

No. 11, A.]

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CHAPTER 402.

AN ACT to renumber 149.09 to be 141.045; to repeal 20.43 (3a); to amend 14.71 (1), 20.43 (3), 20.43 (3b); 141.045 (1), as renumbered; 149.01, 149.02, 149.03, 149.04, 149.045, 149.05, 149.055, 149.06, 149.065, 149.07, 149.08, 149.10 and 149.11; and to create 20.445, 149.015 and 149.041 of the statutes, relating to nursing, a state department of nursing, making an appropriation and providing a penalty.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 14.71 (1) of the statutes is amended to read:

14.71 (1) Except as expressly provided by law, the governor, secretary of state, state treasurer, attorney-general, state superintendent, commissioner of insurance, state fire marshal, director of purchases, public service commission, industrial commission, adjutant general, director of veterans' affairs, grain and warehouse commission, director of personnel, department of taxation, board of tax appeals, commissioners of public lands, state conservation commission, state supervisor of inspectors, commissioner of banks, commissioner of savings and loan associations, banking review board, free library commission, state chief engineer, director of agriculture, director of budget and accounts, geological and natural history survey, state board of health, state highway commission, state auditor, state planning board, state board of medical examiners, state board of dental examiners, state board of pharmacy, Wisconsin real estate brokers board, state board of vocational and adult education, Wisconsin employment relations board, commissioner of the motor vehicle department, director of public welfare, state aeronautics commission, *state director of nursing education*, and state athletic commission are each authorized to appoint such deputies, assistants, experts, clerks, stenographers or other employes as shall be necessary for the execution of their functions, and to designate the titles, prescribe the duties, and fix the compensation of such subordinates, but these powers shall be exercised subject to the state civil service law, unless the position filled by any such subordinate has been expressly exempted from the operation of chapter 16 and subject, also, to the approval of such other officer or body as may be prescribed by law.

SECTION 2. 20.43 (3) of the statutes is amended to read:

20.43 (3) All moneys received by the state board of health under the provisions of chapters 145, 146, * * * 156, 158, 159 and 160 shall be paid into the state treasury and 95 per cent thereof is hereby appropriated therefrom as a nonlapsible appropriation to said board to carry out the provisions of said chapters. Of the net receipts herein appropriated there is allotted to the board a sum sufficient for administrative overhead charges, but not in excess of 7 per cent of the total net receipts.

SECTION 3. 20.43 (3a) of the statutes is repealed.

SECTION 4. 20.43 (3b) of the statutes is amended to read:

20.43 (3b) The funds allotted to the board for administrative overhead, which shall be 7 per cent of the total net receipts as provided in this section, shall be deposited by the state treasurer as the fees are received under the provisions of chapters 145, 146, * * * 156, 158, 159 and 160 into a nonlapsing revolving fund for use by the board.

SECTION 5. 20.445 of the statutes is created to read:

20.445 STATE BOARD OF NURSING. There is appropriated from the general fund to the state board of nursing:

(1) On July 1, 1949, the unencumbered and unexpended amount remaining at the close of business on June 30, 1949, from the appropriation made by section 20.43 (3), (3a) and (3b) for the purpose of carrying out the provisions of chapter 149, and all moneys collected or received by the department of nursing under the provisions of chapter 149 in behalf of the board of nursing shall be paid within one week after receipt into the state treasury and 95 per cent is hereby appropriated therefrom as a nonlapsible appropriation to said board to carry out the provisions of said chapter.

(2) Whenever the unencumbered cash balance in the appropriation under subsection (1) for carrying out the provisions of chapter 149, exceeds \$15,000 on July 1, 1949, or on June 30 of any year thereafter, such excess shall be set aside in a special nonlapsible fund and is appropriated therefrom to the board of nursing to be used only as provided in section 149.01 (5).

(3) The director of budget and accounts shall as soon after June 30, 1949, as possible, determine the amount appropriated and transferred to the board of nursing on July 1, 1949, by subsection (1) and the amount of the nonlapsible fund under subsection (2) and certify the same to the board of nursing.

SECTION 6. 149.01 of the statutes is amended to read:

149.01 * * * BOARD. (1) (a) The state board of * * * nursing shall * * * consist of the state health officer or his representative, the director of nursing education, and 8 members to be appointed by the governor with the consent of the senate, 2 from the state nurses' association, 2 from the state league of nursing education, one from the state hospital association, one from the Wisconsin conference of the catholic hospital association, one from the state medical society, and one from the public health nursing bureau of the state board of health. Each of such organizations * * * may submit a list of 5 names from which the representatives * * * may be selected to serve for a term of * * * 4 years and until their successors have been appointed.

(b) The members of the committee on nursing education before the effective date of this amendment (1949) shall be members of the board of nursing until March 1, 1951, or until their successors are appointed; any vacancy before March 1, 1951, by an appointive member shall be filled by the governor as provided in paragraph (a) and to serve until March 1, 1951; on and after March 1, 1951, the board shall be constituted and made up of persons appointed and confirmed, as provided in paragraph (a).

(2) The director of nursing education shall act as secretary. Five members shall be a quorum. A regular meeting shall be held at least annually at a time and place fixed by the board and special meetings may be called by the chairman or secretary or upon the written request of 2 members. The members shall be reimbursed actual and necessary expenses and receive \$8 for each day engaged.

(3) * * * The powers and duties of the board shall be regulatory, advisory, and policy-forming and not administrative. It shall have authority to establish minimum standards for schools for nurses and schools for trained practical nurses licensed under this chapter. It shall approve all rules and regulations for the administration of this chapter before they become effective.

(4) The * * * board shall * * * direct that those schools which qualify be placed on the accredited list on application and proof of qualifications; and shall make a study of nursing education and initiate rules, regulations and policies to improve it.

(5) The * * * board in its discretion may promote the professional education of graduate nurses registered in Wisconsin, through creation of scholarships available to such graduate nurses, by foundation of professorships in nursing courses in Wisconsin colleges and universities, by conducting educational meetings, seminars, lectures, demonstrations and the like open to registered nurses, by publication and dissemination of technical information, or by other similar activities designed to improve the standards of the nursing profession in this state. For the execution of its functions under this subsection the * * * board may recommend the use of such portion of the fund created by section * * * 20.445 (2) as it deems necessary.

SECTION 7. 149.015 of the statutes is created to read:

149.015 STATE DEPARTMENT OF NURSES. The state department of nurses shall consist of the director of nursing education and department employees. The department shall be provided with office rooms and with necessary furniture, stationery, blanks, books, periodicals, printing, and other supplies, and such properties and supplies of the present bureau of nursing education shall become the property of the department of nursing. The director and other personnel necessary to carry on the department shall be trans-

ferred to it from the personnel now attached to the committee on nursing education in the state board of health, such personnel to have the same classification, status, and salary as before transfer. The director may select additional personnel from civil service eligibility lists.

SECTION 8. 149.02, 149.03 and 149.04 of the statutes are amended to read:

149.02 (1) The * * * board * * * shall appoint, upon * * * *certification* of the * * * *bureau of personnel*, a state director of nursing education, fix her salary, and prescribe her duties and provide clerical service. Such director shall have at least the following minimum qualifications:

* * * (a) A citizen of the United States.

* * * (b) A graduate of a recognized college or university.

* * * (c) A registered nurse.

* * * (d) Five years' experience as an executive of a school of nursing of not less than 35 nurses.

(2) *The administrative powers and duties of the department shall be vested in the director to be administered under the statutes and subject to the policies and in accordance with the principles established by the board.*

(3) *The director, with prior approval of the board, shall establish rules and regulations for administering the department and performing the duties assigned to it.*

149.03 EXAMINERS FOR NURSES. The * * * board * * * shall appoint * * * a * * * *committee* of examiners for nurses to consist of the director of nursing education, who shall act as secretary, and 4 registered nurses of not less than 3 years' experience in nursing. * * * The term of each shall be 3 years and until their successors have been appointed. Members shall be reimbursed actual and necessary expenses and receive \$8 for each day engaged. *The board of examiners for nurses is abolished.*

149.04 A nurse who is a citizen or who has legally declared her intention to become a citizen and of good moral character, who has graduated from a high school or its equivalent as determined by the * * * *board*, who holds a diploma of graduation from an accredited school of nursing * * *, or who will complete a full course in an accredited school for nurses within 4 months following the date of application, may apply to the * * * *department* for registration as a registered nurse, and upon payment of * * * \$25 shall be entitled to examination.

SECTION 9. 149.041 of the statutes is created to read:

149.041 EXAMINERS FOR TRAINED PRACTICAL NURSES. The board shall appoint a committee of examiners for trained practical nurses to consist of one registered nurse, 3 licensed trained practical nurses, one faculty member of an accredited school for practical nurses who is a registered nurse, the director of the department who shall act as secretary, and a person licensed to practice medicine and surgery in this state. With the exception of the director, none of those appointed shall be members of the committee of examiners for nurses created under section 149.03. Of the original appointments 3 shall be for one year, 2 for 2 years, and 2 for 3 years so that approximately one-third of the terms will expire June 30 of each year beginning in 1950. Thereafter, each term shall be for 3 years and until a successor has been appointed and qualified. Committee members shall be reimbursed for the actual and necessary expenses and shall receive \$8 for each day engaged.

SECTION 10. 149.045, 149.05, 149.055, 149.06, 149.065, 149.07 and 149.08 of the statutes are amended to read:

149.045 PREREQUISITES FOR EXAMINATION AS * * * TRAINED PRACTICAL NURSES. A citizen or an alien who has legally declared her intention to become a citizen, who is at least 18 years of age, of good moral character, who has completed 2 years of high school or its equivalent as determined by the * * * *board*, and who has completed the work prescribed by an accredited school for * * * *trained practical nurses* approved by that * * * *board*, which school shall be connected with * * * *an institution* providing hospital facilities for the care of medical, surgical and obstetrical cases, may apply to the * * * board * * * for registration as a * * * *trained practical nurse*, and upon the payment of * * * \$15 shall be entitled to take an examination for such purpose. Any school for * * * *trained practical nurses*, in order to be accredited, must offer a course of not less than 9 nor more than 12 months. *The size or average daily census of an institution shall not be a determinative factor in qualifying a school for trained practical nurses.* The * * * *board* may, in its discretion, waive the requirement of attendance at such a school when it deems the applicant to have had * * * *comparable* training.

149.05 EXAMINATION FOR NURSES. The * * * *committee* of examiners for nurses shall prepare written questions and prescribe rules and regulations, subject to the approval of the * * * *board*, for conducting examinations and the preservation of the

examination papers for 2 years. Examinations shall be held at least twice a year at times and places designated by the * * * board * * *, and at least 30 days' public notice shall be given.

149.055 EXAMINATION FOR * * * TRAINED PRACTICAL NURSES. The * * * committee of examiners for *trained practical nurses* shall * * * prepare written questions and prescribe rules and regulations, subject to the approval of the * * * board, for the examination of those desirous of becoming * * * *trained practical nurses*, and the examination papers of all such applicants shall be preserved for 2 years. Examinations shall be held at least twice annually at times and places designated by the * * * board * * *, and at least 30 days' public notice shall be given of each such examination.

149.06 (1) One complying with the provisions of this chapter relating to applicants for registration as nurses and passing a satisfactory examination shall receive a certificate of registration. The holder of such a certificate of another state shall be granted a certificate without examination if her credentials of general and professional educational qualifications are * * * *comparable* to those required in Wisconsin during the same period. The * * * board shall evaluate the credentials and determine the equivalency in each such case.

(2) The certificate shall be issued by the * * * chairman of the * * * board * * * and countersigned by the secretary of the * * * committee of examiners. * * * The holder of such certificate is a "registered nurse" and may append "R.N." to her name.

(3) A registered nurse actually practicing shall annually during January file with the * * * department on furnished blanks a statement giving her name, residence and such other facts as the board * * * requires, with a re-registration fee of \$2.

(4) No person shall practice or attempt to practice, as a registered, trained, certified or graduate nurse without a certificate, nor use the title, letters, or anything else to indicate that she is a registered, trained, certified or graduate nurse *unless entitled so to do*.

149.065 LICENSE OF * * * TRAINED PRACTICAL NURSE. (1) On complying with the provisions of this chapter relating to applicants for licensure as * * * *trained practical nurses*, and passing a satisfactory examination, the applicant shall receive a license as a * * * *trained practical nurse*, which license shall be issued by the * * * chairman of the * * * board * * * and countersigned by the secretary of the * * * committee of examiners for *trained practical nurses*. The holder of such license is a "licensed * * * *trained practical nurse*", and may append the letters * * * "T.P.N." to her name. The * * * board may revoke the license of a licensed * * * *trained practical nurse* pursuant to section 149.07.

(2) A licensed * * * *trained practical nurse* actually practicing shall file each * * * July with the * * * department, on blanks furnished by that * * * department, a statement giving her name, residence and such other facts as the board may require, accompanied by a re-registration fee of \$1.

(3) No person shall practice or attempt to practice as a *trained practical nurse* or licensed attendant without a license, nor use the title or letters "*Trained Practical Nurse*" or "T.P.N.", "Licensed Attendant" or "L.A.", "Trained Attendant" or "T.A.", nor otherwise seek to indicate that she is a *trained practical nurse* or licensed attendant; nor shall a *trained practical nurse* or a licensed attendant use the title, or otherwise seek to act as a registered, trained, certified or graduate nurse. Anyone violating any provision of this section shall be subject to the penalties prescribed by section 149.12. *The board shall grant without examination a license as a trained practical nurse to any person who was on the effective date of this law a licensed attendant.*

(4) * * * A *trained practical nurse* licensed under the provisions of this section may perform simple procedures in the physical care of the patient, and may perform only such other procedures as may be directed by the attending physician.

(5) The board may license without examination any person who has been registered as a licensed attendant or *trained practical nurse* in another state *under laws* which, in the opinion of the board, maintain standards at least * * * *comparable* to those of this state for * * * *trained practical nurses*. The fee for licensing without examination under this section shall be * * * \$15.

149.07 The * * * board * * * may revoke a certificate of registration of any nurse who has been convicted of unprofessional or dishonorable conduct, or shown to be grossly incompetent, or if the certificate was obtained through error or fraud, upon notice in writing, specifying the charges, and time of hearing, not less than 5 days after service of the notice, and after hearing at which she shall have opportunity to produce testi-

mony. A certificate revoked for gross incompetency, may, after one year, upon application be regranted in the discretion of the * * * board.

149.08 Graduate nurses not registered in Wisconsin and who graduated from accredited schools in other states and who are actually practicing, must have a permit from the * * * board * * *, for which \$2 shall be charged, to practice until she can qualify for registration.

SECTION 11. 149.09 of the statutes is renumbered 141.045 and (1) thereof amended to read:

141.045 (1) The qualifications of all public health nurses or instructors hereafter entering such employment and not under direct supervision of a resident certified public health nurse, shall be determined by a committee of 3 examiners, one selected by the state board of health, one by the *state* board of * * * nursing, and one by the state superintendent of public instruction.

SECTION 12. 149.10 and 149.11 of the statutes are amended to read:

149.10 This chapter shall not be construed to affect nursing by friends, members of the family or person not graduated from an accredited training school, nor be construed to interfere with members of religious communities or orders having charge of hospitals or taking care of the sick in their homes, except that * * * *none of such persons shall represent themselves as* registered, trained, certified, * * * graduate nurses, *or as "trained practical nurses", unless certified or licensed under this chapter.*

149.11 The * * * department shall enforce this chapter and cause the prosecution of persons violating it. It shall keep a register of the names and addresses of registered nurses and licensed * * * *trained practical nurses*, which shall be open to the public at reasonable times; *also* a record of applications, and a detailed account of money received. The secretary shall make * * * *an annual report to the governor* of its proceedings under this chapter, including an itemized account of money received.

SECTION 13. This act shall take effect July 1, 1949.

Approved July 1, 1949.
