

1983 Assembly Bill 850

Date of enactment: May 2, 1984
Date of publication: May 9, 1984

1983 Wisconsin Act 403

AN ACT to repeal 15.405 (7g) (a) and (b); to renumber and amend 15.405 (7g) (intro.); and to amend 15.07 (1) (cm), 15.08 (1) and (1m) (am) and (b), 15.405 (1) and (2) (intro.) and (a), 15.405 (5) and (6), 15.405 (6m), 15.405 (7), 15.405 (7m) and (8), 15.405 (9), (10m) and (11), 15.405 (12) and 15.405 (14) to (16) of the statutes, relating to revision of the membership of boards and examining boards in the department of regulation and licensing.

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

SECTION 1. 15.07 (1) (cm) of the statutes is amended to read:

15.07 (1) (cm) The terms of members of the personnel board shall expire on July 1. The terms of members of the state employees merit award board shall expire on July 1. The term of one member of the ethics board shall expire on each May 1. The terms of members of the radioactive waste review board shall expire as specified under s. 15.105 (11) (c). The terms of the 3 members of the land conservation board appointed under s. 15.135 (4) (b) 2 shall expire on January 1. The terms of members of the real estate board shall expire on July 1.

SECTION 2. 15.08 (1) and (1m) (am) and (b) of the statutes are amended to read:

15.08 (1) SELECTION OF MEMBERS. All members of examining boards shall be residents of this state and shall, unless otherwise provided by law, be nominated by the governor, and with the advice and consent of the senate appointed. Appointments shall be for the terms provided by law. Terms shall expire on July 1 ~~and shall, if the term is for an even number of years, expire in an odd-numbered year. If a vacancy is required to be filled by an appointee who is a member of a private organization, that organization may make recommendations to the appointing authority for filling the vacancy. No member may serve more than 2 consecutive terms.~~ No examining board member of an examining board or of the real estate board may be an officer, director or employe of a private organization which promotes or furthers the profession or occupation regulated by the examining that board.

(1m) (am) Public members appointed under s. 15.405 or 15.407 shall not be, nor ever have been, licensed, certified, registered or engaged in any profession or occupation licensed or otherwise regulated by the board, examining board or examining council to which they are appointed, shall not be married to any person so licensed, certified, registered or engaged, and shall not employ, be employed by or be professionally associated with any person so licensed, certified, registered or engaged.

(b) The public members of the chiropractic examining board, the dentistry examining board, the hearing aid dealers and fitters examining board, the medical examining board and its physical therapists examining council ~~and, podiatry examining council and council on physician's assistants, the board of nursing, the nursing home administrator examining board, the veterinary examining board,~~ the optometry examining board, the phar-

macy examining board and the psychology examining board shall not be engaged in any profession or occupation concerned with the delivery of physical or mental health care.

SECTION 3. 15.405 (1) and (2) (intro.) and (a) of the statutes are amended to read:

15.405 (1) ACCOUNTING EXAMINING BOARD. There is created an accounting examining board in the department of regulation and licensing. The examining board shall consist of 7 members, appointed for staggered ~~5-year~~ 4-year terms. Five members shall hold certificates as certified public accountants and be eligible for licensure to practice in this state. Two members shall be public members.

(2) EXAMINING BOARD OF ARCHITECTS, PROFESSIONAL ENGINEERS, DESIGNERS AND LAND SURVEYORS. (intro.) There is created an examining board of architects, professional engineers, designers and land surveyors in the department of regulation and licensing. Any professional member appointed to the examining board shall ~~have engaged in the~~ be registered to practice of the profession of architecture, professional engineering, the design of engineering systems or land surveying, for at least 10 years and shall have been in responsible charge of architectural, professional engineering, designing of engineering systems or land surveying work for at least 5 years in this state. The examining board shall consist of ~~16~~ 20 members appointed for staggered ~~3-year~~ 4-year terms: 3 architects, 3 professional engineers, 3 designers, 3 land surveyors and ~~4~~ 8 public members. ~~No member may serve more than 2 consecutive terms.~~

(a) In operation, the examining board shall be divided into an architect section, an engineer section, a designer section and a land surveyor section. Each section shall consist of the 3 members of the named profession appointed to the examining board and ~~one~~ 2 public ~~member~~ members appointed to the section. The examining board shall elect its own officers, and shall meet at least twice annually.

SECTION 4. 15.405 (5) and (6) of the statutes, as affected by 1983 Wisconsin Act 27, are amended to read:

15.405 (5) CHIROPRACTIC EXAMINING BOARD. There is created a chiropractic examining board in the department of regulation and licensing. The chiropractic examining board shall consist of ~~5~~ 6 members, appointed for staggered ~~6-year~~ 4-year terms. Four members shall be graduates from a school of chiropractic, ~~be and~~ and licensed to practice chiropractic in this state ~~and shall have been practitioners of chiropractic in this state for the 3 years immediately preceding appointment. One member.~~ Two members shall be a public member. Persons appointed to the examining board shall not be officers or employees of, or be financially interested in, any school or college of chiropractic members. No person may be appointed to the examining board who is in any way connected with or has a financial interest in any chiropractic school.

(6) DENTISTRY EXAMINING BOARD. There is created a dentistry examining board in the department of regulation and licensing. The dentistry examining board shall consist of ~~7~~ 8 members appointed for staggered ~~5-year~~ 4-year terms. Five of the members shall be licensed dentists in this state. One member shall be a dental hygienist certified to practice in this state ~~who shall have all the powers and duties of public members under.~~ Notwithstanding s. 15.08 (1m) (a) except that, the dental hygienist member may participate in the preparation and grading of licensing examinations for dental hygienists. One member Two members shall be a public member. No person may be appointed to the examining board who is in any way connected with or has a financial interest in any dental or dental hygiene school or department members.

SECTION 5. 15.405 (6m) of the statutes is amended to read:

15.405 (6m) HEARING AID DEALERS AND FITTERS EXAMINING BOARD. There is created a hearing aid dealers and fitters examining board in the department of regulation and licensing. The hearing aid dealers and fitters examining board shall consist of ~~6~~ 7 members appointed for staggered ~~6-year~~ 4-year terms. ~~Members of the examining board shall be residents of this state.~~ Three members shall be hearing aid dealers or fitters, each of

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whom shall have had at least 5 years' experience and hold a valid license as a hearing aid dealer or fitter under ch. 459, one member shall be a ~~physician~~ an otolaryngologist, one member shall be an audiologist ~~certified by~~ meeting the certification standards of the American speech and hearing association and ~~one member~~ 2 members shall be a public member ~~who is~~ members. One of the public members shall be a hearing aid user.

SECTION 6. 15.405 (7) of the statutes, as affected by 1983 Wisconsin Act 27, is amended to read:

15.405 (7) MEDICAL EXAMINING BOARD. There is created a medical examining board in the department of regulation and licensing. The medical examining board shall consist of 9 ~~10~~ members appointed for staggered 4-year terms ~~which shall commence on May 1. The terms of 2 members shall expire annually on April 30.~~ Seven of the members shall be licensed doctors of medicine; one member shall be a licensed doctor of osteopathy; ~~one member and 2 members~~ 2 members shall be a public member members. ~~No person may be appointed to the examining board who is an instructor, stockholder or member of, or financially interested in, any school, college or university having a medical department, or of any school of osteopathy, except an instructor having a part-time clinical appointment.~~

SECTION 7. 15.405 (7g) (intro.) of the statutes is renumbered 15.405 (7g) and amended to read:

15.405 (7g) BOARD OF NURSING. ~~A~~ There is created a board of nursing ~~is created to~~ in the department of regulation and licensing. The board of nursing shall consist of the following members appointed for staggered 4-year terms: 5 currently registered nurses, including one with training and current employment in nursing service administration and one with experience in administration or teaching in a nursing education program under ch. 441; 2 currently licensed practical nurses under ch. 441; and 2 public members not engaged in any occupation or profession concerned with the delivery of physical or mental health care. Each registered nurse member shall have graduated from a program in professional nursing and each practical nurse member shall have graduated from a program in practical nursing accredited by the state in which the program was conducted.

SECTION 8. 15.405 (7g) (a) and (b) of the statutes are repealed.

SECTION 9. 15.405 (7m) and (8) of the statutes, as affected by 1983 Wisconsin Act 27, are amended to read:

15.405 (7m) NURSING HOME ADMINISTRATOR EXAMINING BOARD. There is created a nursing home administrator examining board in the department of regulation and licensing consisting of 9 members appointed for staggered ~~3-year~~ 4-year terms and the secretary of health and social services or a designee, who shall serve as a nonvoting member. ~~Any organization which is to submit a list of names from which the governor may appoint members of the examining board shall, upon request of the governor, submit additional names. One member shall be a nursing home administrator of a voluntary non-profit home who may be appointed from a list of names submitted by the Wisconsin council of homes for the aging. One member shall be a nursing home administrator of a proprietary home who may be appointed from a list of names submitted by the Wisconsin association of nursing homes, inc. One member shall be an administrator of a general acute care hospital who may be appointed from a list of names submitted by the Wisconsin hospital association. One member shall be an administrator of a public medical care facility who may be appointed from a list of names submitted by the association of Wisconsin county homes. One member~~ Five members shall be a member of the Wisconsin chapter of the American college of nursing home administrators, who may be selected from a list of names submitted by the college licensed in this state. One member shall be a physician who may be selected from a list of names submitted by the state medical society of Wisconsin. One member shall be a nurse who may be selected from a list of

~~names submitted by the Wisconsin nurses association, in~~ registered or licensed under ch. 441. Two members shall be public members. No more than 2 members may be officials or full-time employes of ~~the this state and less than a majority of the examining board shall be representatives of a single profession or institutional category.~~

(8) OPTOMETRY EXAMINING BOARD. There is created an optometry examining board in the department of regulation and licensing. The optometry examining board shall consist of ~~6~~ 7 members appointed for staggered ~~5-year~~ 4-year terms. Five of the members shall ~~have been actively engaged in the practice of optometry for the 5 years immediately preceding appointment.~~ One member ~~be licensed optometrists in this state.~~ Two members shall be a public member members.

SECTION 10. 15.405 (9), (10m) and (11) of the statutes are amended to read:

15.405 (9) PHARMACY EXAMINING BOARD. There is created a pharmacy examining board in the department of regulation and licensing. The pharmacy examining board shall consist of ~~6~~ 7 members appointed for staggered ~~5-year~~ 4-year terms. Five of the members shall ~~be, at the time of the appointment, actively engaged in the full-time practice of pharmacy and shall have been licensed to practice pharmacy for at least 5 years preceding appointment.~~ One member ~~in this state.~~ Two members shall be a public member. ~~No member may serve more than 2 terms. Appointments may be made from a list of 5 names submitted by a resolution of the board of directors of the Wisconsin pharmaceutical association for each professional vacancy~~ members.

(10m) PSYCHOLOGY EXAMINING BOARD. There is created in the department of regulation and licensing a psychology examining board consisting of ~~5~~ 6 members appointed for staggered ~~3-year~~ 4-year terms. Four of the members shall ~~have the qualifications required of a~~ be psychologists licensed psychologist in this state, ~~and of these one member shall be a member of the faculty of an accredited college or university in this state who actively engages in teaching psychology, one member shall have a Ph. D. in psychology and be practicing in the field of mental health and one member shall be chosen from any.~~ Each of the psychologist members shall represent a different specialty area within the field of psychology. One member Two members shall be a public member. ~~No member may serve more than 2 full terms in succession. Appointments for professional members may be made from a list of 3 names submitted by the Wisconsin psychological association for each vacancy~~ members.

(11) REAL ESTATE BOARD. There is created a real estate board in the department of regulation and licensing. The real estate board shall consist of 7 members appointed to staggered ~~3-year~~ 4-year terms. Four of the members shall be real estate brokers or salespersons licensed in this state. Three members shall be public members. Section 15.08 (1m) (am) applies to the public members of the real estate board. No member may serve more than 2 terms. The real estate board does not have rule-making authority.

SECTION 11. 15.405 (12) of the statutes, as affected by 1983 Wisconsin Act 27, is amended to read:

15.405 (12) VETERINARY EXAMINING BOARD. There is created a veterinary examining board in the department of regulation and licensing. The veterinary examining board shall consist of ~~6~~ 7 members appointed for staggered ~~5-year~~ 4-year terms. Five of the members shall be licensed ~~and actually engaged in the practice of veterinary medicine veterinarians~~ in this state. ~~One member~~ Two members shall be a public member members. No member of the examining board shall may in any way be financially interested in any school having a veterinary department.

SECTION 12. 15.405 (14) to (16) of the statutes are amended to read:

15.405 (14) BARBERS EXAMINING BOARD. There is created a barbers examining board in the department of regulation and licensing. The barbers examining board shall consist of ~~6~~ 7 members appointed for staggered ~~3-year~~ 4-year terms. Five members shall ~~have~~

~~engaged in the practice of barbering in this state for at least 5 years immediately preceding appointment and must remain practicing barbers for the duration of the term. One member be licensed barbers in this state. Two members shall be a public member. No member may succeed himself or herself for more than one term members.~~

(15) COSMETOLOGY EXAMINING BOARD. There is created a cosmetology examining board in the department of regulation and licensing. The cosmetology examining board shall consist of 8 9 members appointed for staggered ~~3-year~~ 4-year terms. Seven members shall be licensed cosmetologists ~~who have practiced in this state for at least 5 years immediately prior to appointment. One member~~ Two members shall be a public ~~member~~ members. No person may be appointed to the examining board who is in any way connected with or has a financial interest in any cosmetology school.

(16) FUNERAL DIRECTORS AND EMBALMERS EXAMINING BOARD. There is created a funeral directors and embalmers examining board in the department of regulation and licensing. The funeral directors and embalmers examining board shall consist of 5 6 members appointed for staggered ~~3-year~~ 4-year terms. Four members shall ~~have had at least 5 years' experience immediately preceding appointment in the preparation and disposition of dead human bodies and in the practice of embalming. One member be licensed funeral directors or embalmers in this state. Two members~~ shall be a public ~~member~~ members.

SECTION 13. Nonstatutory provisions; examining board of architects, professional engineers, designers and land surveyors. One of the public members of the examining board of architects, professional engineers, designers and land surveyors appointed to bring the membership of the examining board into conformance with section 15.405 (2) of the statutes, as affected by this act, shall be appointed for a one-year term, one shall be appointed for a 2-year term, one shall be appointed for a 3-year term and one shall be appointed for a 4-year term.

SECTION 14. Initial applicability. The treatment of section 15.08 (1m) (am) of the statutes by this act first applies to public members appointed under section 15.405 or 15.407 of the statutes on the effective date of this act.
