2013 DRAFTING REQUEST

Bill

Received:	**8/5/2013**	Received By:	**mduchek**
Wanted:	**As time permits**	Same as LRB:	**-2615**
For:	**Dale Kooyenga (608) 266-9180**	By/Representing:	**Jeffrey Weigand**
May Contact:		Drafter:	**mgallagh**
Subject:	**Buildings/Safety - misc.** **Occupational Reg. - misc**	Addl. Drafters:	**mglass**
		Extra Copies:	**MED**

Submit via email: **YES**
Requester's email: **Rep.Kooyenga@legis.wisconsin.gov**
Carbon copy (CC) to: **Jeffrey.Weigand@wisconsin.gov**

Pre Topic:

No specific pre topic given

Topic:

Various changes to laws administered by DSPS

Instructions:

See attached

Drafting History:

Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	Jacketed	Required
/1	mgallagh 8/7/2013	scalvin 8/7/2013	jmurphy 8/7/2013	_____ _____	srose 8/5/2013	lparisi 8/5/2013	State S&L
/2				_____ _____	sbasford 8/7/2013	sbasford 8/7/2013	State S&L

FE Sent For:

at intro
10/1 8

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2013 DRAFTING REQUEST

Bill

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Wanted:	**As time permits**	Same as LRB:	**-2615**
For:	**Safety and Professional Services 267-9794**	By/Representing:	**Jeffrey Weigand**
May Contact:		Drafter:	**mgallagh**
Subject:	**Buildings/Safety - misc.** **Occupational Reg. - misc**	Addl. Drafters:	**mglass**
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FE Sent For: /2 sac 08/07/2013 jm 8/7 jmurphy 8/7

<END>

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/1	mgallagh	/1 sac 08/05/2013	Jm 8/5	_____ self			State S&L

FE Sent For:

<END>

State of Wisconsin
2013 – 2014 LEGISLATURE

TODAY

Companion RMR

LRB-2615/2
MPG&MGG:sac:ph

2849//

stays

2013 BILL

Companion –
No changes

– gen cat

AN ACT ***to renumber*** 450.19 (1) (a); ***to renumber and amend*** 450.19 (1) (b) and 450.19 (2) (a); ***to amend*** 15.405 (2) (a), 101.983 (title), 101.983 (1) (a), 101.983 (1) (b), 101.983 (1) (c) (intro.), 101.983 (1) (c) 1., 101.983 (1) (c) 2., 101.983 (1) (c) 3., 101.983 (1) (d) (intro.), 101.983 (1) (d) 1., 101.983 (1) (d) 2., 101.983 (2) (a), 101.983 (2) (c), 101.983 (3), 101.984 (3), 101.985 (3), 101.985 (5) (b) 1., 101.985 (5) (b) 2. b., 145.01 (5), 255.35 (1m) (g), 440.03 (13) (c), 440.974 (2), 441.01 (4), 441.04, 441.08, 441.10 (1), 441.10 (3) (e), 441.115 (1), 441.12 (2), 450.035 (1r), 450.035 (1t), 450.035 (2), 450.035 (2g), 450.05, 450.08 (1), 450.08 (2) (a), 450.085 (1), 450.19 (2) (intro.), 450.19 (2) (b), 450.19 (2) (d), 450.19 (2) (f), 450.19 (3) (a), 450.19 (3) (b), 452.01 (4) and 452.14 (4m) (intro.); ***to repeal and recreate*** 101.983 (2) (title); and ***to create*** 101.983 (4), 440.20 (5), 450.19 (2) (a) 2. and 450.19 (2) (a) 3. of the statutes; **relating to:** the authority and responsibilities of the Department of Safety and Professional Services and the various boards under that department, professional licensure of pharmacists, the Pharmacy

1 Examining Board's operation of the prescription drug monitoring program,
2 authorizing the construction, installation, alteration, operation, and inspection
3 of elevators and other similar conveyances, and licensing requirements for
4 elevator mechanics, inspectors, and contractors.

Analysis by the Legislative Reference Bureau

PROFESSIONAL REGULATION

This bill makes a number of changes to the laws related to professional regulation that are administered by the Department of Safety and Professional Services (DSPS) and various boards under DSPS, including the following:

1. Under current law, DSPS is required to take the fingerprints of an applicant for a private detective license or a private security permit, an applicant for a juvenile martial arts instructor permit, and a person for whom DSPS conducts an investigation into the person's criminal history. Current law authorizes DSPS to submit the fingerprints to the federal bureau of investigation.

Under the bill, DSPS must also take the fingerprints of an applicant for a real estate appraiser certification or license, and the bill requires DSPS to submit the fingerprints of an applicant for a real estate appraiser certification or license to the federal bureau of investigation.

2. The bill authorizes DSPS or the appropriate board to reprimand a credential holder, or deny, limit, suspend, or revoke a credential, if the credential holder fails to respond, to the satisfaction of the department or the appropriate board, within 30 days to a request for information from the department or board in connection with an investigation of alleged misconduct of the credential holder.

3. Current law prohibits the Pharmacy Examining Board from issuing a license to practice pharmacy in this state to a person who is licensed in another state if that person has had a license to practice pharmacy in another state voluntarily surrendered, limited, suspended, or revoked. The bill gives the Pharmacy Examining Board discretion to grant or deny a license to practice pharmacy in this state to such a person.

4. Under current law, a pharmacist may renew his or her license by satisfying certain continuing education requirements and paying the required renewal fee on or before the renewal date. If a pharmacist fails to renew his or her license by the renewal date, the pharmacist may not practice pharmacy unless the pharmacist passes an examination to the satisfaction of the Pharmacy Examining Board.

The bill authorizes, but does not require, the board to suspend a pharmacist's license if the pharmacist fails to renew his or her license by the renewal date, and the bill authorizes, but does not require, the Pharmacy Examining Board to require the pharmacist to pass an examination to restore the pharmacist's license.

5. Current law requires the Pharmacy Examining Board to establish a prescription drug monitoring program. Under the program, a pharmacist or other

practitioner must generate a record documenting the dispensing of each prescription drug that is subject to the program, generally certain controlled substances or other drugs the Pharmacy Examining Board identifies as having a substantial potential for abuse. The pharmacist or practitioner must then deliver that record to the Pharmacy Examining Board.

This bill applies the requirements of the prescription drug monitoring program to pharmacies instead of pharmacists and to any practitioner who dispenses a prescription drug subject to the program outside of a pharmacy. The bill also creates an exemption from the prescription drug monitoring program for a schedule V controlled substance if the substance is not a narcotic and the prescription order is for a number of doses that is intended to last the patient seven days or less.

BUILDINGS AND SAFETY

This bill contains various changes to current law that governs the construction, installation, alteration, operation, and inspection of elevators and other lifts that move people and things. The changes include the following:

1. Authorizes cities and villages to issue permits to construct, install, or alter elevators and lifts and changes the term used in the statutes for this type of permit from "permit" to "approval."

2. Authorizes cities and villages to issue and renew operating permits for elevators and lifts and to conduct inspections for purposes of issuing and renewing these permits.

3. Changes current law as to when a licensed elevator mechanic or inspector must satisfy the applicable continuing education requirements and eliminates the continuing legal education requirements for elevator contractors.

4. Eliminates the requirement that an elevator inspector hold a certification issued by an entity approved by the American Society of Mechanical Engineers.

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

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

1 **SECTION 1.** 15.405 (2) (a) of the statutes is amended to read:

2 15.405 **(2)** (a) In operation, the examining board shall be divided into an
3 architect section, a landscape architect section, ~~an~~ a professional engineer section,
4 a designer section and a land surveyor section. Each section shall consist of the 3
5 members of the named profession appointed to the examining board and 2 public
6 members appointed to the section. The examining board shall elect its own officers,
7 and shall meet at least twice annually.

SECTION 2. 101.983 (title) of the statutes is amended to read:

101.983 (title) ~~**Conveyance**~~ **Approvals and permits for conveyances required.**

SECTION 3. 101.983 (1) (a) of the statutes is amended to read:

101.983 **(1)** (a) ~~*Permit*~~ *Approval required.* No person may construct, install, or alter a conveyance in this state unless an elevator contractor licensed by the department under s. 101.985 (1) has received ~~a permit~~ an approval for the construction, installation, or alteration from the department.

SECTION 4. 101.983 (1) (b) of the statutes is amended to read:

101.983 **(1)** (b) *Application.* A person applying for ~~a permit~~ an approval under par. (a) shall include, along with the application, copies of specifications and accurately scaled and fully dimensioned plans showing the location of the construction, installation, or alteration in relation to the plans and elevation of the building; the location of the applicable machinery room, if any, and the equipment to be constructed, installed, or altered; and all structural supporting members relevant to the construction, installation, or alteration, including foundations. The specifications and plans shall be sufficiently complete to illustrate all details of design and construction, installation, or alteration. The application shall specify all materials to be used and all loads to be supported or conveyed. The department may authorize a person to include the application and other information required under this paragraph with any submission required under s. 101.12 (1) to avoid duplicative filing of information.

SECTION 5. 101.983 (1) (c) (intro.) of the statutes is amended to read:

101.983 **(1)** (c) *Revocation.* (intro.) The department may revoke ~~a permit~~ an approval issued under this subsection if the department finds any of the following:

1 **SECTION 6.** 101.983 (1) (c) 1. of the statutes is amended to read:

2 101.983 **(1)** (c) 1. That information submitted under par. (b) by the person
3 obtaining the ~~permit~~ approval contains false statements or misrepresentations of
4 material fact.

5 **SECTION 7.** 101.983 (1) (c) 2. of the statutes is amended to read:

6 101.983 **(1)** (c) 2. That the ~~permit~~ approval was issued in error.

7 **SECTION 8.** 101.983 (1) (c) 3. of the statutes is amended to read:

8 101.983 **(1)** (c) 3. That the work performed under the ~~permit~~ approval is not
9 consistent with information submitted under par. (b) by the person obtaining the
10 ~~permit~~ approval or is in violation of this subchapter or rules promulgated under this
11 subchapter.

12 **SECTION 9.** 101.983 (1) (d) (intro.) of the statutes is amended to read:

13 101.983 **(1)** (d) *Expiration.* (intro.) ~~A permit~~ An approval issued under this
14 subsection expires under any of the following circumstances:

15 **SECTION 10.** 101.983 (1) (d) 1. of the statutes is amended to read:

16 101.983 **(1)** (d) 1. If the work authorized under the ~~permit~~ approval is not
17 commenced within 6 months after the date on which the ~~permit~~ approval is issued,
18 or within a shorter period of time as specified by the department at the time the
19 ~~permit~~ approval is issued.

20 **SECTION 11.** 101.983 (1) (d) 2. of the statutes is amended to read:

21 101.983 **(1)** (d) 2. If the work authorized under the ~~permit~~ approval is
22 suspended or abandoned for 60 consecutive days at any time following the
23 commencement of the work, or for a shorter period of time as specified by the
24 department at the time the ~~permit~~ approval is issued.

1 **SECTION 12.** 101.983 (2) (title) of the statutes, as affected by 2013 Wisconsin
2 Act 20, is repealed and recreated to read:

3 101.983 **(2)** (title) OPERATING PERMITS; INSPECTIONS.

4 **SECTION 13.** 101.983 (2) (a) of the statutes is amended to read:

5 101.983 **(2)** (a) ~~*Permit*~~ *Operating permit required.* No person may allow a
6 conveyance to be operated on property owned by the person unless the person has
7 received a permit ~~for the~~ under this subsection from the department that authorizes
8 its operation ~~from the department. The department may not issue a permit required~~
9 ~~under this paragraph until all inspections required under par. (c) are completed~~.

10 **SECTION 14.** 101.983 (2) (c) of the statutes is amended to read:

11 101.983 **(2)** (c) *Inspections.* The department may not issue or renew a permit
12 for a conveyance under this subsection unless the department has ~~received~~ or an
13 independent inspector has conducted an inspection of the conveyance and has
14 prepared an inspection report ~~for~~ certifying that the conveyance ~~issued by an~~
15 ~~elevator inspector licensed under s. 101.985 (3) indicating that the conveyance~~
16 complies with this subchapter and any applicable rules promulgated under this
17 subchapter. ~~This inspection by the department does not exempt the owner from the~~
18 ~~requirement to ensure that the department receives an inspection report from a~~
19 ~~licensed elevator inspector. Upon performing this inspection, the~~ Any inspection
20 under this subsection or sub. (3) shall be performed by an inspector who is licensed
21 under s. 101.985 (3).

22 (d) *Instruction on operation.* When issuing or renewing a permit under this
23 subsection, the department shall give the owner notice of relevant conveyance safety
24 requirements and shall instruct the owner as to the procedure for obtaining periodic

inspections and renewing the permit under which the ~~lift or equipment~~ conveyance is operated.

SECTION 15. 101.983 (3) of the statutes, as created by 2013 Wisconsin Act 20, is amended to read:

101.983 **(3)** INSPECTIONS; INDIVIDUAL RESIDENTIAL DWELLING UNITS. No owner of a residence may sell or otherwise transfer an individual residential dwelling unit that is served by a dumbwaiter or an elevator unless the owner provides the purchaser or transferee, prior to the sale or transfer of the property, with an inspection report ~~from an elevator inspector licensed under s. 101.985 (3)~~ prepared by the department or an independent inspector that indicates that the dumbwaiter or elevator complies with this subchapter and any applicable rules promulgated under this subchapter.

SECTION 16. 101.983 (4) of the statutes is created to read:

101.983 **(4)** MUNICIPALITIES AS AGENTS. The department may appoint a city or village as its agent to do any of the following:

(a) Issue approvals under sub. (1) (a).

(b) Issue or renew permits under sub. (2) (a).

(c) Conduct inspections and prepare inspection reports as provided under sub. (2) (c) and sub. (3).

(d) Give notice and provide instruction as required under sub. (2) (d).

SECTION 17. 101.984 (3) of the statutes is amended to read:

101.984 **(3)** ELEVATOR INSPECTOR. No individual may perform an ~~elevator~~ inspection of a conveyance in this state unless the individual is licensed as an elevator inspector under s. 101.985 (3) ~~and holds a certification as an elevator~~

~~inspector issued by a person approved by the American Society of Mechanical Engineers~~.

SECTION 18. 101.985 (3) of the statutes is amended to read:

101.985 **(3)** ELEVATOR INSPECTOR. The department shall issue an elevator inspector license to each individual who demonstrates to the satisfaction of the department that the individual is adequately qualified and able to provide ~~elevator~~ inspection services of conveyances as required under s. 101.983 (2). The department shall promulgate rules that establish the qualifications required for issuance of an elevator inspector license.

SECTION 19. 101.985 (5) (b) 1. of the statutes is amended to read:

101.985 **(5)** (b) 1. ~~Except as otherwise provided in this subdivision, an~~ An applicant for renewal of a license under sub. ~~(1),~~ (2) (ab), (ad), or (b), or (3) shall provide to the department a certificate indicating that, during the ~~one–year period before the date on which the applicant's license expires~~ 2–year term of the license, the applicant has satisfactorily met the education requirements established by rule under subd. 2. ~~If the applicant is not an individual, the certificate shall indicate that the education requirements were satisfactorily met by an individual who, as of the date of the application, is an agent of the applicant.~~

SECTION 20. 101.985 (5) (b) 2. b. of the statutes is amended to read:

101.985 **(5)** (b) 2. b. The number of hours of education required ~~on an annual basis~~.

SECTION 21. 145.01 (5) of the statutes is amended to read:

145.01 **(5)** GOVERNMENTAL UNIT RESPONSIBLE FOR REGULATION OF PRIVATE ON–SITE WASTEWATER TREATMENT SYSTEMS. "Governmental unit responsible for the regulation of private on–site wastewater treatment systems" or "governmental unit", unless

otherwise qualified, means the county except that in a county with a population of ~~500,000~~ 750,000 or more these terms mean the city, village or town where the private on–site wastewater treatment system is located.

SECTION 22. 255.35 (1m) (g) of the statutes is amended to read:

255.35 **(1m)** (g) "School of pharmacy" means a school of pharmacy that is accredited by the ~~American~~ Accreditation Council on Pharmaceutical Education.

SECTION 23. 440.03 (13) (c) of the statutes is amended to read:

440.03 **(13)** (c) The department shall require an applicant for a private detective license or a private security permit under s. 440.26, an applicant for a juvenile martial arts instructor permit under sub. (17), an applicant for a real estate appraiser certification under s. 458.06 or license under s. 458.08, and a person for whom the department conducts an investigation under par. (b), to be photographed and fingerprinted on 2 fingerprint cards, each bearing a complete set of the person's fingerprints. The department of justice may submit the fingerprint cards, and the department of justice shall submit the fingerprint cards of all applicants for a real estate appraiser certification under s. 458.06 or license under s. 458.08, to the federal bureau of investigation for the purpose of verifying the identity of the persons fingerprinted and obtaining records of their criminal arrests and convictions.

SECTION 24. 440.20 (5) of the statutes is created to read:

440.20 **(5)** In addition to any grounds for discipline specified in chs. 440 to 480, the department, or the appropriate credentialing board or other board in the department, may reprimand a credential holder, or may deny, limit, suspend, or revoke a credential, if the credential holder fails to respond, to the satisfaction of the department, credentialing board, or other board in the department, within 30 days to a request for information from the department, credentialing board, or other board

in the department in connection with an investigation of alleged misconduct of the credential holder.

SECTION 25. 440.974 (2) of the statutes is amended to read:

440.974 **(2)** The department shall promulgate rules establishing continuing education requirements for individuals registered under this subchapter. The rules promulgated under this subsection shall require the completion of at least ~~20~~ 40 hours of continuing education ~~during each calendar year~~ every 2 years.

SECTION 26. 441.01 (4) of the statutes is amended to read:

441.01 **(4)** The board shall direct that those schools ~~which~~ that qualify be placed on ~~the accredited~~ a list of schools the board has approved for professional nurses or of schools the board has approved for licensed practical nurses on application and proof of qualifications; and shall make a study of nursing education and initiate rules and policies to improve it.

SECTION 27. 441.04 of the statutes is amended to read:

441.04 Requisites for examination as a registered nurse. Any person who has graduated from a high school or its equivalent as determined by the board, does not have an arrest or conviction record, subject to ss. 111.321, 111.322 and 111.335, holds a diploma of graduation from ~~an accredited~~ a school of nursing approved by the board or that the board has authorized to admit students pending approval, and, if ~~the~~ that school is located outside this state, submits evidence of general and professional educational qualifications comparable to those required in this state at the time of graduation may apply to the department for licensure by the board as a registered nurse~~,~~; and upon payment of the fee specified under s. 440.05 (1), that person shall be entitled to examination.

SECTION 28. 441.08 of the statutes is amended to read:

441.08 Temporary permit. A nurse who has graduated from ~~an accredited~~ a school approved by the board or that the board has authorized to admit students pending approval but who is not licensed in this state may be granted a temporary permit upon payment of the fee specified in s. 440.05 (6) by the board to practice for compensation until the nurse can qualify for licensure. The temporary permit may be renewed once. Each applicant for renewal of a temporary permit under this section shall complete the nursing workforce survey and pay the fee required under s. 441.01 (7). Further renewals may be granted in hardship cases. The board may promulgate rules limiting the use and duration of temporary permits and providing for revocation of temporary permits.

SECTION 29. 441.10 (1) of the statutes is amended to read:

441.10 **(1)** PREREQUISITES FOR EXAMINATION AS LICENSED PRACTICAL NURSES. A person who is 18 years of age or older, does not have an arrest or conviction record, subject to ss. 111.321, 111.322 and 111.335, has completed 2 years of high school or its equivalent as determined by the board, and holds a diploma of graduation from ~~an accredited~~ a school for licensed practical nurses approved by ~~that~~ the board or that the board has authorized to admit students pending approval, may apply to the board for licensing as a licensed practical nurse~~,~~; and, upon payment of the examination fee specified in s. 440.05 (1), that person shall be entitled to take an examination. Any school for licensed practical nurses, in order to be ~~accredited~~ approved by the board, must offer a course of not less than 9 months.

SECTION 30. 441.10 (3) (e) of the statutes is amended to read:

441.10 **(3)** (e) The board may grant a temporary permit to a practical nurse who has graduated from ~~an accredited~~ a school approved by the board or that the board has authorized to admit students pending approval but who is not licensed in this

state, upon payment of the fee specified in s. 440.05 (6), to practice for compensation until the practical nurse qualifies for licensure. The board may grant further renewals in hardship cases. The board may promulgate rules limiting the use and duration of temporary permits and providing for revocation of temporary permits.

SECTION 31. 441.115 (1) of the statutes is amended to read:

441.115 **(1)** This chapter ~~shall~~ may not be construed to affect nursing by friends, members of the family, or undergraduates in ~~an accredited~~ a school approved by the board, 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 excepted~~ those persons ~~while engaged in such activities shall~~ may represent himself or herself as a registered, trained, certified, or graduate nurse unless registered under this subchapter.

SECTION 32. 441.12 (2) of the statutes is amended to read:

441.12 **(2)** No person ~~shall~~ may operate in this state a school for professional nurses or a school for practical nurses unless the ~~same shall be accredited~~ school is approved by the board. No solicitation ~~shall~~ may be made in this state of the sale of, or registration in, a course by correspondence or conducted ~~without~~ outside of the state for practical nurses unless all written material used in ~~such~~ the solicitation plainly states in type as large as any other type on the material that the course is not ~~accredited in this state~~ approved by the board for training of practical nurses.

SECTION 33. 450.035 (1r) of the statutes is amended to read:

450.035 **(1r)** A pharmacist may not administer by injection a prescribed drug product or device unless he or she has successfully completed a course of study and training in injection technique conducted by a course provider approved by the ~~American~~ Accreditation Council on Pharmaceutical Education or the board. A

pharmacist may administer a prescribed drug product or device under this subsection only in the course of teaching self–administration techniques to a patient. A pharmacist who administers a prescribed drug product or device under this subsection shall comply with the requirements and procedures established in rules promulgated by the board under s. 450.02 (2g) (b).

SECTION 34. 450.035 (1t) of the statutes is amended to read:

450.035 **(1t)** A person engaged in the practice of pharmacy under s. 450.03 (1) (f) or (g) may not administer a prescribed drug product or device unless he or she has successfully completed a course of study and training in administration technique conducted by a course provider approved by the ~~American~~ Accreditation Council on Pharmaceutical Education or the board. A person engaged in the practice of pharmacy under s. 450.03 (1) (f) or (g) may administer a prescribed drug product or device under this subsection only under the direct supervision of a pharmacist who has successfully completed a course of study and training in administration technique conducted by a course provider approved by the ~~American~~ Accreditation Council on Pharmaceutical Education or the board, and only in the course of teaching self–administration techniques to a patient. A person engaged in the practice of pharmacy under s. 450.03 (1) (f) or (g) who administers a prescribed drug product or device under this subsection shall comply with the requirements and procedures established in rules promulgated by the board under s. 450.02 (2g) (b).

SECTION 35. 450.035 (2) of the statutes is amended to read:

450.035 **(2)** A pharmacist may not administer a vaccine unless he or she has successfully completed 12 hours in a course of study and training, approved by the ~~American~~ Accreditation Council on Pharmaceutical Education or the board, in vaccination storage, protocols, administration technique, emergency procedures,

and record keeping and has satisfied the requirements specified in sub. (2t). A pharmacist may not administer a vaccine under this subsection to a person who is under the age of 6.

SECTION 36. 450.035 (2g) of the statutes is amended to read:

450.035 **(2g)** A person engaged in the practice of pharmacy under s. 450.03 (1) (f) or (g) may not administer a vaccine unless he or she acts under the direct supervision of a pharmacist and he or she and the supervising pharmacist have successfully completed 12 hours in a course of study and training, approved by the ~~American~~ Accreditation Council on Pharmaceutical Education or the board, in vaccination storage, protocols, administration technique, emergency procedures, and record keeping and the supervising pharmacist has satisfied the requirements specified in sub. (2t). A person engaged in the practice of pharmacy under s. 450.03 (1) (f) or (g) may not administer a vaccine under this subsection to a person who is under the age of 18.

SECTION 37. 450.05 of the statutes is amended to read:

450.05 Pharmacist licensed in other state; licensure. The board may, upon application and payment of the fee specified in s. 440.05 (2), license as a pharmacist any person who is licensed in another state if the person produces satisfactory evidence of having met requirements comparable to those that existed in this state at the time the person became licensed in the other state. The board ~~shall not~~ may deny a license as a pharmacist under this section to any person whose license to practice pharmacy in another state has been voluntarily surrendered, limited, suspended, or revoked. The board may require an applicant under this section to pass an equivalency examination administered by the board. If the board requires an equivalency examination, any person licensed as a pharmacist in

another state who is engaged in the active practice of pharmacy may only be required to pass an examination on state and federal laws, rules, and regulations.

SECTION 38. 450.08 (1) of the statutes is amended to read:

450.08 **(1)** The renewal date for all licenses granted by the board is specified under s. 440.08 (2) (a). ~~Only~~ Except as provided under sub. (2) (a), only a holder of an unexpired license may engage in his or her licensed activity.

SECTION 39. 450.08 (2) (a) of the statutes is amended to read:

450.08 **(2)** (a) A pharmacist's license may be renewed by complying with continuing education requirements under s. 450.085 and paying the applicable fee determined by the department under s. 440.03 (9) (a) on or before the applicable renewal date specified under s. 440.08 (2) (a). ~~Failure~~ Notwithstanding s. 440.08 (3) (a), if a pharmacist fails to obtain renewal ~~within the time period specified under this paragraph terminates the right of the person to be licensed as a pharmacist~~ by that date, the board may suspend the pharmacist's license, and ~~such right can only be acquired by passing~~ the board may require the pharmacist to pass an examination to the satisfaction of the board to restore that license.

SECTION 40. 450.085 (1) of the statutes is amended to read:

450.085 **(1)** An applicant for renewal of a license under s. 450.08 (2) (a) shall submit proof that he or she has completed, within the 2–year period immediately preceding the date of his or her application, 30 hours of continuing education in courses conducted by a provider that is approved by the ~~American~~ Accreditation Council on Pharmaceutical Education or in courses approved by the board. Courses specified in s. 450.035 (1r) and (2) are courses in continuing education for purposes of this subsection. This subsection does not apply to an applicant for renewal of a

license that expires on the first renewal date after the date on which the board initially granted the license.

SECTION 41. 450.19 (1) (a) of the statutes, as affected by 2013 Wisconsin Act 3, is renumbered 450.19 (1) (ar).

SECTION 42. 450.19 (1) (b) of the statutes, as affected by 2013 Wisconsin Act 3, is renumbered 450.19 (1) (ag) and amended to read:

450.19 **(1)** (ag) "~~Prescription~~ Monitored prescription drug" means a substance identified in s. 961.16 ~~or~~, 961.18, 961.20, or 961.22 or a drug identified by the board by rule as having a substantial potential for abuse.

SECTION 43. 450.19 (2) (intro.) of the statutes is amended to read:

450.19 **(2)** (intro.) The board shall establish by rule a program for monitoring the dispensing of monitored prescription drugs. The program shall do all of the following:

SECTION 44. 450.19 (2) (a) of the statutes is renumbered 450.19 (2) (a) (intro.) and amended to read:

450.19 **(2)** (a) (intro.) Require a ~~pharmacist~~ pharmacy or a practitioner to generate a record documenting each dispensing of a monitored prescription drug at the pharmacy or, if the monitored prescription drug is not dispensed at a pharmacy, by the practitioner and to deliver the record to the board, except that the program may not require the generation of a record ~~when a~~ in any of the following circumstances:

1. A monitored prescription drug is administered directly to a patient.

SECTION 45. 450.19 (2) (a) 2. of the statutes is created to read:

450.19 **(2)** (a) 2. A monitored prescription drug is compounded, packaged, or labeled in preparation for delivery but is not delivered.

1 **SECTION 46.** 450.19 (2) (a) 3. of the statutes is created to read:

2 450.19 **(2)** (a) 3. The prescription order is for a monitored prescription drug that
3 is a substance listed in the schedule in s. 961.22 and is not a narcotic drug, as defined
4 in s. 961.01 (15), and the prescription order is for a number of doses that is intended
5 to last the patient 7 days or less.

6 **SECTION 47.** 450.19 (2) (b) of the statutes is amended to read:

7 450.19 **(2)** (b) Identify specific data elements to be contained in a record
8 documenting the dispensing of a monitored prescription drug. In identifying specific
9 data elements, the board shall consider data elements identified by similar programs
10 in other states and shall ensure, to the extent possible, that records generated by the
11 program are easily shared with other states.

12 **SECTION 48.** 450.19 (2) (d) of the statutes is amended to read:

13 450.19 **(2)** (d) Specify a secure electronic format for delivery of a record
14 generated under the program and authorize the board to grant a ~~pharmacist~~
15 pharmacy or practitioner a waiver of the specified format.

16 **SECTION 49.** 450.19 (2) (f) of the statutes is amended to read:

17 450.19 **(2)** (f) Specify ~~a penalty~~ the discipline for failure to comply with rules
18 promulgated under this subsection.

19 **SECTION 50.** 450.19 (3) (a) of the statutes is amended to read:

20 450.19 **(3)** (a) A pharmacy, pharmacist, or practitioner is immune from civil or
21 criminal liability or professional discipline arising from the pharmacy's,
22 pharmacist's, or practitioner's compliance in good faith with this section or with rules
23 promulgated under this section.

24 **SECTION 51.** 450.19 (3) (b) of the statutes is amended to read:

450.19 **(3)** (b) Nothing in this section may be construed to require a pharmacy, pharmacist, or practitioner to obtain, before prescribing or dispensing a monitored prescription drug to a patient, information about the patient that has been collected pursuant to the program ~~described~~ established under sub. (2).

SECTION 52. 452.01 (4) of the statutes is amended to read:

452.01 **(4)** "Disciplinary proceeding" means a proceeding against one or more licensees or registrants in which the board may revoke, suspend, or limit a license or registration, reprimand a licensee or registrant, ~~issue a private letter of warning to a licensee or registrant,~~ or assess a forfeiture or require education or training under s. 452.14 (4m).

SECTION 53. 452.14 (4m) (intro.) of the statutes is amended to read:

452.14 **(4m)** (intro.) In addition to or in lieu of a reprimand~~, the issuance of a private letter of warning~~ or a revocation, limitation, or suspension of a license or certificate of registration under sub. (3), the board may do any of the following:

SECTION 54. Initial applicability.

(1) The treatment of ~~s.~~ section 101.985 (5) (b) 1. and 2. b. of the statutes first applies to applications for renewals of licenses that are submitted to the department on the effective date of this subsection.

(END)

Parisi, Lori

From: Weigand, Jeffrey - DSPS <Jeffrey.Weigand@wisconsin.gov>
Sent: Monday, August 05, 2013 4:18 PM
To: LRB.Legal
Subject: Draft Review: LRB -2849/1 Topic: Various changes to laws administered by DSPS

Please Jacket LRB -2849/1 for the ASSEMBLY.

Today 8/7

State of Wisconsin Transcs

2013 – 2014 LEGISLATURE

LRB–2849/1

MPG&MGG:sac:jm

* The changes to this draft and -2615 should be identical.

2013 BILL

12

Insert

AN ACT ***to renumber*** 450.19 (1) (a); ***to renumber and amend*** 450.19 (1) (b) and 450.19 (2) (a); ***to amend*** 15.405 (2) (a), 101.983 (title), 101.983 (1) (a), 101.983 (1) (b), 101.983 (1) (c) (intro.), 101.983 (1) (c) 1., 101.983 (1) (c) 2., 101.983 (1) (c) 3., 101.983 (1) (d) (intro.), 101.983 (1) (d) 1., 101.983 (1) (d) 2., 101.983 (2) (a), 101.983 (2) (c), 101.983 (3), 101.984 (3), 101.985 (3), 101.985 (5) (b) 1., 101.985 (5) (b) 2. b., 145.01 (5), 255.35 (1m) (g), 440.03 (13) (c), 440.974 (2), 441.01 (4), 441.04, 441.08, 441.10 (1), 441.10 (3) (e), 441.115 (1), 441.12 (2), 450.035 (1r), 450.035 (1t), 450.035 (2), 450.035 (2g), 450.05, 450.08 (1), 450.08 (2) (a), 450.085 (1), 450.19 (2) (intro.), 450.19 (2) (b), 450.19 (2) (d), 450.19 (2) (f), 450.19 (3) (a), 450.19 (3) (b), 452.01 (4) and 452.14 (4m) (intro.); ***to repeal and recreate*** 101.983 (2) (title); and ***to create*** 101.983 (4), 440.20 (5), 450.19 (2) (a) 2. and 450.19 (2) (a) 3. of the statutes; **relating to:** the authority and responsibilities of the Department of Safety and Professional Services and the various boards under that department, the membership of the Cosmetology Examining Board, professional licensure of pharmacists, the Pharmacy

BILL

the Department of Safety and Professional Services (

Examining Board's operation of the prescription drug monitoring program, authorizing the construction, installation, alteration, operation, and inspection of elevators and other similar conveyances, and licensing requirements for elevator mechanics, inspectors, and contractors.

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in Wisconsin

Analysis by the Legislative Reference Bureau

governing

PROFESSIONAL REGULATION

This bill makes a number of changes to the laws related to professional regulation ~~that are administered by the Department of Safety and Professional Services (DSPS) and various boards under DSPS~~, including the following:

1. Under current law, DSPS is required to take the fingerprints of an applicant for a private detective license or a private security permit, an applicant for a juvenile martial arts instructor permit, and a person for whom DSPS conducts an investigation into the person's criminal history. Current law authorizes DSPS to submit the fingerprints to the federal bureau of investigation.

Under the bill, DSPS must also take the fingerprints of an applicant for a real estate appraiser certification or license, and the bill requires DSPS to submit the fingerprints of an applicant for a real estate appraiser certification or license to the federal bureau of investigation.

2. The bill authorizes DSPS or the appropriate board to reprimand a credential holder, or deny, limit, suspend, or revoke a credential, if the credential holder fails to respond, to the satisfaction of the department or the appropriate board, within 30 days to a request for information from the department or board in connection with an investigation of alleged misconduct of the credential holder.

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3. Current law prohibits the Pharmacy Examining Board from issuing a license to practice pharmacy in this state to a person who is licensed in another state if that person has had a license to practice pharmacy in another state voluntarily surrendered, limited, suspended, or revoked. The bill gives the Pharmacy Examining Board discretion to grant or deny a license to practice pharmacy in this state to such a person.

5

4. Under current law, a pharmacist may renew his or her license by satisfying certain continuing education requirements and paying the required renewal fee on or before the renewal date. If a pharmacist fails to renew his or her license by the renewal date, the pharmacist may not practice pharmacy unless the pharmacist passes an examination to the satisfaction of the Pharmacy Examining Board.

6

The bill authorizes, but does not require, the board to suspend a pharmacist's license if the pharmacist fails to renew his or her license by the renewal date, and the bill authorizes, but does not require, the Pharmacy Examining Board to require the pharmacist to pass an examination to restore the pharmacist's license.

5. Current law requires the Pharmacy Examining Board to establish a prescription drug monitoring program. Under the program, a pharmacist or other

four

new

3. Under current law, no more than 2 two members of the Cosmetology Examining Board may be affiliated with a cosmetology school. The bill increases that number to 4.

practitioner must generate a record documenting the dispensing of each prescription drug that is subject to the program, generally certain controlled substances or other drugs the Pharmacy Examining Board identifies as having a substantial potential for abuse. The pharmacist or practitioner must then deliver that record to the Pharmacy Examining Board.

This bill applies the requirements of the prescription drug monitoring program to pharmacies instead of pharmacists and to any practitioner who dispenses a prescription drug subject to the program outside of a pharmacy. The bill also creates an exemption from the prescription drug monitoring program for a schedule V controlled substance if the substance is not a narcotic and the prescription order is for a number of doses that is intended to last the patient seven days or less.

BUILDINGS AND SAFETY

This bill contains various changes to current law that governs the construction, installation, alteration, operation, and inspection of elevators and other lifts that move people and things. The changes include the following:

1. Authorizes cities and villages to issue permits to construct, install, or alter elevators and lifts and changes the term used in the statutes for this type of permit from "permit" to "approval."

2. Authorizes cities and villages to issue and renew operating permits for elevators and lifts and to conduct inspections for purposes of issuing and renewing these permits.

3. Changes current law as to when a licensed elevator mechanic or inspector must satisfy the applicable continuing education requirements and eliminates the continuing legal education requirements for elevator contractors.

4. Eliminates the requirement that an elevator inspector hold a certification issued by an entity approved by the American Society of Mechanical Engineers.

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

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

1 **SECTION 1.** 15.405 (2) (a) of the statutes is amended to read:

2 15.405 **(2)** (a) In operation, the examining board shall be divided into an
3 architect section, a landscape architect section, ~~an~~ a professional engineer section,
4 a designer section and a land surveyor section. Each section shall consist of the 3
5 members of the named profession appointed to the examining board and 2 public
6 members appointed to the section. The examining board shall elect its own officers,
7 and shall meet at least twice annually.

Insert 3-7

SECTION 2. 101.983 (title) of the statutes is amended to read:

101.983 (title) ~~**Conveyance**~~ **Approvals and permits for conveyances required.**

SECTION 3. 101.983 (1) (a) of the statutes is amended to read:

101.983 **(1)** (a) ~~*Permit*~~ *Approval required.* No person may construct, install, or alter a conveyance in this state unless an elevator contractor licensed by the department under s. 101.985 (1) has received ~~a permit~~ an approval for the construction, installation, or alteration from the department.

SECTION 4. 101.983 (1) (b) of the statutes is amended to read:

101.983 **(1)** (b) *Application.* A person applying for ~~a permit~~ an approval under par. (a) shall include, along with the application, copies of specifications and accurately scaled and fully dimensioned plans showing the location of the construction, installation, or alteration in relation to the plans and elevation of the building; the location of the applicable machinery room, if any, and the equipment to be constructed, installed, or altered; and all structural supporting members relevant to the construction, installation, or alteration, including foundations. The specifications and plans shall be sufficiently complete to illustrate all details of design and construction, installation, or alteration. The application shall specify all materials to be used and all loads to be supported or conveyed. The department may authorize a person to include the application and other information required under this paragraph with any submission required under s. 101.12 (1) to avoid duplicative filing of information.

SECTION 5. 101.983 (1) (c) (intro.) of the statutes is amended to read:

101.983 **(1)** (c) *Revocation.* (intro.) The department may revoke ~~a permit~~ an approval issued under this subsection if the department finds any of the following:

1 **SECTION 6.** 101.983 (1) (c) 1. of the statutes is amended to read:

2 101.983 **(1)** (c) 1. That information submitted under par. (b) by the person
3 obtaining the ~~permit~~ approval contains false statements or misrepresentations of
4 material fact.

5 **SECTION 7.** 101.983 (1) (c) 2. of the statutes is amended to read:

6 101.983 **(1)** (c) 2. That the ~~permit~~ approval was issued in error.

7 **SECTION 8.** 101.983 (1) (c) 3. of the statutes is amended to read:

8 101.983 **(1)** (c) 3. That the work performed under the ~~permit~~ approval is not
9 consistent with information submitted under par. (b) by the person obtaining the
10 ~~permit~~ approval or is in violation of this subchapter or rules promulgated under this
11 subchapter.

12 **SECTION 9.** 101.983 (1) (d) (intro.) of the statutes is amended to read:

13 101.983 **(1)** (d) *Expiration.* (intro.) ~~A permit~~ An approval issued under this
14 subsection expires under any of the following circumstances:

15 **SECTION 10.** 101.983 (1) (d) 1. of the statutes is amended to read:

16 101.983 **(1)** (d) 1. If the work authorized under the ~~permit~~ approval is not
17 commenced within 6 months after the date on which the ~~permit~~ approval is issued,
18 or within a shorter period of time as specified by the department at the time the
19 ~~permit~~ approval is issued.

20 **SECTION 11.** 101.983 (1) (d) 2. of the statutes is amended to read:

21 101.983 **(1)** (d) 2. If the work authorized under the ~~permit~~ approval is
22 suspended or abandoned for 60 consecutive days at any time following the
23 commencement of the work, or for a shorter period of time as specified by the
24 department at the time the ~~permit~~ approval is issued.

SECTION 12. 101.983 (2) (title) of the statutes, as affected by 2013 Wisconsin Act 20, is repealed and recreated to read:

101.983 **(2)** (title) OPERATING PERMITS; INSPECTIONS.

SECTION 13. 101.983 (2) (a) of the statutes is amended to read:

101.983 **(2)** (a) ~~*Permit*~~ *Operating permit required.* No person may allow a conveyance to be operated on property owned by the person unless the person has received a permit ~~for the~~ under this subsection from the department that authorizes its operation ~~from the department. The department may not issue a permit required under this paragraph until all inspections required under par. (c) are completed~~.

SECTION 14. 101.983 (2) (c) of the statutes is amended to read:

101.983 **(2)** (c) *Inspections.* The department may not issue or renew a permit for a conveyance under this subsection unless the department has ~~received~~ or an independent inspector has conducted an inspection of the conveyance and has prepared an inspection report ~~for~~ certifying that the conveyance ~~issued by an elevator inspector licensed under s. 101.985 (3) indicating that the conveyance~~ complies with this subchapter and any applicable rules promulgated under this subchapter. ~~This inspection by the department does not exempt the owner from the requirement to ensure that the department receives an inspection report from a licensed elevator inspector. Upon performing this inspection, the~~ Any inspection under this subsection or sub. (3) shall be performed by an inspector who is licensed under s. 101.985 (3).

(d) *Instruction on operation.* When issuing or renewing a permit under this subsection, the department shall give the owner notice of relevant conveyance safety requirements and shall instruct the owner as to the procedure for obtaining periodic

inspections and renewing the permit under which the ~~lift or equipment~~ conveyance is operated.

SECTION 15. 101.983 (3) of the statutes, as created by 2013 Wisconsin Act 20, is amended to read:

101.983 **(3)** INSPECTIONS; INDIVIDUAL RESIDENTIAL DWELLING UNITS. No owner of a residence may sell or otherwise transfer an individual residential dwelling unit that is served by a dumbwaiter or an elevator unless the owner provides the purchaser or transferee, prior to the sale or transfer of the property, with an inspection report ~~from an elevator inspector licensed under s. 101.985 (3)~~ prepared by the department or an independent inspector that indicates that the dumbwaiter or elevator complies with this subchapter and any applicable rules promulgated under this subchapter.

SECTION 16. 101.983 (4) of the statutes is created to read:

101.983 **(4)** MUNICIPALITIES AS AGENTS. The department may appoint a city or village as its agent to do any of the following:

(a) Issue approvals under sub. (1) (a).

(b) Issue or renew permits under sub. (2) (a).

(c) Conduct inspections and prepare inspection reports as provided under sub. (2) (c) and sub. (3).

(d) Give notice and provide instruction as required under sub. (2) (d).

SECTION 17. 101.984 (3) of the statutes is amended to read:

101.984 **(3)** ELEVATOR INSPECTOR. No individual may perform an ~~elevator~~ inspection of a conveyance in this state unless the individual is licensed as an elevator inspector under s. 101.985 (3) ~~and holds a certification as an elevator~~

~~inspector issued by a person approved by the American Society of Mechanical Engineers~~.

SECTION 18. 101.985 (3) of the statutes is amended to read:

101.985 **(3)** ELEVATOR INSPECTOR. The department shall issue an elevator inspector license to each individual who demonstrates to the satisfaction of the department that the individual is adequately qualified and able to provide ~~elevator~~ inspection services of conveyances as required under s. 101.983 (2). The department shall promulgate rules that establish the qualifications required for issuance of an elevator inspector license.

SECTION 19. 101.985 (5) (b) 1. of the statutes is amended to read:

101.985 **(5)** (b) 1. ~~Except as otherwise provided in this subdivision, an~~ An applicant for renewal of a license under sub. ~~(1),~~ (2) (ab), (ad), or (b), or (3) shall provide to the department a certificate indicating that, during the ~~one–year period before the date on which the applicant's license expires~~ 2–year term of the license, the applicant has satisfactorily met the education requirements established by rule under subd. 2. ~~If the applicant is not an individual, the certificate shall indicate that the education requirements were satisfactorily met by an individual who, as of the date of the application, is an agent of the applicant.~~

SECTION 20. 101.985 (5) (b) 2. b. of the statutes is amended to read:

101.985 **(5)** (b) 2. b. The number of hours of education required ~~on an annual basis~~.

SECTION 21. 145.01 (5) of the statutes is amended to read:

145.01 **(5)** GOVERNMENTAL UNIT RESPONSIBLE FOR REGULATION OF PRIVATE ON–SITE WASTEWATER TREATMENT SYSTEMS. "Governmental unit responsible for the regulation of private on–site wastewater treatment systems" or "governmental unit", unless

otherwise qualified, means the county except that in a county with a population of ~~500,000~~ 750,000 or more these terms mean the city, village or town where the private on–site wastewater treatment system is located.

SECTION 22. 255.35 (1m) (g) of the statutes is amended to read:

255.35 **(1m)** (g) "School of pharmacy" means a school of pharmacy that is accredited by the ~~American~~ Accreditation Council on Pharmaceutical Education.

SECTION 23. 440.03 (13) (c) of the statutes is amended to read:

440.03 **(13)** (c) The department shall require an applicant for a private detective license or a private security permit under s. 440.26, an applicant for a juvenile martial arts instructor permit under sub. (17), an applicant for a real estate appraiser certification under s. 458.06 or license under s. 458.08, and a person for whom the department conducts an investigation under par. (b), to be photographed and fingerprinted on 2 fingerprint cards, each bearing a complete set of the person's fingerprints. The department of justice may submit the fingerprint cards, and the department of justice shall submit the fingerprint cards of all applicants for a real estate appraiser certification under s. 458.06 or license under s. 458.08, to the federal bureau of investigation for the purpose of verifying the identity of the persons fingerprinted and obtaining records of their criminal arrests and convictions.

SECTION 24. 440.20 (5) of the statutes is created to read:

440.20 **(5)** In addition to any grounds for discipline specified in chs. 440 to 480, the department, or the appropriate credentialing board or other board in the department, may reprimand a credential holder, or may deny, limit, suspend, or revoke a credential, if the credential holder fails to respond, to the satisfaction of the department, credentialing board, or other board in the department, within 30 days to a request for information from the department, credentialing board, or other board

in the department in connection with an investigation of alleged misconduct of the credential holder.

SECTION 25. 440.974 (2) of the statutes is amended to read:

440.974 **(2)** The department shall promulgate rules establishing continuing education requirements for individuals registered under this subchapter. The rules promulgated under this subsection shall require the completion of at least ~~20~~ 40 hours of continuing education ~~during each calendar year~~ every 2 years.

SECTION 26. 441.01 (4) of the statutes is amended to read:

441.01 **(4)** The board shall direct that those schools ~~which~~ that qualify be placed on ~~the accredited~~ a list of schools the board has approved for professional nurses or of schools the board has approved for licensed practical nurses on application and proof of qualifications; and shall make a study of nursing education and initiate rules and policies to improve it.

SECTION 27. 441.04 of the statutes is amended to read:

441.04 Requisites for examination as a registered nurse. Any person who has graduated from a high school or its equivalent as determined by the board, does not have an arrest or conviction record, subject to ss. 111.321, 111.322 and 111.335, holds a diploma of graduation from ~~an accredited~~ a school of nursing approved by the board or that the board has authorized to admit students pending approval, and, if ~~the~~ that school is located outside this state, submits evidence of general and professional educational qualifications comparable to those required in this state at the time of graduation may apply to the department for licensure by the board as a registered nurse~~,~~; and upon payment of the fee specified under s. 440.05 (1), that person shall be entitled to examination.

SECTION 28. 441.08 of the statutes is amended to read:

441.08 Temporary permit. A nurse who has graduated from ~~an accredited~~ a school approved by the board or that the board has authorized to admit students pending approval but who is not licensed in this state may be granted a temporary permit upon payment of the fee specified in s. 440.05 (6) by the board to practice for compensation until the nurse can qualify for licensure. The temporary permit may be renewed once. Each applicant for renewal of a temporary permit under this section shall complete the nursing workforce survey and pay the fee required under s. 441.01 (7). Further renewals may be granted in hardship cases. The board may promulgate rules limiting the use and duration of temporary permits and providing for revocation of temporary permits.

SECTION 29. 441.10 (1) of the statutes is amended to read:

441.10 **(1)** PREREQUISITES FOR EXAMINATION AS LICENSED PRACTICAL NURSES. A person who is 18 years of age or older, does not have an arrest or conviction record, subject to ss. 111.321, 111.322 and 111.335, has completed 2 years of high school or its equivalent as determined by the board, and holds a diploma of graduation from ~~an accredited~~ a school for licensed practical nurses approved by ~~that~~ the board or that the board has authorized to admit students pending approval, may apply to the board for licensing as a licensed practical nurse~~,~~; and, upon payment of the examination fee specified in s. 440.05 (1), that person shall be entitled to take an examination. Any school for licensed practical nurses, in order to be ~~accredited~~ approved by the board, must offer a course of not less than 9 months.

SECTION 30. 441.10 (3) (e) of the statutes is amended to read:

441.10 **(3)** (e) The board may grant a temporary permit to a practical nurse who has graduated from ~~an accredited~~ a school approved by the board or that the board has authorized to admit students pending approval but who is not licensed in this

state, upon payment of the fee specified in s. 440.05 (6), to practice for compensation until the practical nurse qualifies for licensure. The board may grant further renewals in hardship cases. The board may promulgate rules limiting the use and duration of temporary permits and providing for revocation of temporary permits.

SECTION 31. 441.115 (1) of the statutes is amended to read:

441.115 **(1)** This chapter ~~shall~~ may not be construed to affect nursing by friends, members of the family, or undergraduates in ~~an accredited~~ a school approved by the board, 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 excepted~~ those persons ~~while engaged in such activities shall~~ may represent himself or herself as a registered, trained, certified, or graduate nurse unless registered under this subchapter.

SECTION 32. 441.12 (2) of the statutes is amended to read:

441.12 **(2)** No person ~~shall~~ may operate in this state a school for professional nurses or a school for practical nurses unless the ~~same shall be accredited~~ school is approved by the board. No solicitation ~~shall~~ may be made in this state of the sale of, or registration in, a course by correspondence or conducted ~~without~~ outside of the state for practical nurses unless all written material used in ~~such~~ the solicitation plainly states in type as large as any other type on the material that the course is not ~~accredited in this state~~ approved by the board for training of practical nurses.

SECTION 33. 450.035 (1r) of the statutes is amended to read:

450.035 **(1r)** A pharmacist may not administer by injection a prescribed drug product or device unless he or she has successfully completed a course of study and training in injection technique conducted by a course provider approved by the ~~American~~ Accreditation Council on Pharmaceutical Education or the board. A

pharmacist may administer a prescribed drug product or device under this subsection only in the course of teaching self–administration techniques to a patient. A pharmacist who administers a prescribed drug product or device under this subsection shall comply with the requirements and procedures established in rules promulgated by the board under s. 450.02 (2g) (b).

SECTION 34. 450.035 (1t) of the statutes is amended to read:

450.035 **(1t)** A person engaged in the practice of pharmacy under s. 450.03 (1) (f) or (g) may not administer a prescribed drug product or device unless he or she has successfully completed a course of study and training in administration technique conducted by a course provider approved by the ~~American~~ Accreditation Council on Pharmaceutical Education or the board. A person engaged in the practice of pharmacy under s. 450.03 (1) (f) or (g) may administer a prescribed drug product or device under this subsection only under the direct supervision of a pharmacist who has successfully completed a course of study and training in administration technique conducted by a course provider approved by the ~~American~~ Accreditation Council on Pharmaceutical Education or the board, and only in the course of teaching self–administration techniques to a patient. A person engaged in the practice of pharmacy under s. 450.03 (1) (f) or (g) who administers a prescribed drug product or device under this subsection shall comply with the requirements and procedures established in rules promulgated by the board under s. 450.02 (2g) (b).

SECTION 35. 450.035 (2) of the statutes is amended to read:

450.035 **(2)** A pharmacist may not administer a vaccine unless he or she has successfully completed 12 hours in a course of study and training, approved by the ~~American~~ Accreditation Council on Pharmaceutical Education or the board, in vaccination storage, protocols, administration technique, emergency procedures,

and record keeping and has satisfied the requirements specified in sub. (2t). A pharmacist may not administer a vaccine under this subsection to a person who is under the age of 6.

SECTION 36. 450.035 (2g) of the statutes is amended to read:

450.035 **(2g)** A person engaged in the practice of pharmacy under s. 450.03 (1) (f) or (g) may not administer a vaccine unless he or she acts under the direct supervision of a pharmacist and he or she and the supervising pharmacist have successfully completed 12 hours in a course of study and training, approved by the ~~American~~ Accreditation Council on Pharmaceutical Education or the board, in vaccination storage, protocols, administration technique, emergency procedures, and record keeping and the supervising pharmacist has satisfied the requirements specified in sub. (2t). A person engaged in the practice of pharmacy under s. 450.03 (1) (f) or (g) may not administer a vaccine under this subsection to a person who is under the age of 18.

SECTION 37. 450.05 of the statutes is amended to read:

450.05 Pharmacist licensed in other state; licensure. The board may, upon application and payment of the fee specified in s. 440.05 (2), license as a pharmacist any person who is licensed in another state if the person produces satisfactory evidence of having met requirements comparable to those that existed in this state at the time the person became licensed in the other state. The board ~~shall not~~ may deny a license as a pharmacist under this section to any person whose license to practice pharmacy in another state has been voluntarily surrendered, limited, suspended, or revoked. The board may require an applicant under this section to pass an equivalency examination administered by the board. If the board requires an equivalency examination, any person licensed as a pharmacist in

another state who is engaged in the active practice of pharmacy may only be required to pass an examination on state and federal laws, rules, and regulations.

SECTION 38. 450.08 (1) of the statutes is amended to read:

450.08 **(1)** The renewal date for all licenses granted by the board is specified under s. 440.08 (2) (a). ~~Only~~ Except as provided under sub. (2) (a), only a holder of an unexpired license may engage in his or her licensed activity.

SECTION 39. 450.08 (2) (a) of the statutes is amended to read:

450.08 **(2)** (a) A pharmacist's license may be renewed by complying with continuing education requirements under s. 450.085 and paying the applicable fee determined by the department under s. 440.03 (9) (a) on or before the applicable renewal date specified under s. 440.08 (2) (a). ~~Failure~~ Notwithstanding s. 440.08 (3) (a), if a pharmacist fails to obtain renewal ~~within the time period specified under this paragraph terminates the right of the person to be licensed as a pharmacist~~ by that date, the board may suspend the pharmacist's license, and ~~such right can only be acquired by passing~~ the board may require the pharmacist to pass an examination to the satisfaction of the board to restore that license.

SECTION 40. 450.085 (1) of the statutes is amended to read:

450.085 **(1)** An applicant for renewal of a license under s. 450.08 (2) (a) shall submit proof that he or she has completed, within the 2–year period immediately preceding the date of his or her application, 30 hours of continuing education in courses conducted by a provider that is approved by the ~~American~~ Accreditation Council on Pharmaceutical Education or in courses approved by the board. Courses specified in s. 450.035 (1r) and (2) are courses in continuing education for purposes of this subsection. This subsection does not apply to an applicant for renewal of a

license that expires on the first renewal date after the date on which the board initially granted the license.

SECTION 41. 450.19 (1) (a) of the statutes, as affected by 2013 Wisconsin Act 3, is renumbered 450.19 (1) (ar).

SECTION 42. 450.19 (1) (b) of the statutes, as affected by 2013 Wisconsin Act 3, is renumbered 450.19 (1) (ag) and amended to read:

450.19 **(1)** (ag) "~~Prescription~~ Monitored prescription drug" means a substance identified in s. 961.16 ~~or~~, 961.18, 961.20, or 961.22 or a drug identified by the board by rule as having a substantial potential for abuse.

SECTION 43. 450.19 (2) (intro.) of the statutes is amended to read:

450.19 **(2)** (intro.) The board shall establish by rule a program for monitoring the dispensing of monitored prescription drugs. The program shall do all of the following:

SECTION 44. 450.19 (2) (a) of the statutes is renumbered 450.19 (2) (a) (intro.) and amended to read:

450.19 **(2)** (a) (intro.) Require a ~~pharmacist~~ pharmacy or a practitioner to generate a record documenting each dispensing of a monitored prescription drug at the pharmacy or, if the monitored prescription drug is not dispensed at a pharmacy, by the practitioner and to deliver the record to the board, except that the program may not require the generation of a record ~~when a~~ in any of the following circumstances:

1. A monitored prescription drug is administered directly to a patient.

SECTION 45. 450.19 (2) (a) 2. of the statutes is created to read:

450.19 **(2)** (a) 2. A monitored prescription drug is compounded, packaged, or labeled in preparation for delivery but is not delivered.

1 **SECTION 46.** 450.19 (2) (a) 3. of the statutes is created to read:

2 450.19 **(2)** (a) 3. The prescription order is for a monitored prescription drug that
3 is a substance listed in the schedule in s. 961.22 and is not a narcotic drug, as defined
4 in s. 961.01 (15), and the prescription order is for a number of doses that is intended
5 to last the patient 7 days or less.

6 **SECTION 47.** 450.19 (2) (b) of the statutes is amended to read:

7 450.19 **(2)** (b) Identify specific data elements to be contained in a record
8 documenting the dispensing of a monitored prescription drug. In identifying specific
9 data elements, the board shall consider data elements identified by similar programs
10 in other states and shall ensure, to the extent possible, that records generated by the
11 program are easily shared with other states.

12 **SECTION 48.** 450.19 (2) (d) of the statutes is amended to read:

13 450.19 **(2)** (d) Specify a secure electronic format for delivery of a record
14 generated under the program and authorize the board to grant a ~~pharmacist~~
15 pharmacy or practitioner a waiver of the specified format.

16 **SECTION 49.** 450.19 (2) (f) of the statutes is amended to read:

17 450.19 **(2)** (f) Specify ~~a penalty~~ the discipline for failure to comply with rules
18 promulgated under this subsection.

19 **SECTION 50.** 450.19 (3) (a) of the statutes is amended to read:

20 450.19 **(3)** (a) A pharmacy, pharmacist, or practitioner is immune from civil or
21 criminal liability or professional discipline arising from the pharmacy's,
22 pharmacist's, or practitioner's compliance in good faith with this section or with rules
23 promulgated under this section.

24 **SECTION 51.** 450.19 (3) (b) of the statutes is amended to read:

450.19 **(3)** (b) Nothing in this section may be construed to require a pharmacy, pharmacist, or practitioner to obtain, before prescribing or dispensing a monitored prescription drug to a patient, information about the patient that has been collected pursuant to the program ~~described~~ established under sub. (2).

SECTION 52. 452.01 (4) of the statutes is amended to read:

452.01 **(4)** "Disciplinary proceeding" means a proceeding against one or more licensees or registrants in which the board may revoke, suspend, or limit a license or registration, reprimand a licensee or registrant, ~~issue a private letter of warning to a licensee or registrant,~~ or assess a forfeiture or require education or training under s. 452.14 (4m).

SECTION 53. 452.14 (4m) (intro.) of the statutes is amended to read:

452.14 **(4m)** (intro.) In addition to or in lieu of a reprimand~~, the issuance of a private letter of warning~~ or a revocation, limitation, or suspension of a license or certificate of registration under sub. (3), the board may do any of the following:

SECTION 54. Initial applicability.

(1) The treatment of section 101.985 (5) (b) 1. and 2. b. of the statutes first applies to applications for renewals of licenses that are submitted to the department on the effective date of this subsection.

(END)

State of Wisconsin
2013 – 2014 LEGISLATURE

LRB–2044/P1
MPG:jld:jf

PRELIMINARY DRAFT – NOT READY FOR INTRODUCTION

AN ACT *to amend* 15.405 (17) of the statutes; **relating to:** Cosmetology Examining Board.

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a subsequent version of this draft.

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

SECTION 1. 15.405 (17) of the statutes is amended to read:

15.405 **(17)** COSMETOLOGY EXAMINING BOARD. There is created a cosmetology examining board in the department of safety and professional services. The cosmetology examining board shall consist of 9 members appointed for 4–year terms. Four members shall be licensed aestheticians or cosmetologists, 2 members shall be public members, one member shall be a representative of a private school of cosmetology, one member shall be a representative of a public school of cosmetology

This is Insert 3-7

1 and one member shall be a licensed electrologist. ~~Except for the 2~~ No more than 4
2 members ~~representing schools, no member~~ may be connected with or have any
3 financial interest in a cosmetology school.

4 (END)

Insert 3-> End

Rose, Stefanie

From: Hanaman, Cathlene
Sent: Tuesday, October 01, 2013 1:11 PM
To: Parisi, Lori; Barman, Mike; Rose, Stefanie; Basford, Sarah
Subject: FW: Update requests

I made the changes (new requests printed on editor printer). Could the new request sheets be added to the file?

From: Gallagher, Michael
Sent: Tuesday, October 01, 2013 12:09 PM
To: Hanaman, Cathlene
Subject: Update requests

Cathlene: I need to change the requester on a couple of drafts, but the system won't let me update—not authorized, or some such thing. Should I be authorized? Here's what I need:

-2849: Change requester from DSPS to Kooyenga. Add this e-mail as a cc: Jeffrey.Weigand@wisconsin.gov.

-2615: Change requester from DSPS to Lasee. Add this e-mail as a cc: Jeffrey.Weigand@wisconsin.gov.

Thanks for your help.

Mike