

**BILL HISTORY FOR ASSEMBLY BILL 725 (LRB -2791)**

An Act to renumber and amend 441.15 (1) and 441.15 (3) (a); to amend 253.13 (1), 441.15 (2) (intro.), 441.15 (2) (a), 441.15 (2) (b), 441.15 (3) (b) and 441.15 (4); and to create 441.15 (1) (a), 441.15 (2) (c), 441.15 (3) (a) 3. and 441.15 (5) of the statutes; relating to: the practice of nurse-midwifery, providing an exemption from emergency rule procedures, and granting rule-making authority. (FE)

2002

- 01-14. A. Introduced by Representatives **Underheim, Krawczyk, Lippert, Miller, Olsen, Bies, Skindrud, Owens, Townsend and Albers**; cosponsored by Senators **Robson, Moen, Moore, Roessler, Rosenzweig and Wirch**.
- 01-14. A. Read first time and referred to committee on Health ..... 574
- 01-15. A. Fiscal estimate received.
- 01-15. A. Public hearing held.
- 01-29. A. Executive action taken.
- 01-29. A. Assembly amendment 1 offered by committee on Health (**LRB a1190**) ..... 630
- 02-04. A. **LRB correction** ..... 631
- 02-04. A. Report Assembly amendment 1 adoption recommended by committee on Health, Ayes 14, Noes 0 ..... 630
- 02-04. A. Report passage as amended recommended by committee on Health, Ayes 14, Noes 0 ..... 630
- 02-04. A. Referred to committee on Rules ..... 630
- 02-05. A. Placed on calendar 2-7-2002 by committee on Rules.
- 02-07. A. Read a second time ..... 650
- 02-07. A. Assembly amendment 1 **adopted** ..... 650
- 02-07. A. Assembly amendment 2 offered by Representative F. Lasee (**LRB a1201**) ..... 650
- 02-07. A. Assembly amendment 2 withdrawn and returned to author ..... 650
- 02-07. A. Assembly amendment 3 offered by Representative F. Lasee (**LRB a1259**) ..... 650
- 02-07. A. Assembly amendment 3 withdrawn and returned to author ..... 650
- 02-07. A. Ordered to a third reading ..... 650
- 02-07. A. Rules suspended ..... 650
- 02-07. A. Read a third time and **passed** ..... 650
- 02-07. A. Ordered immediately messaged ..... 650
- 02-13. S. Received from Assembly ..... 567
- 02-13. S. Read first time and referred to committee on Health, Utilities, Veterans and Military Affairs ..... 568
- 03-07. S. Withdrawn from committee on Health, Utilities, Veterans and Military Affairs and taken up ..... 621
- 03-07. S. Read a second time ..... 621
- 03-07. S. Senate amendment 1 offered by Senator Robson (**LRB f90**) ..... 621
- 03-07. S. Senate amendment 1 **adopted** ..... 621
- 03-07. S. Ordered to a third reading ..... 621
- 03-07. S. Rules suspended ..... 621
- 03-07. S. Read a third time and **concurred in** as amended ..... 621
- 03-07. S. Ordered immediately messaged ..... 624
- 03-07. A. Received from Senate amended and concurred in as amended (Senate amendment 1 adopted).
- 03-07. A. Senate amendment 1 **concurred in**.
- 03-07. A. Action ordered immediately messaged.

**2001  
ENROLLED BILL**

01en AB-725

**ADOPTED DOCUMENTS:**

Orig     Engr     SubAmdt

01 - 2791, 6

Amendments to above (if none, write "NONE"):

AA1 SA1

(The 2 amendments are identical)

Corrections - show date (if none, write "NONE"):

2-04-02

Topic

The practice of nurse-midwifery

3/08/02  
Date

Pete Dykman  
Enrolling Drafter

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State of Wisconsin  
2001-2002 LEGISLATURE

**CORRECTIONS IN:**

**2001 ASSEMBLY BILL 725**

Prepared by the Legislative Reference Bureau  
(January 31, 2002)

1. Page 5, line 11: delete "to" and substitute "te".

LRB-2791/6ccc-1  
HMH:ch

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Minor clerical corrections in legislation are authorized under s. 35.17, stats.; Senate Rule 31; Assembly Rule 36; and Joint Rule 56.

## 2001 ASSEMBLY BILL 725

January 14, 2002 – Introduced by Representatives UNDERHEIM, KRAWCZYK, LIPPERT, MILLER, OLSEN, BIES, SKINDRUD, OWENS, TOWNSEND and ALBERS, cosponsored by Senators ROBSON, MOEN, MOORE, ROESSLER, ROSENZWEIG and WIRCH. Referred to Committee on Health.

1 **AN ACT to renumber and amend** 441.15 (1) and 441.15 (3) (a); **to amend** 253.13  
2 (1), 441.15 (2) (intro.), 441.15 (2) (a), 441.15 (2) (b), 441.15 (3) (b) and 441.15 (4);  
3 **and to create** 441.15 (1) (a), 441.15 (2) (c), 441.15 (3) (a) 3. and 441.15 (5) of the  
4 statutes; **relating to:** the practice of nurse–midwifery, providing an exemption  
5 from emergency rule procedures, and granting rule–making authority.

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### *Analysis by the Legislative Reference Bureau*

Under current law, no person may practice as a nurse–midwife unless he or she is issued a license by the board of nursing (board). “Nurse–midwifery” is defined as: 1) managing the care of a woman in normal childbirth; 2) providing prenatal, intrapartal, postpartal, and nonsurgical contraceptive methods; and 3) caring for a mother and newborn. Current law also requires a nurse–midwife to practice in a health care facility approved by the board and under the general supervision of a physician with training in obstetrics. Also, there must be a formal written agreement between the nurse–midwife and supervising physician. In addition, if a nurse–midwife discovers evidence of a complication that jeopardizes the health or life of a mother or newborn, a nurse–midwife must immediately refer the patient to the supervising physician or, if he or she is not available, to another physician.

This bill creates a new definition of “nurse–midwifery.” Under the bill, “nurse–midwifery” means the management of 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

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Nurse–Midwives and the education, training, and experience of the nurse–midwife. As under current law, the bill prohibits a person from acting as a nurse–midwife without a license issued by the board. In addition, as under current law, a nurse–midwife must practice in an approved health care facility.

In addition, under the bill, a nurse–midwife must practice in collaboration with a physician, not under a physician’s general supervision. Also, the bill requires the physician’s training in obstetrics to be postgraduate training. The bill defines “collaboration” as a process that involves two or more health care professionals working together and, when necessary, in each other’s presence. Additionally, “collaboration” is defined as a process in which each health care professional contributes his or her expertise to provide more comprehensive care than one health care professional alone can offer. The bill also requires a written agreement between the collaborating physician and nurse–midwife. Also, if a nurse–midwife discovers evidence of a complication, the nurse–midwife must consult with the collaborating physician or the physician’s designee, or make a referral as specified in the written agreement.

Finally, the bill requires the board to consult with the commissioner of insurance and promulgate rules establishing the minimum amount of malpractice liability insurance that a nurse–midwife must have in effect. The rules must include requirements and procedures for waiving the rules for any period of time for which the commissioner of insurance determines that such insurance is not reasonably available. The following are not required to have the insurance: 1) federal, state, county, city, village, and town employees who practice nurse–midwifery within the scope of their employment; 2) certain health center employees who are immune from liability under federal law; 3) employees who are covered by their employers’ insurance in at least the minimum amount required under the rules; and 4) persons who do not provide care for patients. If applicable, an applicant for a license or for renewal of a license must submit proof of the insurance to the board.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

- 1           **SECTION 1.** 253.13 (1) of the statutes is amended to read:
- 2           253.13 (1) BLOOD TESTS. The attending physician or nurse ~~certified~~ licensed
- 3           under s. 441.15 shall cause every infant born in each hospital or maternity home,
- 4           prior to its discharge therefrom, to be subjected to blood tests for congenital and
- 5           metabolic disorders, as specified in rules promulgated by the department. If the
- 6           infant is born elsewhere than in a hospital or maternity home, the attending

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1 physician, nurse ~~certified~~ licensed under s. 441.15 or birth attendant who attended  
2 the birth shall cause the infant, within one week of birth, to be subjected to these  
3 blood tests.

4 **SECTION 2.** 441.15 (1) of the statutes is renumbered 441.15 (1) (intro.) and  
5 amended to read:

6 441.15 (1) (intro.) In this section, ~~“the practice;~~

7 (b) “Practice of nurse–midwifery” means the management of care of a woman  
8 in normal childbirth and the provision of prenatal, intrapartal, postpartal and  
9 nonsurgical contraceptive methods and care for the mother and the newborn  
10 women’s health care, pregnancy, childbirth, postpartum care for newborns, family  
11 planning, and gynecological services consistent with the standards of practice of the  
12 American College of Nurse–Midwives and the education, training, and experience  
13 of the nurse–midwife.

14 **SECTION 3.** 441.15 (1) (a) of the statutes is created to read:

15 441.15 (1) (a) “Collaboration” means a process that involves 2 or more health  
16 care professionals working together and, when necessary, in each other’s presence,  
17 and in which each health care professional contributes his or her expertise to provide  
18 more comprehensive care than one health care professional alone can offer.

19 **SECTION 4.** 441.15 (2) (intro.) of the statutes is amended to read:

20 441.15 (2) (intro.) No person may engage in the practice of nurse–midwifery  
21 unless each of the following conditions is satisfied:

22 **SECTION 5.** 441.15 (2) (a) of the statutes is amended to read:

23 441.15 (2) (a) ~~Without a certificate issued~~ The person is issued a license by the  
24 board under sub. (3) (a).

25 **SECTION 6.** 441.15 (2) (b) of the statutes is amended to read:

**ASSEMBLY BILL 725****SECTION 6**

1           441.15 (2) (b) ~~Unless such~~ The practice occurs in a health care facility approved  
2           by the board by rule under sub. (3) (c), ~~under the general supervision of in~~  
3           collaboration with a physician with postgraduate training in obstetrics, and  
4           pursuant to a ~~formal~~ written agreement with that physician.

5           **SECTION 7.** 441.15 (2) (c) of the statutes is created to read:

6           441.15 (2) (c) Except as provided in sub. (5) (a), the person has in effect the  
7           malpractice liability insurance required under the rules promulgated under sub. (5)  
8           (b).

9           **SECTION 8.** 441.15 (3) (a) of the statutes is renumbered 441.15 (3) (a) (intro.)  
10          and amended to read:

11          441.15 (3) (a) (intro.) The board shall grant a license to engage in the practice  
12          of nurse-midwifery to any person licensed as a registered nurse under this  
13          subchapter or in a party state, as defined in s. 441.50 (2) (j), who ~~meets~~ does all of the  
14          following:

15            1. Submits evidence satisfactory to the board that he or she meets the  
16          educational and training prerequisites established by the board for the practice of  
17          nurse-midwifery ~~and who pays.~~

18            2. Pays the fee specified under s. 440.05 (1).

19          **SECTION 9.** 441.15 (3) (a) 3. of the statutes is created to read:

20          441.15 (3) (a) 3. If applicable, submits evidence satisfactory to the board that  
21          he or she has in effect the malpractice liability insurance required under the rules  
22          promulgated under sub. (5) (b).

23          **SECTION 10.** 441.15 (3) (b) of the statutes is amended to read:

24          441.15 (3) (b) On or before the applicable renewal date specified under s. 440.08  
25          (2) (a), a person issued a ~~certificate~~ license under par. (a) and practicing

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1 nurse–midwifery shall submit to the board on furnished blanks a statement giving  
2 his or her name, residence, and other information as that the board requires by rule,  
3 with the applicable renewal fee specified under s. 440.08 (2) (a). If applicable, the  
4 person shall also submit evidence satisfactory to the board that he or she has in effect  
5 the malpractice liability insurance required under the rules promulgated under sub.  
6 (5) (b).

7 SECTION 11. 441.15 (4) of the statutes is amended to read:

8 441.15 (4) A nurse–midwife who discovers evidence that any aspect of care  
9 involves any complication which jeopardizes the health or life of ~~the~~ a newborn or  
10 mother shall ~~immediately refer the patient to the supervising~~ consult with the  
11 collaborating physician under sub. (2) (b) ~~or, if that physician is unavailable, to~~  
12 ~~another physician or the physician's designee, or make a referral as specified in a~~  
13 written agreement under sub. (2) (b).

14 SECTION 12. 441.15 (5) of the statutes is created to read:

15 441.15 (5) (a) Except for any of the following, no person may practice  
16 nurse–midwifery unless he or she has in effect malpractice liability insurance in an  
17 amount that is at least the minimum amount specified in rules promulgated under  
18 par. (b):

19 1. A federal, state, county, city, village, or town employee who practices  
20 nurse–midwifery within the scope of his or her employment.

21 2. A person who is considered to be an employee of the federal public health  
22 service under 42 USC 233 (g).

23 3. A person whose employer has in effect malpractice liability insurance that  
24 provides coverage for the person in an amount that is at least the minimum amount  
25 specified in the rules.

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9 6-2

1 4. A person who does not provide care for patients.

2 ~~(b) In consultation with the commissioner of insurance, the board shall~~  
 3 ~~promulgate rules establishing the minimum amount of malpractice liability~~  
 4 ~~insurance that is required for a person to practice nurse-midwifery. The rules shall~~  
 5 ~~include requirements and procedures for waiving the rules for any period of time for~~  
 6 ~~which the commissioner of insurance determines that such insurance is not~~  
 7 ~~reasonably available.~~

8 **SECTION 13. Nonstatutory provisions.**

9 (1) Using the procedure under section 227.24 of the statutes, the board of  
 10 nursing may promulgate the rules required under section 441.15 (5) (b) of the  
 11 statutes, as created by this act, for the period before permanent rules become  
 12 effective, but not to exceed the period authorized under section 227.24 (1) (c) and (2)  
 13 of the statutes. Notwithstanding section 227.24 (1) (a) and (2) (b) of the statutes, the  
 14 board of nursing need not provide evidence of the necessity of preservation of the  
 15 public peace, health, safety, or welfare in promulgating rules under this subsection.

6-7

16 **SECTION 14. Effective date.**

17 (1) This act takes effect on the first day of the 7th month beginning after  
18 publication.

19 (END)

**ASSEMBLY AMENDMENT 1,  
TO 2001 ASSEMBLY BILL 725**

January 29, 2002 – Offered by COMMITTEE ON HEALTH.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 6, line 2: delete lines 2 to 7 and substitute:

3 “(bm) The board shall promulgate rules establishing the minimum amount of  
4 malpractice liability insurance that is required for a person to practice  
5 nurse-midwifery, which shall be the same as the amount established by the board  
6 under s. 441.16 (3) (e).”

7 **2.** Page 6, line 7: after that line insert:

8 “SECTION 12g. 655.001 (7t) of the statutes is amended to read:

9 655.001 (7t) “Health care practitioner” means a health care professional, as  
10 defined in s. 180.1901 (1m), who is an employee of a health care provider described  
11 in s. 655.002 (1) (d), (e), or (f) and who has the authority to provide health care  
12 services that are not in collaboration with a physician under s. 441.15 (2) (b) or under  
13 the direction and supervision of a physician or nurse anesthetist.





State of Wisconsin  
2001 - 2002 LEGISLATURE

LRBf90/1  
MDK:cjs:kjf

**SENATE AMENDMENT 1,  
TO 2001 ASSEMBLY BILL 725**

*Referred  
to  
AA*

March 7, 2002 – Offered by Senator ROBSON.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 6, line 2: delete lines 2 to 7 and substitute:

3 “(bm) The board shall promulgate rules establishing the minimum amount of  
4 malpractice liability insurance that is required for a person to practice  
5 nurse-midwifery, which shall be the same as the amount established by the board  
6 under s. 441.16 (3) (e).”

7 **2.** Page 6, line 7: after that line insert:

8 “SECTION 12g. 655.001 (7t) of the statutes is amended to read:

9 655.001 (7t) “Health care practitioner” means a health care professional, as  
10 defined in s. 180.1901 (1m), who is an employee of a health care provider described  
11 in s. 655.002 (1) (d), (e), or (f) and who has the authority to provide health care  
12 services that are not in collaboration with a physician under s. 441.15 (2) (b) or under  
13 the direction and supervision of a physician or nurse anesthetist.

