

03-009
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To: Members of the Senate Committee on Health, Children, Families, Aging
and Long Term Care

From: Senator Carol Roessler, Chair

Date: June 5, 2003

Re: Clearinghouse Rules Referred to the Committee

CR 03-009 has been referred to the Senate Health, Children, Families, Aging and Long
Term Care Committee.

2001 Wisconsin Act 52 makes a number of changes to the provisions affecting nursing
midwives. This rule contains several of these changes. The clearinghouse is enclosed for
your review.

The committee has jurisdiction over this rule until Thursday July 3, 2003. If you would
like the committee to hold a hearing on CR 03-009, please contact Sara Jermstad in my
office at 266-5300.

**STATE OF WISCONSIN
BOARD OF NURSING**

**IN THE MATTER OF RULE-MAKING : PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE : BOARD OF NURSING
BOARD OF NURSING : ADOPTING RULES
: (CLEARINGHOUSE RULE 03-009)**

TO: Alan J. Lasee
President of the Senate
Room 219 South, State Capitol
Madison, Wisconsin 53702

PLEASE TAKE NOTICE that the BOARD OF NURSING is submitting in final draft form rules relating to the practice of nurse-midwives.

If you have any questions concerning the final draft form or desire additional information, please contact Pamela Haack at 266-0495.

**STATE OF WISCONSIN
BOARD OF NURSING**

IN THE MATTER OF RULE-MAKING :	REPORT TO THE LEGISLATURE
PROCEEDINGS BEFORE THE :	ON CLEARINGHOUSE RULE 03-009
BOARD OF NURSING :	(s. 227.19 (3), Stats.)

I. THE PROPOSED RULE:

The proposed rule, including the analysis and text, is attached.

II. REFERENCE TO APPLICABLE FORMS:

No new or revised forms are required by these rules.

III. FISCAL ESTIMATES:

The estimated cost associated with enforcement of this rule is \$1,250 annually. This cost is based on the annual review of evidence of insurance and follow-up with credential holders where appropriate. (125 holders @\$10.00 = \$1,250.00)

IV. STATEMENT EXPLAINING NEED:

2001 Wisconsin Act 52 makes a number of changes to the provisions affecting nurse-midwives, including that licensed nurse-midwives carry malpractice insurance in an amount determined by these rules. Also, throughout the rule-making order words are capitalized in accordance with the Administrative Rules Procedural Manual at s. 1.01 (4), on page 3 on the Manual.

V. NOTICE OF PUBLIC HEARING:

A public hearing was held on March 7, 2003.

The following individuals appeared at the public hearing and registered in support of the proposed rules:

Gina Dennik-Champion, Madison, WI, representing the Wisconsin Nurses Association.

Lisa Hanson, Grafton, WI

Kathryn Osborne, Madison, WI, representing the Wisconsin Chapter of the American College of Nurse Midwives.

Leona Vandevusse, Cudahy, WI, representing the American College of Nurse-Midwives – Wisconsin Chapter.

There were no other appearances at the public hearing and no written comments were received.

VI. RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS:

Response to Comment 2.d. The standards of practice are incorporated by reference. The language used is the same language in the authorizing legislation.

Response to Comment 5.b. Referral may be to health care providers other than the collaborating physician under the written agreement. No change to s. N 4.06 (4).

Response to Comment 5.c. Section N 4.06 (4) provides for continuing education by the nurse-midwife following referral. Section N 4.07 (4) provides for continuation of care by the nurse-midwife before the physician arrives to deal with an emergent situation. No change.

All of the other recommendations suggested in the Clearinghouse Report were accepted in whole.

VII. FINAL REGULATORY FLEXIBILITY ANALYSIS:

The rules will have no significant economic impact on small businesses, as defined in s. 227.114 (1) (a), Stats.

STATE OF WISCONSIN
BOARD OF NURSING

IN THE MATTER OF RULE-MAKING : PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE : BOARD OF NURSING
BOARD OF NURSING : ADOPTING RULES
: (CLEARINGHOUSE RULE 03-009)

PROPOSED ORDER

An order of the Board of Nursing to repeal N 4.02 (5) and (7); to renumber N 4.02 (8); to renumber and amend N 4.02 (3) and (4); to amend N 4.01 (2), 4.03 (intro.), (1) and (2), N 4.04 (1) (intro.), (a) to (c) and (4), 4.05 (5) (b), 4.06 and 4.07 (1) and (2); and to create N 4.02 (3) and 4.10, relating to the practice of nurse-wives.

Analysis prepared by the Department of Regulation and Licensing.

ANALYSIS

Statutes authorizing promulgation: ss. 15.08 (5) (b) and 227.11 (2), Stats., and ss. 441.15 (2) (c), 441.15 (3) (a) 3. and 441.15 (5), Stats., as created by 2001 Wisconsin Act 52, and s. 441.(3) (bm), Stats., as amended by 2001 Wisconsin Act 52.

Statutes interpreted: s. 441.15 (2) (c), 441.15 (3) (bm) and 441.15 (5) (b), Stats.

2001 Wisconsin Act 52 makes a number of changes to the provisions affecting nurse-midwives, including that licensed nurse-midwives carry malpractice insurance in an amount determined by these rules. Also, throughout the rule-making order words are capitalized in accordance with the Administrative Rules Procedural Manual at s. 1.01 (4), on page 3 on the Manual.

Section 1 is amended to include the malpractice insurance requirements.

Section 2 is amended to update the definition of complications that are consistent with the standards of practice of the American College of Nurse-Midwives.

Section 3 creates a definition of collaboration.

Section 4 amends the definition of formal written agreement to written agreement.

Sections 5 and 6 repeal requirements that are no longer required.

Section 7 renumbers a subsection.

Section 8 updates the requirements for licensure and Section 9 amends the application procedures for licensure. Section 9 also, and Section 10 provides a second certification council.

Sections 11 and 12 modify the scope of practice relating to referrals.

Section 13 creates the malpractice insurance coverage for nurse-midwives.

TEXT OF RULE

SECTION 1. N 4.01 (2) is amended to read:

N 4.01 (2) The intent of the board of nursing in adopting rules in this chapter, interpreting s. 441.15, Stats., is to specify the requirements for obtaining licensure as a nurse-midwife; the scope of practice of nurse-midwifery; ~~and the types of facilities in which such practice may occur; and malpractice insurance requirements for nurse-midwives.~~

SECTION 2. N 4.02 (3) is renumbered N 4.02 (4) and amended to read:

N 4.02 (4) "Complications" means those conditions which jeopardized the health or life of the ~~newborn or mother~~ patient and which deviate from normal as defined in the ~~formal written agreement and as recognized in the nurse-midwife profession, including but not limited to: hemorrhage, heart disease, diabetes, infection, hypertension of pregnancy and hemolytic disease of the newborn~~ consistent with the standards of practice of the American College of Nurse-Midwives.

SECTION 3. N 4.02 (3) is created to read:

N 4.02 (3) "Collaboration" has the meaning specified in s. 441.15 (1) (a), Stats.

SECTION 4. N 4.02 (4) is renumbered N 4.02 (6) and amended to read:

N 4.02 (6) ~~"Formal written~~ "Written agreement" means an agreement between the ~~supervising~~ collaborating physician and the nurse-midwife which is permanently recorded, dated and signed by both parties, is available for inspection upon reasonable request, and consists of at least the following: framework of mutually approved ~~protocols~~ guidelines including conditions of ~~supervision~~ collaboration and referral, ~~clearly delineated lines of referral in the event the supervising physician is not available, health care facilities to be used and evidence of annual review.~~

SECTION 5. N 4.02 (5) is repealed.

SECTION 6. N 4.02 (7) is repealed.

SECTION 7. N 4.02 (8) is renumbered N 4.02 (5).

SECTION 8. N 4.03 (intro.), (1) and (2) are amended to read:

N 4.03 Qualifications for licensure. (intro.) An applicant for licensure as a nurse-midwife shall be granted licensure by the board, provided that the applicant meets all of the following:

(1) Has completed an educational program in nurse-midwifery ~~approved~~ accredited by the American ~~college of nurse midwives~~; College of Nurse-Midwives.

(2) Holds a certificate issued by the American ~~college of nurse midwives~~; and, College of Nurse-Midwives or the American College of Nurse-Midwives Certification Council.

SECTION 9. N 4.04 (1) (intro.), (a) to (c) and (4) are amended to read:

N 4.04 Application procedures for licensure. (1) (intro.) An applicant for licensure to practice as a nurse-midwife shall file a completed, notarized application on a form provided by the bureau. The application shall include all of the following:

(a) Signature of the applicant;

(b) Fee specified under s. 440.05 (1), Stats.;

(c) Evidence of completion of an educational program in nurse-midwifery approved by the American ~~college of nurse midwives~~ College of Nurse-Midwives and evidence of certification as a nurse-midwife from the American ~~college of nurse midwives~~; College of Nurse-Midwives Certification Council.

(4) The applicant for renewal shall inform the board whether the certificate issued to him or her by the American ~~college of nurse midwives~~ College of Nurse-Midwives or the American College of Nurse-Midwives Certification Council has been revoked or suspended.

SECTION 10. N 4.05 (5) (b) is amended to read:

N 4.05 (5) DURATION. (b) The temporary permit of a candidate who is unsuccessful on the examination administered by the American ~~college of nurse midwives~~ College of Nurse-Midwives Certification Council is void upon receipt of the examination results by the holder and shall be returned by the holder to the board immediately. Failure to return the permit promptly shall, without further notice or process, result in a board order to revoke the permit.

SECTION 11. N 4.06 is amended to read:

N 4.06 Scope of practice. (1) The scope of practice is the overall management of ~~care of a woman in normal childbirth and the provision of prenatal, intrapartal, postpartal and nonsurgical contraceptive methods and care for the mother and the newborn~~ women's health care, pregnancy, childbirth, postpartum care for newborns, family planning, and gynecological services consistent with the standards of practice of the American College of Nurse-Midwives and the education, training, and experience of the nurse-midwife.

(2) The nurse-midwife shall ~~practice under the general supervision of~~ collaborate with a physician with postgraduate training in obstetrics pursuant to a ~~formal~~ written agreement with that physician.

(3) The nurse-midwife shall ~~immediately refer to the supervising physician a patient with any complication discovered by the nurse-midwife~~ consult with the consulting physician regarding any complications discovered by the nurse-midwife, or refer the patient pursuant to the written agreement.

(4) Upon referral ~~to the supervising physician~~, the nurse-midwife may manage that part of the care of the patient which is appropriate to the knowledge and skills of the nurse-midwife.

SECTION 12. N 4.07 (1) and (2) are amended to read:

N 4.07 (1) The nurse-midwife shall ~~not be involved in the independent management of patients with complications and shall refer those patients to the physician~~ independently manage those complications that require referral pursuant to the written agreement.

(2) The nurse-midwife may not perform deliveries by ~~mechanical means~~ or Caesarean section.

SECTION 13. N 4.10 is created to read:

N 4.10 Malpractice insurance coverage. (1) Nurse-midwives shall maintain in effect malpractice insurance evidenced by one of the following:

(a) Personal liability coverage in the amounts specified in s. 655.23 (4), Stats.

(b) Coverage under a group liability policy providing individual coverage for the nurse-midwife in the amounts set forth in s. 655.23 (4), Stats.

(2) Notwithstanding sub. (1), malpractice insurance is not required for any of the following:

(a) A federal, state, county, city, village or town employee who practices nurse-midwifery within the scope of his or her employment.

(b) A nurse-midwife who practices as an employee of the federal public health service under 42 USC 233 (g).

(c) A nurse-midwife who does not provide care for patients.

(3) A nurse-midwife shall submit to the board satisfactory evidence that he or she has in effect malpractice insurance required by sub. (1) at the time established for credential renewal under s. 440.08 (2) (a) 50., Stats.

Note: Forms are available from the board office located at 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708.

(END OF TEXT)

The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin administrative register, pursuant to s. 227.22 (2) (intro.), Wis. Stats.

Dated _____ Agency _____
Chairperson
Board of Nursing

FISCAL ESTIMATE

The estimated cost associated with enforcement of this rule is \$1,250 annually. This cost is based on the annual review of evidence of insurance and follow-up with credential holders where appropriate. (125 holders @\$10.00 = \$1,250.00)

FINAL REGULATORY FLEXIBILITY ANALYSIS

These rules will have no significant economic impact on a substantial number of small businesses, as defined in s. 227.114 (1) (a), Wis. Stat.



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Ronald Sklansky
Clearinghouse Director

Richard Sweet
Clearinghouse Assistant Director

Terry C. Anderson
Legislative Council Director

Laura D. Rose
Legislative Council Deputy Director

CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

CLEARINGHOUSE RULE 03-009

AN ORDER to repeal N 4.02 (5) and (7); to renumber N 4.02 (8); to renumber and amend N 4.02 (3) and (4); to amend N 4.01 (2), 4.03 (intro.), (1) and (2), 4.04 (1) (intro.), (a) to (c) and (4), 4.05 (5) (b), 4.06 and 4.07 (1) and (2); and to create N 4.02 (3) and 4.10, relating to the practice of nurse-midwives.

Submitted by **DEPARTMENT OF REGULATION AND LICENSING**

02-04-2003 RECEIVED BY LEGISLATIVE COUNCIL.

03-04-2003 REPORT SENT TO AGENCY.

RS:MM

LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]

Comment Attached YES NO

2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]

Comment Attached YES NO

3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]

Comment Attached YES NO

4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS
[s. 227.15 (2) (e)]

Comment Attached YES NO

5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]

Comment Attached YES NO

6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL
REGULATIONS [s. 227.15 (2) (g)]

Comment Attached YES NO

7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]

Comment Attached YES NO



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Ronald Sklansky
Clearinghouse Director

Richard Sweet
Clearinghouse Assistant Director

Terry C. Anderson
Legislative Council Director

Laura D. Rose
Legislative Council Deputy Director

CLEARINGHOUSE RULE 03-009

Comments

[NOTE: All citations to "Manual" in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated October 2002.]

1. Statutory Authority

a. Section N 4.10 (2) (a) deviates from the authorizing statutory language in s. 441.15 (5) (a) 1., in two ways. First, it does not include an exemption from malpractice liability insurance requirements for federal employees. Although s. N 4.10 (2) (b) applies the exemption to nurse-midwives who practice as employees of the federal public health service, the statute contains that exemption and an additional exemption for any federal employee who practices nurse-midwifery within the scope of his or her employment. Second, the rule utilizes a definition of "governmental subdivision" that includes a type of local government that is not included within the statutory language, namely a "special purpose district." These provisions of the rule should be rewritten to comply with the statutory authorizing language.

b. The definition of "complications" in s. N 4.02 (4) deviates from s. 441.15 (4), Stats. The statutory provision refers to "any complication which jeopardizes the health or life of a newborn or mother...", while the rule deletes the current reference to the newborn or mother in the definition and only refers to the "client." Who is included in the term "clients"? (Also, who is a "patient" as referred to in ss. N 4.06 (3) and (4) and 4.10 (3)?) The rule would be clearer if the current language were retained.

c. Section N 4.06 (3) appears to conflict with s. 441.15 (4), Stats. The statute provides that if certain complications occur, the nurse-midwife may either consult with the collaborating physician or his or her designee or make a referral as specified in a written agreement. The rule,

however, provides for only one of these options--referral. The rule should be rewritten to include both options as stated in the statutes.

2. Form, Style and Placement in Administrative Code

- a. In s. N 4.01 (2), the first "and" in the existing text should be deleted and the last comma should be replaced by a semicolon.
- b. The definitions in s. N 4.02 need to be reorganized so that they are arranged in alphabetical order. See s. 1.01 (7), Manual.
- c. Sections N 4.02 (4) and 4.06 (1) refer to the standards of practice of the American College of Nurse-Midwives. These standards should be incorporated by reference as provided in s. 227.21 (2), Stats.
- d. In s. N 4.06 (1), the second "of" in the existing language should be retained.

5. Clarity, Grammar, Punctuation and Use of Plain Language

- a. It appears that in order to be consistent with ss. N 4.03 (2) and 4.04 (4), s. N 4.04 (1) (c) should specify that an applicant may provide evidence of certification from the American College of Nurse-Midwives Certification Council.
- b. Section N 4.06 (3) and (4) would be clearer if the text specified to whom a referral is made.
- c. It appears that the requirement in current s. N 4.07 (4) that a nurse-midwife notify a physician when complications occur conflicts with s. N 4.06 (4), which requires referral of a patient with complications. This discrepancy should be corrected.

WISCONSIN STATE SENATE



Carol Roessler
STATE SENATOR

To: Members of the Senate Committee on Health, Children, Families, Aging and Long Term Care

From: Senator Carol Roessler

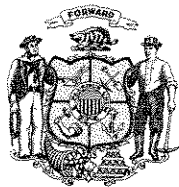
Date: June 25, 2003

Re: Modifications to Clearinghouse Rule 03-009

The Department of Regulation and Licensing has submitted germane modifications to Clearinghouse Rule 03-009, relating to the practice of nurse-midwives.

The Department's memo requesting the Committee to accept the germane modification is attached. I have also included a memo from Pat Osborne, on behalf of the Wisconsin Chapter of the American College of Nurse-Midwives, which further explains the need for the modification.

If you have any questions or would like to request a hearing, please contact Sara Jermstad in my office. The Committee's jurisdiction of CR 03-009 ends July 3, 2003.



Carol Roessler
STATE SENATOR

To: Members of the Senate Committee on Health, Children, Families, Aging and Long Term Care

From: Senator Carol Roessler

Date: July 2, 2003

Re: Modifications to Clearinghouse Rule 03-009

The Department of Regulation and Licensing has submitted a second germane modification to Clearinghouse Rule 03-009, relating to the practice of nurse-midwives.

The Department's memo requesting the Committee to accept the germane modification is attached.

If you have any questions or would like to request a hearing, please contact Sara Jermstad in my office. The Committee's jurisdiction of CR 03-009 has now been extended to July 10, 2003.

**STATE OF WISCONSIN
BOARD OF NURSING**

**IN THE MATTER OF RULE-MAKING : PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE : BOARD OF NURSING
BOARD OF NURSING : ADOPTING RULES
: (CLEARINGHOUSE RULE 03-009)**

TO: Alan J. Lasee
President of the Senate
Room 219 South, State Capitol
Madison, Wisconsin 53702

PLEASE TAKE NOTICE that the BOARD OF NURSING is submitting in final draft form rules relating to the practice of nurse-midwives.

If you have any questions concerning the final draft form or desire additional information, please contact Pamela Haack at 266-0495.

**STATE OF WISCONSIN
BOARD OF NURSING**

IN THE MATTER OF RULE-MAKING :	REPORT TO THE LEGISLATURE
PROCEEDINGS BEFORE THE :	ON CLEARINGHOUSE RULE 03-009
BOARD OF NURSING :	(s. 227.19 (3), Stats.)

I. THE PROPOSED RULE:

The proposed rule, including the analysis and text, is attached.

II. REFERENCE TO APPLICABLE FORMS:

No new or revised forms are required by these rules.

III. FISCAL ESTIMATES:

The estimated cost associated with enforcement of this rule is \$1,250 annually. This cost is based on the annual review of evidence of insurance and follow-up with credential holders where appropriate. (125 holders @\$10.00 = \$1,250.00)

IV. STATEMENT EXPLAINING NEED:

2001 Wisconsin Act 52 makes a number of changes to the provisions affecting nurse-midwives, including that licensed nurse-midwives carry malpractice insurance in an amount determined by these rules. Also, throughout the rule-making order words are capitalized in accordance with the Administrative Rules Procedural Manual at s. 1.01 (4), on page 3 on the Manual.

V. NOTICE OF PUBLIC HEARING:

A public hearing was held on March 7, 2003.

The following individuals appeared at the public hearing and registered in support of the proposed rules:

Gina Dennik-Champion, Madison, WI, representing the Wisconsin Nurses Association.
Lisa Hanson, Grafton, WI
Kathryn Osborne, Madison, WI, representing the Wisconsin Chapter of the American College of Nurse Midwives.
Leona Vandevusse, Cudahy, WI, representing the American College of Nurse-Midwives – Wisconsin Chapter.

There were no other appearances at the public hearing and no written comments were received.

VI. RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS:

Response to Comment 2.d. The standards of practice are incorporated by reference. The language used is the same language in the authorizing legislation.

Response to Comment 5.b. Referral may be to health care providers other than the collaborating physician under the written agreement. No change to s. N 4.06 (4).

Response to Comment 5.c. Section N 4.06 (4) provides for continuing education by the nurse-midwife following referral. Section N 4.07 (4) provides for continuation of care by the nurse-midwife before the physician arrives to deal with an emergent situation. No change.

All of the other recommendations suggested in the Clearinghouse Report were accepted in whole.

VII. FINAL REGULATORY FLEXIBILITY ANALYSIS:

The rules will have no significant economic impact on small businesses, as defined in s. 227.114 (1) (a), Stats.

STATE OF WISCONSIN
BOARD OF NURSING

IN THE MATTER OF RULE-MAKING : PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE : BOARD OF NURSING
BOARD OF NURSING : ADOPTING RULES
: (CLEARINGHOUSE RULE 03-009)

PROPOSED ORDER

An order of the Board of Nursing to repeal N 4.02 (5) and (7); to renumber N 4.02 (8); to renumber and amend N 4.02 (3) and (4); to amend N 4.01 (2), 4.03 (intro.), (1) and (2), N 4.04 (1) (intro.), (a) to (c) and (4), 4.05 (5) (b), 4.06 and 4.07 (1) and (2); and to create N 4.02 (3) and 4.10, relating to the practice of nurse-wives.

Analysis prepared by the Department of Regulation and Licensing.

ANALYSIS

Statutes authorizing promulgation: ss. 15.08 (5) (b) and 227.11 (2), Stats., and ss. 441.15 (2) (c), 441.15 (3) (a) 3. and 441.15 (5), Stats., as created by 2001 Wisconsin Act 52, and s. 441.(3) (bm), Stats., as amended by 2001 Wisconsin Act 52.

Statutes interpreted: s. 441.15 (2) (c), 441.15 (3) (bm) and 441.15 (5) (b), Stats.

2001 Wisconsin Act 52 makes a number of changes to the provisions affecting nurse-midwives, including that licensed nurse-midwives carry malpractice insurance in an amount determined by these rules. Also, throughout the rule-making order words are capitalized in accordance with the Administrative Rules Procedural Manual at s. 1.01 (4), on page 3 on the Manual.

Section 1 is amended to include the malpractice insurance requirements.

Section 2 is amended to update the definition of complications that are consistent with the standards of practice of the American College of Nurse-Midwives.

Section 3 creates a definition of collaboration.

Section 4 amends the definition of formal written agreement to written agreement.

Sections 5 and 6 repeal requirements that are no longer required.

Section 7 renumbers a subsection.

Section 8 updates the requirements for licensure and Section 9 amends the application procedures for licensure. Section 9 also, and Section 10 provides a second certification council.

Sections 11 and 12 modify the scope of practice relating to referrals.

Section 13 creates the malpractice insurance coverage for nurse-midwives.

TEXT OF RULE

SECTION 1. N 4.01 (2) is amended to read:

N 4.01 (2) The intent of the board of nursing in adopting rules in this chapter, interpreting s. 441.15, Stats., is to specify the requirements for obtaining licensure as a nurse-midwife; the scope of practice of nurse-midwifery; ~~and the types of facilities in which such practice may occur; and malpractice insurance requirements for nurse-midwives.~~

SECTION 2. N 4.02 (3) is renumbered N 4.02 (4) and amended to read:

N 4.02 (4) "Complications" means those conditions which jeopardized the health or life of the ~~newborn or mother~~ patient and which deviate from normal as defined in the ~~formal~~ written agreement ~~and as recognized in the nurse-midwife profession, including but not limited to: hemorrhage, heart disease, diabetics, infection, hypertension of pregnancy and hemolytic disease of the newborn~~ consistent with the standards of practice of the American College of Nurse-Midwives.

SECTION 3. N 4.02 (3) is created to read:

N 4.02 (3) "Collaboration" has the meaning specified in s. 441.15 (1) (a), Stats.

SECTION 4. N 4.02 (4) is renumbered N 4.02 (6) and amended to read:

N 4.02 (6) ~~"Formal written~~ "Written agreement" means an agreement between the ~~supervising collaborating~~ physician and the nurse-midwife which is permanently recorded, dated and signed by both parties, is available for inspection upon reasonable request, and consists of at least the following: framework of mutually approved ~~protocols~~ guidelines including conditions of ~~supervision~~ collaboration and referral, ~~clearly delineated lines of referral in the event the supervising physician is not available, health care facilities to be used and evidence of annual review.~~

SECTION 5. N 4.02 (5) is repealed.

SECTION 6. N 4.02 (7) is repealed.

SECTION 7. N 4.02 (8) is renumbered N 4.02 (5).

Wayne Austin
2-26-1815
DRL

SECTION 8. N 4.03 (intro.), (1) and (2) are amended to read:

N 4.03 Qualifications for licensure. (intro.) An applicant for licensure as a nurse-midwife shall be granted licensure by the board, provided that the applicant meets all of the following:

(1) Has completed an educational program in nurse-midwifery ~~approved~~ accredited by the American ~~college of nurse-midwives~~; College of Nurse-Midwives.

(2) Holds a certificate issued by the American ~~college of nurse-midwives~~; and, College of Nurse-Midwives or the American College of Nurse-Midwives Certification Council.

SECTION 9. N 4.04 (1) (intro.), (a) to (c) and (4) are amended to read:

N 4.04 Application procedures for licensure. (1) (intro.) An applicant for licensure to practice as a nurse-midwife shall file a completed, notarized application on a form provided by the bureau. The application shall include all of the following:

(a) Signature of the applicant;

(b) Fee specified under s. 440.05 (1), Stats.;

(c) Evidence of completion of an educational program in nurse-midwifery approved by the American ~~college of nurse-midwives~~ College of Nurse-Midwives and evidence of certification as a nurse-midwife from the American ~~college of nurse-midwives~~; College of Nurse-Midwives Certification Council.

add back in

(4) The applicant for renewal shall inform the board whether the certificate issued to him or her by the American ~~college of nurse-midwives~~ College of Nurse-Midwives or the American College of Nurse-Midwives Certification Council has been revoked or suspended.

SECTION 10. N 4.05 (5) (b) is amended to read:

N 4.05 (5) DURATION. (b) The temporary permit of a candidate who is unsuccessful on the examination administered by the American ~~college of nurse-midwives~~ College of Nurse-Midwives Certification Council is void upon receipt of the examination results by the holder and shall be returned by the holder to the board immediately. Failure to return the permit promptly shall, without further notice or process, result in a board order to revoke the permit.

SECTION 11. N 4.06 is amended to read:

N 4.06 Scope of practice. (1) The scope of practice is the overall management of ~~care of a woman in normal childbirth and the provision of prenatal, intrapartal, postpartal and nonsurgical contraceptive methods and care for the mother and the newborn~~ women's health care, pregnancy, childbirth, postpartum care for newborns, family planning, and gynecological services consistent with the standards of practice of the American College of Nurse-Midwives and the education, training, and experience of the nurse-midwife.

(2) The nurse-midwife shall ~~practice under the general supervision of~~ collaborate with a physician with postgraduate training in obstetrics pursuant to a ~~formal~~ written agreement with that physician.

(3) The nurse-midwife shall ~~immediately refer to the supervising physician a patient with any complication discovered by the nurse-midwife~~ consult with the consulting physician regarding any complications discovered by the nurse-midwife, or refer the patient pursuant to the written agreement.

(4) Upon referral ~~to the supervising physician,~~ the nurse-midwife may manage that part of the care of the patient which is appropriate to the knowledge and skills of the nurse-midwife.

SECTION 12. N 4.07 (1) and (2) are amended to read:

N 4.07 (1) The nurse-midwife shall ~~not be involved in the independent management of patients with complications and shall refer those patients to the physician~~ independently manage those complications that require referral pursuant to the written agreement.

(2) The nurse-midwife may not perform deliveries by ~~mechanical means~~ ^{*forceps or*} of Caesarean section. *but may use a vacuum extractor in emergency situations.*

SECTION 13. N 4.10 is created to read:

N 4.10 Malpractice insurance coverage. (1) Nurse-midwives shall maintain in effect malpractice insurance evidenced by one of the following:

(a) Personal liability coverage in the amounts specified in s. 655.23 (4), Stats.

(b) Coverage under a group liability policy providing individual coverage for the nurse-midwife in the amounts set forth in s. 655.23 (4), Stats.

(2) Notwithstanding sub. (1), malpractice insurance is not required for any of the following:

(a) A federal, state, county, city, village or town employee who practices nurse-midwifery within the scope of his or her employment.

(b) A nurse-midwife who practices as an employee of the federal public health service under 42 USC 233 (g).

(c) A nurse-midwife who does not provide care for patients.

(3) A nurse-midwife shall submit to the board satisfactory evidence that he or she has in effect malpractice insurance required by sub. (1) at the time established for credential renewal under s. 440.08 (2) (a) 50., Stats.

Note: Forms are available from the board office located at 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708.

(END OF TEXT)

The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin administrative register, pursuant to s. 227.22 (2) (intro.), Wis. Stats.

Dated _____ Agency _____
Chairperson
Board of Nursing

FISCAL ESTIMATE

The estimated cost associated with enforcement of this rule is \$1,250 annually. This cost is based on the annual review of evidence of insurance and follow-up with credential holders where appropriate. (125 holders @\$10.00 = \$1,250.00)

FINAL REGULATORY FLEXIBILITY ANALYSIS

These rules will have no significant economic impact on a substantial number of small businesses, as defined in s. 227.114 (1) (a), Wis. Stat.



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Ronald Sklansky
Clearinghouse Director

Richard Sweet
Clearinghouse Assistant Director

Terry C. Anderson
Legislative Council Director

Laura D. Rose
Legislative Council Deputy Director

CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

CLEARINGHOUSE RULE 03-009

AN ORDER to repeal N 4.02 (5) and (7); to renumber N 4.02 (8); to renumber and amend N 4.02 (3) and (4); to amend N 4.01 (2), 4.03 (intro.), (1) and (2), 4.04 (1) (intro.), (a) to (c) and (4), 4.05 (5) (b), 4.06 and 4.07 (1) and (2); and to create N 4.02 (3) and 4.10, relating to the practice of nurse-midwives.

Submitted by **DEPARTMENT OF REGULATION AND LICENSING**

02-04-2003 RECEIVED BY LEGISLATIVE COUNCIL.

03-04-2003 REPORT SENT TO AGENCY.

RS:MM

LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]
Comment Attached YES NO
2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]
Comment Attached YES NO
3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]
Comment Attached YES NO
4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS [s. 227.15 (2) (e)]
Comment Attached YES NO
5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]
Comment Attached YES NO
6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL REGULATIONS [s. 227.15 (2) (g)]
Comment Attached YES NO
7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]
Comment Attached YES NO



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Ronald Sklansky
Clearinghouse Director

Richard Sweet
Clearinghouse Assistant Director

Terry C. Anderson
Legislative Council Director

Laura D. Rose
Legislative Council Deputy Director

CLEARINGHOUSE RULE 03-009

Comments

[NOTE: All citations to "Manual" in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated October 2002.]

1. Statutory Authority

a. Section N 4.10 (2) (a) deviates from the authorizing statutory language in s. 441.15 (5) (a) 1., in two ways. First, it does not include an exemption from malpractice liability insurance requirements for federal employees. Although s. N 4.10 (2) (b) applies the exemption to nurse-midwives who practice as employees of the federal public health service, the statute contains that exemption and an additional exemption for any federal employee who practices nurse-midwifery within the scope of his or her employment. Second, the rule utilizes a definition of "governmental subdivision" that includes a type of local government that is not included within the statutory language, namely a "special purpose district." These provisions of the rule should be rewritten to comply with the statutory authorizing language.

b. The definition of "complications" in s. N 4.02 (4) deviates from s. 441.15 (4), Stats. The statutory provision refers to "any complication which jeopardizes the health or life of a newborn or mother...", while the rule deletes the current reference to the newborn or mother in the definition and only refers to the "client." Who is included in the term "clients"? (Also, who is a "patient" as referred to in ss. N 4.06 (3) and (4) and 4.10 (3)?) The rule would be clearer if the current language were retained.

c. Section N 4.06 (3) appears to conflict with s. 441.15 (4), Stats. The statute provides that if certain complications occur, the nurse-midwife may either consult with the collaborating physician or his or her designee or make a referral as specified in a written agreement. The rule,

however, provides for only one of these options--referral. The rule should be rewritten to include both options as stated in the statutes.

2. Form, Style and Placement in Administrative Code

- a. In s. N 4.01 (2), the first "and" in the existing text should be deleted and the last comma should be replaced by a semicolon.
- b. The definitions in s. N 4.02 need to be reorganized so that they are arranged in alphabetical order. See s. 1.01 (7), Manual.
- c. Sections N 4.02 (4) and 4.06 (1) refer to the standards of practice of the American College of Nurse-Midwives. These standards should be incorporated by reference as provided in s. 227.21 (2), Stats.
- d. In s. N 4.06 (1), the second "of" in the existing language should be retained.

5. Clarity, Grammar, Punctuation and Use of Plain Language

- a. It appears that in order to be consistent with ss. N 4.03 (2) and 4.04 (4), s. N 4.04 (1) (c) should specify that an applicant may provide evidence of certification from the American College of Nurse-Midwives Certification Council.
- b. Section N 4.06 (3) and (4) would be clearer if the text specified to whom a referral is made.
- c. It appears that the requirement in current s. N 4.07 (4) that a nurse-midwife notify a physician when complications occur conflicts with s. N 4.06 (4), which requires referral of a patient with complications. This discrepancy should be corrected.



The
Hamilton Consulting Group

Legislative, Regulatory & Information Services

Memorandum

DATE: June 17, 2003

TO: Representative Gregg Underheim, Senator Carol Roessler

FROM: Pat Osborne, on behalf of the Wisconsin Chapter of the American College of Nurse-Midwives.

RE: Revisions to Chapter N4 Administrative Rules (CH Rule 03-009)

The Wisconsin Chapter of the American College of Nurse-Midwives is in full support of the proposed rules (CH Rule 03-009) that have recently been referred to your respective committees.

We believe the proposed revisions to Chapter N4 are in accord with 2001 Wisconsin Act 52 and urge your approval. There is one provision, however, that we would suggest be corrected by germane modification, and are seeking agency concurrence in this regard.

Under Section 9 of the rule relating to "Application procedures for licensure" – s 4.04 (1) (c), as proposed, reads ... "Evidence of completion of an educational program in nurse-midwifery approved by the American College of Nurse-Midwives and evidence of certification as a nurse-midwife from the American College of Nurse-Midwives Certification Council".

The provision should read ... "Evidence of completion of an educational program in nurse-midwifery approved by the American College of Nurse-Midwives and evidence of certification as a nurse-midwife from the American College of Nurse-Midwives or the American College of Nurse-Midwives Certification Council".

The ACNM Certification Council was created in 1996 as a separate certification body. Prior to that time, the American College of Nurse Midwives was the official certification body. Accordingly, a nurse midwife making application for licensure in Wisconsin may be certified by either the ACNM or the ACNM Certification Council, depending on when they obtained their certification. The change suggested above would clarify the rule in this regard and we would appreciate your support in securing a germane modification.

Thank you for your consideration in this matter. Please contact me directly if you have any questions.

Jim Doyle
Governor

**WISCONSIN DEPARTMENT OF
REGULATION & LICENSING**

1400 E Washington Ave
PO Box 8935
Madison WI 53708-8935
Email: web@drl.state.wi.us
Voice: 608-266-2112
FAX: 608-267-0644
TTY: 608-267-2416

Donsia Strong Hill
Secretary



JUN 20 2003

June 18, 2003

The Honorable Carol A. Roessler
Chair, Senate Committee on Health, Children, Families, Aging and Long Term Care
Room 8 South
State Capitol
P.O. Box 7882
Madison, WI 53707-7882

The Honorable Gregg Underheim
Chair, Assembly Committee on Health
State Capitol
P.O. Box 8953
Madison, WI 53708-8953

Re: Clearinghouse Rule 03-009

Dear Senator Roessler and Representative Underheim:

Clearinghouse Rule 03-009 was referred to the Senate Committee on Health, Children, Families, Aging and Long Term Care on June 3, 2003, and to the Assembly Committee on Health on June 10, 2003. We have recently been notified that there is a scrivener's error at § N4.04(1)(c) of the proposed rule.

The section in question as submitted states as follows:

(c) Evidence of completion of an educational program in nurse-midwifery approved by the American College of Nurse-Midwives and evidence of certification as a nurse-midwife from the American College of Nurse-Midwives Certification Council".

The provision should read as follows:

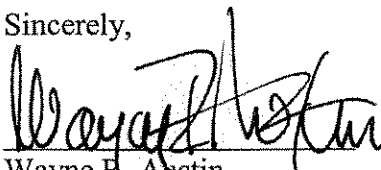
(c) Evidence of completion of an educational program in nurse-midwifery approved by the American College of Nurse-Midwives and evidence of certification as a nurse-midwife from the American College of Nurse-Midwives or the American College of Nurse-Midwives Certification Council. (modification underscored)

Based upon the foregoing, the Board of Nursing joins with the Wisconsin Chapter of the American College of Nurse Midwives in requesting that the committees accept a germane modification to the rule. As explained by Mr. Pat Osborne in his memorandum to the

committees dated June 17, 2003, the American College of Nurse Midwives Certification Council was created in 1996 as a separate certification body. Prior to that time, the American College of Nurse Midwives was the official certification body. Accordingly, a nurse midwife making application for licensure in Wisconsin may be certified by either the ACNM or the ACNM Certification Council, depending on when they obtained their certification.

Thank you for your consideration of this request.

Sincerely,



Wayne R. Austin
Attorney, Office of Legal Counsel

cc: Board of Nursing
Christopher Klein
William Dusso
Pat Osborne

Jermstad, Sara

From: Wischnewski, Marne
Sent: Wednesday, June 25, 2003 9:48 AM
To: Austin, Wayne; Jermstad, Sara; Adam Raschka (E-mail); Anderson, John; Andrew Potts (E-mail); Andy Janssen (E-mail); Bob Karius (E-mail); Cady, Dean; Cindy Polzin (E-mail); Coe, Dagny; Ellen Nowak (E-mail); Gregg Underheim (E-mail); Hoey, Joseph; Jamie Kuhn (E-mail); John Reinemann (E-mail); Judy Krawczyk (E-mail); Julie Pendleton (E-mail); Karla Walter (E-mail); Ken Stigler (E-mail); Levin, Jeremy; Luther Olsen (E-mail); Marne Wischnewski (E-mail); Mary Pluta (E-mail); Rep. Colon (E-mail); Rep. Gielow (E-mail); Rep. Huber (E-mail); Rep. Hundertmark (E-mail); Rep. Johnsrud (E-mail); Rep. Krug (E-mail); Rep. Miller (E-mail); Rep. Montgomery (E-mail); Rep. Seratti (E-mail); Rep. Shilling (E-mail); Rep. Vruwink (E-mail); Rep. Vukmir (E-mail); Rep. Wasserman (E-mail); Rep. Wieckert (E-mail); Richard Sweet (E-mail); Rostan, Jason; Sarah Osterberg (E-mail); Scott Becher (E-mail); Scott Loomans (E-mail)
Subject: CR 03-009 germane modification

June 25, 2003

TO: Members of the Assembly Committee on Health
FROM: Representative Gregg Underheim
RE: Clearinghouse Rule **03-009**

The Committee has received germane modifications on the following clearinghouse rule:

CR Assembly 03-009 An order relating to the practice of nurse-midwives.
Submitted by Dept. of Regulation & Licensing.

Jurisdiction ends 7/10/03.

If you would like to submit comments or request a hearing, please contact Marne in my office. Attached is a letter from the Department of Regulation & Licensing explaining the germane modification. The deadline for committee action is listed above. Thank you.



2306182 Underheim
Letter (BON)...

Jermstad, Sara

From: Rose, Laura
Sent: Wednesday, June 25, 2003 1:34 PM
To: Jermstad, Sara
Subject: RE: origin of EMT bioterrorism training statutory provision

Sara,

To answer your question from the previous email, that's right - the committee's review period is extended for 30 days from the date the notice is posted or published, whichever is earlier.

With regard to your other question on the nurse-midwife rule, here are the options:

1. If you don't want to get involved in the Assembly's actions, just go ahead with the DRL's germane modification, and report the rule out when review period expires on July 3rd. If the Assembly committee receives a modification from DRL in response to that committee's request once the Senate committee's review period expires, the Senate committee's review period is revived for 10 working days. If the Assembly committee gets the modification before July 3rd, the Senate committee must also get the modification, and the Senate committee would then have 10 additional working days to review the rule. (Do you have any sense of the timing on the assembly's actions?)

2. If you do want to get involved with the Assembly committee's letter requesting modifications, there are two options:

a. The Senate committee could also take a vote to request modifications; if the DRL agrees to make modifications in response to this request, the review period is open until the committees receives the modifications; then, once the modifications are received, the committees have 10 working days to review the modifications

b. Both chairs could informally ask the DRL to submit the requested modification as a germane modification -- if the DRL is willing to do this (I suppose this depends on the nature of the modification being requested by Pat Osborne), and the requested is submitted during the last 10 days of the review period, then the committee gets an extra 10 working days to review the modifications.

please call me if you want to discuss this -- it does seem kind of convoluted.

Laura

-----Original Message-----

From: Jermstad, Sara
Sent: Wednesday, June 25, 2003 10:16 AM
To: Rose, Laura
Subject: RE: origin of EMT bioterrorism training statutory provision

Sorry, I have another question. Let's say a member does request a hearing. The committee's jurisdiction would then be extended another 30 days from the day the hearing notice is sent - correct?

Jermstad, Sara

From: Rohrer, Daniel
Sent: Monday, June 30, 2003 4:16 PM
To: Jermstad, Sara
Subject: FW: Nurse Midwife Rules

CR inbox...

-----Original Message-----

From: Austin, Wayne
Sent: Monday, June 30, 2003 1:16 PM
To: Rep.Underheim; Sen.Roessler
Subject: FW: Nurse Midwife Rules

Board Chair Linda Sanner has approved this request for a germane modification. The hard copy of the request will be forwarded this afternoon via Inter-D mail.

-----Original Message-----

From: Austin, Wayne
Sent: Monday, June 30, 2003 11:26 AM
To: 'SannerL@usa.redcross.org'
Subject: FW: Nurse Midwife Rules

-----Original Message-----

From: Austin, Wayne
Sent: Monday, June 30, 2003 11:10 AM
To: 'lsanner@centurytel.net'
Subject: Nurse Midwife Rules

Linda: On June 24, I met with Representative Wasserman at his office concerning the nurse midwife rules. He expressed concern with the elimination of the prohibition against deliveries by mechanical means, and Representative Underheim has requested a germane modification to that provision by letter dated today. That letter, and the draft of my letter requesting the modification is attached. Because there is no June board meeting, I'm requesting that you make an executive decision to bless this change. I really don't think the board would have a problem with it.

Thanks - Wayne



03-009 letter DR & 2306301 Underheim
L to modify... Letter Wasse...

Jim Doyle
Governor

Donsia Strong Hill
Secretary

WISCONSIN DEPARTMENT OF
REGULATION & LICENSING



1400 E Washington Ave
PO Box 8935
Madison WI 53708-8935
Email: web@drl.state.wi.us
Voice: 608-266-2112
FAX: 608-267-0644
TTY: 608-267-2416

June 30, 2003

The Honorable Carol A. Roessler
Chair, Senate Committee on Health, Children, Families, Aging and Long Term Care
Room 8 South
State Capitol
P.O. Box 7882
Madison, WI 53707-7882

The Honorable Gregg Underheim
Chair, Assembly Committee on Health
State Capitol
P.O. Box 8953
Madison, WI 53708-8953

Re: Clearinghouse Rule 03-009

Dear Senator Roessler and Representative Underheim:

Clearinghouse Rule 03-009 was referred to the Senate Committee on Health, Children, Families, Aging and Long Term Care on June 3, 2003, and to the Assembly Committee on Health on June 10, 2003. I met with Representative Sheldon Wasserman of the Committee on Health on June 24, 2003, to discuss the provisions of the rules. Representative Wasserman was specifically interested and concerned with section 12 of the rule, where § N 4.07(2) is amended as follows:

(2) The nurse midwife may not perform deliveries by ~~mechanical means or~~ caesarean section.

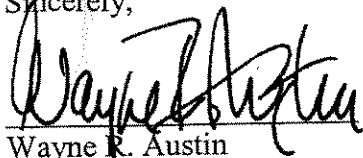
By letter dated June 30, 2003, representative Underheim requested that the Board of Nursing seek a germane modification to § N 4.07(2), based upon Representative Wasserman's concerns. Accordingly, the Board of Nursing requests that the committees accept a germane modification to the rule to substitute the following amendment for the one originally submitted.

(2) The nurse midwife may not perform deliveries by mechanical means or caesarean section. The nurse-midwife may use vacuum extractors only in emergency delivery situations.

It is my understanding that Mr. Pat Osborne, representing the Wisconsin Chapter of the American College of Nurse-Midwives, supports this germane modification.

Thank you for your consideration of this request.

Sincerely,



Wayne R. Austin

Attorney, Office of Legal Counsel

cc: Board of Nursing
Christopher Klein
William Dusso
Pat Osborne

WRA:2306301.doc

Jermstad, Sara

From: Rep.Underheim
Sent: Tuesday, July 01, 2003 3:45 PM
To: Austin, Wayne; Jermstad, Sara; Adam Raschka (E-mail); Anderson, John; Andrew Potts (E-mail); Andy Janssen (E-mail); Bob Karius (E-mail); Cady, Dean; Cindy Polzin (E-mail); Coe, Dagny; Ellen Nowak (E-mail); Gregg Underheim (E-mail); Hoey, Joseph; Jamie Kuhn (E-mail); John Reinemann (E-mail); Judy Krawczyk (E-mail); Julie Pendleton (E-mail); Karla Walter (E-mail); Ken Stigler (E-mail); Levin, Jeremy; Luther Olsen (E-mail); Marne Wischnewski (E-mail); Mary Pluta (E-mail); Rep. Colon (E-mail); Rep. Gielow (E-mail); Rep. Huber (E-mail); Rep. Hundertmark (E-mail); Rep. Johnsrud (E-mail); Rep. Krug (E-mail); Rep. Miller (E-mail); Rep. Montgomery (E-mail); Rep. Seratti (E-mail); Rep. Shilling (E-mail); Rep. Vruwink (E-mail); Rep. Vukmir (E-mail); Rep. Wasserman (E-mail); Rep. Wieckert (E-mail); Richard Sweet (E-mail); Rostan, Jason; Sarah Osterberg (E-mail); Scott Becher (E-mail); Scott Loomans (E-mail)
Subject: germane modification (#2)

July 1, 2003

TO: Members of the Assembly Committee on Health
FROM: Representative Gregg Underheim
RE: Clearinghouse Rule **03-009**

The Committee has received germane modifications on the following clearinghouse rule:

CR Assembly 03-009 An order relating to the practice of nurse-midwives.
Submitted by Dept. of Regulation & Licensing.

Jurisdiction ends 7/10/03.

If you would like to submit comments or request a hearing, please contact Marne in my office. Attached is a letter from the Department of Regulation & Licensing explaining the germane modification. The deadline for committee action is listed above. Thank you.



2306301 Underheim
Letter Wasse...

Chris Klein
4-8608

Jermstad, Sara

From: Pat Osborne [osborne@hamilton-consulting.com]
Sent: Thursday, July 03, 2003 3:32 PM
To: Austin, Wayne
Cc: rep.underheim@legis.state.wi.us; marne.wischnewski@legis.state.wi.us; randy.thorson@legis.state.wi.us; sen.roessler@legis.state.wi.us; sara.jermstad@legis.state.wi.us; rep.wasserman@legis.state.wi.us; richard.sweet@legis.state.wi.us; Kathryn Osborne
Subject: Germane Modification to Clearinghouse Rule 03-009

Thank you for sending me a copy of the June 30, 2003 letter from Representative Gregg Underheim to Linda Sanner, Chair of the Board of Nursing, requesting a modification to Section 12, N 4.07 (2) of CR 03-009 --- and a copy of your response, also dated June 30, 2003, addressed to Committee Chairs, Senator Carol Roessler and Representative Gregg Underheim.

In reading the two documents --- the germane modification submitted in your letter to the legislative Chairs is not consistent with the modification requested by Representative Underheim.

The change requested in Representative Underheim's letter to Linda Sanner was to modify N 4.07 (2) to read:

(2) "The nurse-midwife may not perform deliveries by forceps or Caesarean section. The nurse-midwife may use vacuum extractors only in emergency delivery situations."

The germane modification submitted to the legislative Chairs in response to that request modified N 4.07 (2) to read:

(2) "The nurse-midwife may not perform deliveries by mechanical means or Caesarean section. The nurse-midwife may use vacuum extractors only in emergency delivery situations."

NOTE: In order to reflect the request submitted by Representative Underheim, and to be consistent with the change that the nurse-midwives discussed with Reps Underheim and Wasserman --- the language you sent to the legislative Chairs on June 30th should be further modified to (1) Strike the words "mechanical means" and (2) insert the word "forceps".

The purpose of this communication is to request that you consider submitting a germane modification to make the noted changes.

Thank you in advance for your consideration and that of the Board of Nursing.

Pat Osborne
The Hamilton Consulting Group
Phone: (608) 258-9506
Email: osborne@hamilton-consulting.com
Web Site: hamilton-consulting.com

07/15/2003

Jermstad, Sara

From: Rohrer, Daniel
Sent: Monday, July 07, 2003 10:02 AM
To: Jermstad, Sara
Subject: FW: Germane Modification to Clearinghouse Rule 03-009
 CR inbox... (i checked and this firm is based in madison, so it's not a constituent)

-----Original Message-----

From: Pat Osborne [mailto:osborne@hamilton-consulting.com]
Sent: Thursday, July 03, 2003 3:32 PM
To: Austin, Wayne
Cc: rep.underheim@legis.state.wi.us; marne.wischnewski@legis.state.wi.us; randy.thorson@legis.state.wi.us; sen.roessler@legis.state.wi.us; sara.jermstad@legis.state.wi.us; rep.wasserman@legis.state.wi.us; richard.sweet@legis.state.wi.us; Kathryn Osborne
Subject: Germane Modification to Clearinghouse Rule 03-009

Thank you for sending me a copy of the June 30, 2003 letter from Representative Gregg Underheim to Linda Sanner, Chair of the Board of Nursing, requesting a modification to Section 12, N 4.07 (2) of CR 03-009 --- and a copy of your response, also dated June 30, 2003, addressed to Committee Chairs, Senator Carol Roessler and Representative Gregg Underheim.

In reading the two documents --- the germane modification submitted in your letter to the legislative Chairs is not consistent with the modification requested by Representative Underheim.

The change requested in Representative Underheim's letter to Linda Sanner was to modify N 4.07 (2) to read:

(2) "The nurse-midwife may not perform deliveries by forceps or Caesarean section. The nurse-midwife may use vacuum extractors only in emergency delivery situations."

The germane modification submitted to the legislative Chairs in response to that request modified N 4.07 (2) to read:

(2) "The nurse-midwife may not perform deliveries by mechanical means or Caesarean section. The nurse-midwife may use vacuum extractors only in emergency delivery situations."

NOTE: In order to reflect the request submitted by Representative Underheim, and to be consistent with the change that the nurse-midwives discussed with Reps Underheim and Wasserman --- the language you sent to the legislative Chairs on June 30th should be further modified to (1) Strike the words "mechanical means" and (2) insert the word "forceps".

The purpose of this communication is to request that you consider submitting a germane modification to make the noted changes.

Thank you in advance for your consideration and that of the Board of Nursing.

Pat Osborne
The Hamilton Consulting Group
Phone: (608) 258-9506
Email: osborne@hamilton-consulting.com
Web Site: hamilton-consulting.com

Jermstad, Sara

From: Rep.Underheim
Sent: Wednesday, July 09, 2003 4:27 PM
To: Austin, Wayne; Jermstad, Sara; Adam Raschka (E-mail); Anderson, John; Andrew Potts (E-mail); Andy Janssen (E-mail); Bob Karius (E-mail); Cady, Dean; Cindy Polzin (E-mail); Coe, Dagny; Ellen Nowak (E-mail); Gregg Underheim (E-mail); Hoey, Joseph; Jamie Kuhn (E-mail); John Reinemann (E-mail); Judy Krawczyk (E-mail); Julie Pendleton (E-mail); Karla Walter (E-mail); Ken Stigler (E-mail); Levin, Jeremy; Luther Olsen (E-mail); Marne Wischnewski (E-mail); Mary Pluta (E-mail); Rep. Colon (E-mail); Rep. Gielow (E-mail); Rep. Huber (E-mail); Rep. Hundertmark (E-mail); Rep. Johnsrud (E-mail); Rep. Krug (E-mail); Rep. Miller (E-mail); Rep. Montgomery (E-mail); Rep. Seratti (E-mail); Rep. Shilling (E-mail); Rep. Vruwink (E-mail); Rep. Vukmir (E-mail); Rep. Wasserman (E-mail); Rep. Wieckert (E-mail); Richard Sweet (E-mail); Rostan, Jason; Sarah Osterberg (E-mail); Scott Becher (E-mail); Scott Loomans (E-mail)
Subject: germane modification (#2) correction

The most recent email I sent you (July 1) with the second germane modification was incorrect. Attached is a letter with the corrected language from Regulation and Licensing.

July 9, 2003

TO: Members of the Assembly Committee on Health
FROM: Representative Gregg Underheim
RE: Clearinghouse Rule **03-009**

The Committee has received germane modifications on the following clearinghouse rule:

CR Assembly 03-009 An order relating to the practice of nurse-midwives.
Submitted by Dept. of Regulation & Licensing.

Jurisdiction ends 7/24/03.

If you would like to submit comments or request a hearing, please contact Marne in my office. Attached is a letter from the Department of Regulation & Licensing explaining the germane modification. The deadline for committee action is listed above. Thank you.



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correction l...