licensing to fully participate in the Coordinated Licensure Information System without violating the requirements of Wis. Stat. §§ 440.03 (11m) (c) or 440.14.

The Department has taken efforts to provide the public with full information about license professionals including disciplinary actions, while respecting the privacy rights and personal information of credential holders. Social security numbers are carefully protected by the Department. Policies of the Coordinated Licensure Information System indicate that personal information provided under the authority of SB 356 is necessary for matching records and tracking disciplinary matters. The data would not be shared with other states without the permission of the Wisconsin Board of Nursing. A copy of one of these System policies is attached for consideration by the Committee.

Thank you for considering this legislation and for the opportunity to respond to questions.

¹ "Coordinated licensure information system" means an integrated process for collecting, storing and sharing information on nurse licensure and enforcement activities related to nurse licensure laws, which is administered by a nonprofit organization composed of and controlled by state nurse licensing boards." Wis. Stat. § 440.50 (2) (c)

(7) Article VIII - Coordinated Licensure Information System.

(a) All party states shall participate in a cooperative effort to create a coordinated database of all licensed registered nurses and licensed practical/vocational nurses. This system will include information on the licensure and disciplinary history of each nurse, as contributed by party states, to assist in the coordination of nurse licensure and enforcement efforts.

(b) Notwithstanding any other provision of law, all party states' licensing boards shall promptly report adverse actions, actions against multistate licensure privileges, any current significant investigative information yet to result in adverse action, denials of applications, and the reasons for such denials, to the coordinated licensure information system.

(c) Current significant investigative information shall be transmitted through the coordinated licensure information system only to party state licensing boards.

(d) Notwithstanding any other provision of law, all party states' licensing boards contributing information to the coordinated licensure information system may designate information that may not be shared with nonparty states or disclosed to other entities or individuals without the express permission of the contributing state.

(e) Any personally identifiable information obtained by a party state's licensing board from the coordinated licensure information system may not be shared with nonparty states or disclosed to other entities or individuals except to the extent permitted by the laws of the party state contributing the information.

(f) Any information contributed to the coordinated licensure information system that is subsequently required to be expunged by the laws of the party state contributing that information, shall also be expunged from the coordinated licensure information system.

(g) The compact administrators, acting jointly with each other and in consultation with the administrator of the coordinated licensure information system, shall formulate necessary and proper procedures for the identification, collection and exchange of information under this compact.

(8) Article VIII - Compact Administration and Interchange of Information.

(a) The secretary of the department, or his or her designee, shall be the administrator of this compact for this state.

(b) The compact administrator of each party state shall furnish to the compact administrator of each other party state any information and documents including, but not limited to, a uniform data set of investigations, identifying information, licensure data and disclosable alternative program participation information to facilitate the administration of this compact. Wis. Stat. § 441.50 (7)

² "The department of regulation and licensing may not disclose a social security number obtained under par. (a) to any person except to the department of workforce development for purposes of administering s. 49.22 and, for a social security number obtained under par. (a) 1., the department of revenue for the sole purpose of requesting certifications under s. 73.0301." Wis. Stat. § 440.03 (11m) (c)

³ Nondisclosure of certain personal information. (1) In this section:

(a) "List" means information compiled or maintained by the department or a credentialing board that contains the personal identifiers of 10 or more individuals.

(b) "Personal identifier" means a name, social security number, telephone number, street address, post-office box number or 9-digit extended zip code.

(2) If a form that the department or a credentialing board requires an individual to complete in order to apply for a credential or credential renewal or to obtain a product or service from the department or the credentialing board requires the individual to provide any of the individual's personal identifiers, the form shall include a place for the individual to declare that the individual's personal identifiers obtained by the department or the credentialing board from the information on the form may not be disclosed on any list that the department or the credentialing board furnishes to another person.

(3) If the department or a credentialing board requires an individual to provide, by telephone or other electronic means, any of the individual's personal identifiers in order to apply for a credential or credential renewal or to obtain a product or service from the department or a credentialing board, the department or the credentialing board shall ask the individual at the time that the individual provides the information if the individual wants to declare that the individual's personal identifiers obtained by telephone or other electronic means may not be disclosed on any list that the department or the credentialing board furnishes to another person.

(4) The department or a credentialing board shall provide to an individual upon request a form that includes a place for the individual to declare that the individual's personal identifiers obtained by the department or credentialing board may not be disclosed on any list that the department or credentialing board furnishes to another person.

(5) (a) The department or a credentialing board may not disclose on any list that it furnishes to another person a personal identifier of any individual who has made a declaration under sub. (2), (3) or (4).

(b) Paragraph (a) does not apply to a list that the department or a credentialing board furnishes to another state agency, a law enforcement agency or a federal governmental agency. A state agency that receives a list from the department or a credentialing board containing a personal identifier of any individual who has made a declaration under sub. (2), (3) or (4) may not disclose the personal identifier to any person other than a state agency, a law enforcement agency or a federal governmental agency. Wis. Stat. § 440.14.

II. NursysProcedures

1.0 General Procedures

1.1 Initial Access to Nursys

PROCEDURE NUMBER 1.1

PROCEDURE NAME Initial Access to Nursys

DATE (BODY)
APPROVED

REVISION DATE

TOPIC

PROCEDURE

Software Application
Access for Member
Board Users

All Member Boards (participating and nonparticipating) will be sent an access request form by the National Council IT Nursys Administrator during the implementation of Nursys. This form is available via the Nursys Web site (<http://www.nursys.com>). This access request form allows Member Boards to request Nursys access for the individuals on their staff that need access to Nursys.

This access request form is detailed in Appendix A.1.3. All access request forms require the signature of the executive director of the applicable Member Board, or other pre-designated signatory.

Software Application
Access for National
Council Users

National Council users may obtain a user access request form from the Nursys Web site or from the National Council IT Nursys Administrator. The National Council User Access Request form is detailed in Appendix A.1.4, and must be signed by the user's departmental director.

Data Access

Data access is controlled primarily by the regulations of the participating Member Boards. Thus, Member Boards have control over what types of access are allowed regarding their data.

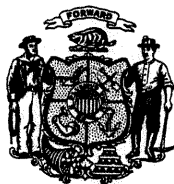
A separate form is available in Appendix A.1.5 to allow the participating Member Board to communicate any data restrictions required. For example, a Member Board might not be able to provide the Social Security Number to other

Member Boards, but can contribute the Social Security Number for the purpose of matching.

Data access is also controlled on a "need to know" basis within the system. Thus, there will be different levels of security for a Nursys user, depending on what function(s) the user performs. The different levels of security functionality include:

- View Personal Information (including license/education/exam)
- View Discipline
- View History
- Verification Acknowledgment
- View Verification Log
- Add Personal/Education/License/Discipline (or subsets)
- Add Verification Request Forms & Fees
- Edit Personal, Education, License & Discipline (or subsets)
- Quality Control Flag Resetting
- Extend/Expire Verification Expiration
- Expunge Discipline
- Table Maintenance
- Run Reports

Scott McCallum
Governor



**Statement of
WISCONSIN BOARD OF NURSING
before the**

SENATE COMMITTEE ON HUMAN SERVICES AND AGING

Senator Judith Robson, Chairperson

Linda Sanner, Chairperson, Wisconsin Board of Nursing
representing the Board of Nursing concerning

2001 Senate Bill 356

relating to the disclosure of information about licensed nurses
to the coordinated licensure information system.

300 Southeast, Capitol
Wednesday, January 23, 2002 10:00 A.M.

Chairperson Robson and members of the committee, I am Linda Sanner, Chairperson of the Wisconsin Board of Nursing. I am here today on behalf of the Board of Nursing to express support for 2001 Senate Bill 356. Appearing with me is William Dusso, who will speak on behalf of the Department of Regulation and Licensing.

In December 1999, the Legislature modernized the licensing of nurses in Wisconsin by enacting legislation making Wisconsin part of an Interstate Nurse Licensure Compact. Under the Compact, a nurse holds a license in his or her state of residence and is granted a practice privilege by other states in the Compact.

The Compact is good for health care. It expands the availability of nurses in the states that have adopted the Compact. The Compact makes interstate movement easier for the professional nurse. Professional standards are upheld under the Compact. A nurse practicing under the Compact is held accountable to meet the nursing practice laws and regulations in the state where he or she provides nursing services.

Contact the Board at: 1400 East Washington Avenue PO Box 8935 Madison WI 53708-8935
Email: dorl@drl.state.wi.us; Voice: 608-266-2112; FAX: 608-267-0644; TTY: 608-267-2416

On behalf of the many patients who have access to a larger pool of professional nurses and as a result have received and will receive better nursing care because of this law, the Board thanks you for enacting the Compact. The proposal now before the Committee, Senate Bill 356 makes a remedial change to the law needed for Wisconsin to fully implement the Compact law.

Part of the infrastructure that supports the operation of the Compact is a database of information about nurses who are licensed in the Compact states. This database permits states in the Compact to verify the licensed status and professional disciplinary history of any nurse working or licensed in a Compact state. The database also tracks complaints and pending disciplinary actions against nurses. In the law, this database is described as the "Coordinated Licensure Information System."¹ In practice it has become known as NURSYS. The database is essential to the operation of the Compact.

The Compact law requires that the database operators respect the privacy laws of participating states. The law authorizes the Board to designate information that may not be shared with nonparty states or disclosed to others without the express permission of the contributing state.² All states in the Compact are required by law to respect these privacy restrictions.

While Wisconsin law requires the Board of Nursing and the Department of Regulation and Licensing participate in the database,³ Wisconsin law currently prohibits the Department and the Board from disclosing social security numbers to the Compact administrators. Further statutory restrictions on disclosure of name, telephone number, and street address apply if the licensee has informed the department or the board that he or she does not want this information disclosed. Of course, if these personal identifiers can not be disclosed by the state to the NURSYS and used to verify identities and track the investigation and prosecution of complaints, the information from NURSYS will hardly be reliable or useful to the participating states.

Senate Bill 356 creates a limited exception in the law that permits the Board and the Department to provide the names, addresses and social security numbers of licensed nurses and applicants to NURSYS. This exemption protects the public by assisting the Compact states in locating nurses who are found guilty of unprofessional conduct in one state and who attempt to practice or become licensed in another state. The privacy rights of nurses and applicants will remain protected because the exemption is narrow and the

Compact law itself prohibits participants from redisclosing personal information from participating states.

On behalf of the Board of Nursing, thank you for your interest and support for this proposal.

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Wis. Stat. § 440.50 (2) (c)

² *Wis. Stat. § 441.50 (7) (d)*

³ *Wis. Stat. § 441.50 (7)*



Judith B. Robson

Wisconsin State Senator

Human Services & Aging Committee
January 23, 2002

SENATE BILL 356

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