

State of Wisconsin



2017 Assembly Bill 903

Date of enactment: April 16, 2018
Date of publication*: April 17, 2018

2017 WISCONSIN ACT 329

AN ACT *to repeal* 15.405 (7c) (am) 2., 15.405 (10r) (c), 101.16 (3g) (b), 440.03 (16), 440.04 (9) and 440.11 (3); *to renumber* 101.16 (3g) (a); *to amend* 15.405 (7c) (am) (intro.), 15.405 (7c) (am) 1., 15.405 (7c) (am) 3., 15.405 (7g), 15.405 (10r) (b), 15.406 (6) (a) 2., 101.12 (5) (b), 101.15 (2) (d) 1., 101.653 (5) (b) 2., 118.135 (2), 157.63 (2) (b), 440.08 (2) (a) 58m., 440.08 (2) (a) 59., 440.92 (9) (b) 3., 441.01 (7) (a) (intro.), 441.01 (7) (a) 1., 441.01 (7) (b), 441.06 (3), 441.08, 441.15 (3) (b), 441.16 (3) (d), 448.13 (1) (a) (intro.), 448.13 (2), 448.13 (3), 463.10 (5), 463.12 (5), 463.16 (1), 463.16 (6) and 470.05; and *to create* 463.10 (6) and 463.12 (6) of the statutes; **relating to:** various changes to statutes administered by the Department of Safety and Professional Services and attached credentialing boards and local regulation of tattooing and body piercing.

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

SECTION 1. 15.405 (7c) (am) (intro.) of the statutes is amended to read:

15.405 (7c) (am) (intro.) The 4 members appointed under par. (a) 1. shall ~~consist~~ include all of the following:

SECTION 2. 15.405 (7c) (am) 1. of the statutes is amended to read:

15.405 (7c) (am) 1. ~~One~~ At least one member who is certified under ch. 457 as an advanced practice social worker.

SECTION 3. 15.405 (7c) (am) 2. of the statutes is repealed.

SECTION 4. 15.405 (7c) (am) 3. of the statutes is amended to read:

15.405 (7c) (am) 3. ~~One~~ At least one member who is licensed under ch. 457 as a clinical social worker.

SECTION 5. 15.405 (7g) of the statutes is amended to read:

15.405 (7g) BOARD OF NURSING. There is created a board of nursing in the department of safety and professional services. The board of nursing shall consist of the following members appointed for staggered 4-year terms: 5 currently licensed registered nurses under ch. 441; ~~2~~ one currently licensed practical nurses nurse under ch. 441; one member who is either a licensed registered nurse or a licensed practical nurse under ch. 441; and 2 public members. 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 6. 15.405 (10r) (b) of the statutes is amended to read:

15.405 (10r) (b) Of the appraiser members of the board, at least one shall be certified under s. 458.06 as a general appraiser, and at least one shall be certified under s. 458.06 as a residential appraiser ~~and one shall be~~

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

licensed under s. 458.08 as an appraiser. No public member of the board may be connected with or have any financial interest in an appraisal business or in any other real estate-related business. Section 15.08 (1m) (am) applies to the public members of the board. No member of the board may serve more than 2 consecutive terms.

SECTION 7. 15.405 (10r) (c) of the statutes is repealed.

SECTION 8. 15.406 (6) (a) 2. of the statutes is amended to read:

15.406 (6) (a) 2. One public member who satisfies the requirements under s. 460.03 (2m) (b).

SECTION 9. 101.12 (5) (b) of the statutes is amended to read:

101.12 (5) (b) A person requesting to inspect or copy plans shall submit a written application identifying the structure or proposed structure whose plans are sought to be inspected or copied, providing the full name and address of the requester and stating that any information obtained from the inspection or copying will not be used for any unlawful or unfair competitive purpose and that the information set forth in the application is true and correct. ~~The department, city, village, town or county shall promptly transmit a copy of the application to the owner of the structure or proposed structure and the submitter of the plans being inspected or copied.~~

SECTION 10. 101.15 (2) (d) 1. of the statutes is amended to read:

101.15 (2) (d) 1. Employ additional mining inspectors, who each of whom shall have had at least 10 years experience in underground mining or be a graduate of a recognized college with a degree of mining engineering.

SECTION 11. 101.16 (3g) (a) of the statutes is renumbered 101.16 (3g).

SECTION 12. 101.16 (3g) (b) of the statutes is repealed.

SECTION 13. 101.653 (5) (b) 2. of the statutes is amended to read:

101.653 (5) (b) 2. A written determination by the department, issued every ~~3~~ 5 years, of whether or not the county, city, village, or town complies with par. (a).

SECTION 14. 118.135 (2) of the statutes is amended to read:

118.135 (2) A pupil who complies with a request under sub. (1) shall provide evidence of an eye examination or evaluation by December 31 following the pupil's enrollment in kindergarten. ~~The school board or charter school shall provide pupils with the form distributed by the department of safety and professional services under s. 440.03 (16) for that purpose.~~

SECTION 15. 157.63 (2) (b) of the statutes is amended to read:

157.63 (2) (b) A ~~notarized~~ statement of a person who is legally authorized to act on behalf of the religious association under this section that, during the reporting period under s. 157.62, each cemetery and the cemetery author-

ity of each cemetery specified under par. (a) have either fully complied or have substantially complied with ss. 157.11 (9g) (c) and 157.12 (3).

SECTION 16. 440.03 (16) of the statutes is repealed.

SECTION 17. 440.04 (9) of the statutes is repealed.

SECTION 17m. 440.08 (2) (a) 58m. of the statutes is amended to read:

440.08 (2) (a) 58m. Physician who possesses the degree of doctor of osteopathy: ~~March~~ November 1 of each ~~even-numbered~~ odd-numbered year.

SECTION 18. 440.08 (2) (a) 59. of the statutes is amended to read:

440.08 (2) (a) 59. Physician assistant: ~~March~~ March 1 of each ~~odd-numbered~~ even-numbered year.

SECTION 19. 440.11 (3) of the statutes is repealed.

SECTION 20. 440.92 (9) (b) 3. of the statutes is amended to read:

440.92 (9) (b) 3. A ~~notarized~~ statement of a person who is legally authorized to act on behalf of the religious association under this subsection that, during the 12-month period immediately preceding the date on which the certification is filed with the board, each employee specified under subd. 2. and the cemetery authority have either fully complied or have substantially complied with subs. (2), (3) (a) and (b) and (5).

SECTION 21. 441.01 (7) (a) (intro.) of the statutes is amended to read:

441.01 (7) (a) (intro.) The board shall require each applicant for the renewal of a registered nurse or licensed practical nurse license, ~~certificate, or permit~~ issued under this chapter to do all of the following as a condition for renewing the license, ~~certificate, or permit~~:

SECTION 22. 441.01 (7) (a) 1. of the statutes is amended to read:

441.01 (7) (a) 1. Complete and submit to the department with the application for renewal of the license, ~~certificate, or permit~~ a nursing workforce survey developed by the department of workforce development under s. 106.30 (2).

SECTION 23. 441.01 (7) (b) of the statutes is amended to read:

441.01 (7) (b) The board may not renew a registered nurse or licensed practical nurse license, ~~certificate, or permit~~ under this chapter unless the renewal applicant has completed the nursing workforce survey to the satisfaction of the board. The board shall establish standards to determine whether the survey has been completed. The board shall, by no later than June 30 of each odd-numbered year, submit all completed nursing workforce survey forms to the department of workforce development.

SECTION 24. 441.06 (3) of the statutes is amended to read:

441.06 (3) A registered nurse practicing for compensation shall, on or before the applicable renewal date specified under s. 440.08 (2) (a), submit to the board on

furnished forms a statement giving name, residence, and other facts that the board requires, with the nursing workforce survey and fee required under s. 441.01 (7) and the applicable renewal fee determined by the department under s. 440.03 (9) (a).

SECTION 25. 441.08 of the statutes is amended to read:

441.08 Temporary permit. A nurse who has graduated from 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 26. 441.15 (3) (b) of the statutes is amended to read:

441.15 (3) (b) On or before the applicable renewal date specified under s. 440.08 (2) (a), a person issued a license under par. (a) and practicing nurse-midwifery shall submit to the board on furnished forms a statement giving his or her name, residence, ~~the nursing workforce survey and fee required under s. 441.01 (7),~~ and other information that the board requires by rule, with the applicable renewal fee determined by the department under s. 440.03 (9) (a). If applicable, the person shall also submit evidence satisfactory to the board that he or she has in effect the malpractice liability insurance required under the rules promulgated under sub. (5) (bm). The board shall grant to a person who pays the fee determined by the department under s. 440.03 (9) (a) for renewal of a license to practice nurse-midwifery and who satisfies the requirements of this paragraph the renewal of his or her license to practice nurse-midwifery and the renewal of his or her license to practice as a registered nurse.

SECTION 27. 441.16 (3) (d) of the statutes is amended to read:

441.16 (3) (d) Establishing procedures for maintaining a certificate to issue prescription orders, including requirements for continuing education ~~and a requirement to complete the nursing workforce survey and submit the fee required under s. 441.01 (7).~~

SECTION 28. 448.13 (1) (a) (intro.) of the statutes is amended to read:

448.13 (1) (a) (intro.) Except as provided in par. (b), each physician shall, ~~in each 2nd year at the time of~~ include with his or her application for a certificate of registration under s. 448.07, ~~submit~~ proof of attendance at and completion of all of the following:

SECTION 29. 448.13 (2) of the statutes is amended to read:

448.13 (2) Each person licensed as a perfusionist shall, ~~in each 2nd year at the time of~~ include with his or her application for a certificate of registration under s. 448.07, ~~submit~~ proof of completion of continuing education requirements promulgated by rule by the board.

SECTION 30. 448.13 (3) of the statutes is amended to read:

448.13 (3) Each person licensed as an anesthesiologist assistant shall, ~~in each 2nd year at the time of~~ include with his or her application for a certificate of registration under s. 448.07, ~~submit~~ proof of meeting the criteria for recertification by the National Commission on Certification of Anesthesiologist Assistants or by a successor entity, including any continuing education requirements.

SECTION 30c. 463.10 (5) of the statutes is amended to read:

463.10 (5) EXCEPTION. ~~This section does~~ Subsections (2) to (4m) do not apply to a dentist who is licensed under s. 447.03 (1) or to a physician who tattoos or offers to tattoo a person in the course of the dentist's or physician's professional practice.

SECTION 30g. 463.10 (6) of the statutes is created to read:

463.10 (6) LOCAL REGULATION. No city, village, town, or county may enact or enforce an ordinance that does any of the following:

(a) Regulates tattoo establishments or the practice of tattooing, except as permitted under s. 463.16 (6).

(b) Requires local licenses, other than licenses issued by local health departments designated as the department's agent under s. 463.16, for tattoo establishments or for the practice of tattooing.

SECTION 30n. 463.12 (5) of the statutes is amended to read:

463.12 (5) EXCEPTION. ~~This section does~~ Subsections (2) to (4m) do not apply to a dentist who is licensed under s. 447.03 (1) or to a physician who pierces the body of or offers to pierce the body of a person in the course of the dentist's or physician's professional practice.

SECTION 30r. 463.12 (6) of the statutes is created to read:

463.12 (6) LOCAL REGULATION. No city, village, town, or county may enact or enforce an ordinance that does any of the following:

(a) Regulates body-piercing establishments or the practice of body piercing, except as permitted under s. 463.16 (6).

(b) Requires local licenses, other than licenses issued by local health departments designated as the department's agent under s. 463.16, for body-piercing establishments or for the practice of body piercing.

SECTION 30w. 463.16 (1) of the statutes is amended to read:

463.16 (1) In the administration and enforcement of ss. 463.10 and 463.12, the department may enter into a written agreement with a local health department with a jurisdictional area that has a population greater than 5,000, ~~which that~~ designates the local health department as the department's agent in issuing licenses to and making investigations or inspections of tattooists and tattoo establishments and body piercers and body-piercing establishments. In a jurisdictional area of a local health department without agent status, the department of safety and professional services may issue licenses, collect license fees established under s. 440.03 (9), and make investigations or inspections of tattooists and tattoo establishments and body piercers and body-piercing establishments. ~~If the department of safety and professional services designates a local health department as its agent, the department of safety and professional services or local health department may require no license for the same operations other than the license issued by the local health department under this subsection.~~ If the designation is made and the services are furnished, the department of safety and professional services shall reimburse the local health department furnishing the service at the rate of 80 percent of the net license fee per license per year issued in the jurisdictional area.

SECTION 30x. 463.16 (6) of the statutes is amended to read:

463.16 (6) ~~A village,~~ If a local health department is designated as the department's agent under this section, a city, village, town, or county may enact or enforce ordinances and a local board of health may adopt regulations regarding the licensees and premises for which the local health department is the designated agent under this section, ~~which that~~ are stricter than s. 463.10 or 463.12 or rules promulgated by the department of health services

department of safety and professional services under s. 463.10 or 463.12. ~~No, but no~~ such provision may conflict with s. 463.10 or 463.12 or with department rules. A county ordinance enacted as provided in this subsection applies only in towns within that county that have not enacted an ordinance as provided in this subsection.

SECTION 31. 470.05 of the statutes is amended to read:

470.05 Examination. ~~Beginning no later than January 1, 2000, the appropriate section of the examining board shall conduct or arrange for examinations for licensure as a professional geologist, hydrologist or soil scientist at least semiannually and at times and places determined by the section.~~ Examinations for licensure under this section chapter shall require an applicant to demonstrate minimum competency in the principles and practice of subjects substantially related to the practice of professional geology, hydrology, or soil science and may consist of one or more written or oral tests, or both.

SECTION 31m. Nonstatutory provisions.

(1m) Notwithstanding sections 440.03 (9) (a), 440.08 (2), and 448.07 (2) of the statutes, the fee for a renewal of a license to practice medicine and surgery by a physician who possesses the degree of doctor of osteopathy shall be prorated by the department of safety and professional services for the November 1, 2019, renewal date to account for the treatment of section 440.08 (2) (a) 58m. of the statutes by this act.

SECTION 32m. Effective dates. This act takes effect on the day after publication, except as follows:

(1m) The treatment of section 440.08 (2) (a) 58m. of the statutes and SECTION 31m (1m) of this act take effect on March 1, 2018, or on the day after publication, whichever is later.