



## 2013 ASSEMBLY BILL 404

October 3, 2013 – Introduced by Representatives KOOYENGA, PETRYK, NYGREN, TRANEL, KRUG, LEMAHEU, KNODL, MARKLEIN, KLEEFISCH and BALLWEG, cosponsored by Senators LASEE, GROTHMAN, COWLES, DARLING and PETROWSKI. Referred to Committee on Government Operations and State Licensing.

1     **AN ACT** *to repeal* 449.05 (intro.), 451.06 (2), 452.09 (3) (e), 454.07 (3), 454.24 (3)  
2             and 456.04 (intro.); *to renumber* 442.04 (4) (a), 449.05 (1m), 449.05 (2m),  
3             451.06 (1), 456.04 (1), 456.04 (2), 456.04 (3) and 456.04 (4); *to renumber and*  
4             **amend** 441.04, 441.06 (1), 441.07 (1), 441.10 (1), 441.10 (3) (a), 442.04 (4) (bm),  
5             442.04 (4) (c), 442.04 (5), 449.04 (1), 450.03 (2), 450.04 (3) (intro.), 450.04 (3) (a),  
6             450.04 (3) (b) and 456.03; *to amend* 39.393 (1) (c), 253.10 (7), 441.15 (3) (a)  
7             (intro.), 441.16 (2), 445.045 (1) (g), 449.04 (title), 449.055 (5) and 459.26 (3); *to*  
8             **repeal and recreate** 441.07 (title); and *to create* 440.071, 441.07 (1c), 441.10  
9             (3) (a) 6. and 456.03 (5) of the statutes; **relating to:** examination requirements  
10            for various professional credentials and powers of the Board of Nursing.

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### ***Analysis by the Legislative Reference Bureau***

Under current law, the Department of Safety and Professional Services (DSPS) and various boards under DSPS administer Wisconsin's professional credentialing laws. For many credentials, DSPS or the relevant board requires that a candidate for a credential complete postsecondary education or other training to be eligible to sit for the examination for the credential.

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Under this bill, DSPS or a board may not require a person to complete any postsecondary education or other program before the person is eligible to take an examination for a credential, except that an applicant for licensure as a registered nurse or licensed practical nurse must receive approval from the applicant's school of nursing in order to take the licensure examination before graduation. The bill creates an exception from that prohibition for the examination for a real estate appraiser certification or license issued by the Real Estate Appraisers Board.

Also under current law, the Board of Nursing (board) has the authority to conduct disciplinary proceedings and to revoke, limit, suspend, or deny the renewal of a license or certificate granted by the board. Under this bill, the board may also deny an initial license or certificate subject to certain rules.

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.** 39.393 (1) (c) of the statutes is amended to read:

2           39.393 (1) (c) A program in this state that confers a 2nd degree that will make  
3 the person eligible to sit for examination licensure under s. 441.04 441.06 or 441.10.

4           **SECTION 2.** 253.10 (7) of the statutes is amended to read:

5           253.10 (7) AFFIRMATIVE DEFENSE. No person is liable under sub. (5) or (6) or  
6 under s. 441.07 (1) (1g) (f), 448.02 (3) (a), or 457.26 (2) (gm) for failure under sub. (3)  
7 (c) 2. d. to provide the printed materials described in sub. (3) (d) to a woman or for  
8 failure under sub. (3) (c) 2. d., e., f., fm., or g. to describe the contents of the printed  
9 materials if the person has made a reasonably diligent effort to obtain the printed  
10 materials under sub. (3) (e) and s. 46.245 and the department and the county  
11 department under s. 46.215, 46.22, or 46.23 have not made the printed materials  
12 available at the time that the person is required to give them to the woman.

13           **SECTION 3.** 440.071 of the statutes is created to read:

14           **440.071 No degree completion requirement to sit for examination. (1)**

15           Except as provided under sub. (2), the department or a credentialing board or other

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1 board in the department may not require a person to complete any postsecondary  
2 education or other program before the person is eligible to take an examination for  
3 a credential the department or credentialing board or other board in the department  
4 grants or issues.

5 (2) This section does not apply to an examination for a real estate appraiser  
6 certification under s. 458.06 or license under s. 458.08.

7 **SECTION 4.** 441.04 of the statutes is renumbered 441.06 (1) (a) and amended  
8 to read:

9 441.06 (1) (a) ~~Requisites for examination as a registered nurse. Any person who~~  
10 ~~has graduated~~ The applicant graduates from a high school or its equivalent as  
11 determined by the board, ~~does.~~

12 (b) The applicant does not have an arrest or conviction record, subject to ss.  
13 111.321, 111.322 and 111.335, ~~holds.~~

14 (c) The applicant holds a diploma of graduation from an accredited school of  
15 nursing and, if the school is located outside this state, submits evidence of general  
16 and professional educational qualifications comparable to those required in this  
17 state at the time of graduation ~~may apply to the department for licensure by the~~  
18 ~~board as a registered nurse, and upon payment of.~~

19 (d) The applicant pays the fee specified under in s. 440.05 (1) ~~shall be entitled~~  
20 ~~to examination.~~

21 **SECTION 5.** 441.06 (1) of the statutes is renumbered 441.06 (1) (intro.) and  
22 amended to read:

23 441.06 (1) (intro.) ~~An~~ Subject to s. 441.07 (1g), the board shall grant a license  
24 as a registered nurse to an applicant for licensure as a registered nurse who complies  
25 with all of the following requirements of this subchapter ~~and satisfactorily passes an:~~

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1           (e) The applicant passes the examination shall under s. 441.05 to receive a  
2           license as a registered nurse in this state. The applicant may not take the  
3           examination before receiving a diploma under par. (c) unless the applicant obtains  
4           a certificate of approval to take the examination from the school of nursing the  
5           applicant attends and submits that certificate to the board prior to examination.

6           **(1m)** The holder of such a license as a registered nurse under the laws of  
7           another state or territory or province of Canada may be granted a license as a  
8           registered nurse in this state without examination if the holder's credentials of  
9           general and professional educational qualifications and other qualifications are  
10          comparable to those required in this state during the same period and if the board  
11          is satisfied from the holder's employment and professional record that the holder is  
12          currently competent to practice the profession. The board shall evaluate the  
13          credentials and determine the equivalency and competency in each case. The  
14          application for licensure without examination shall be accompanied by the fee  
15          prescribed in s. 440.05 (2).

16          **SECTION 6.** 441.07 (title) of the statutes is repealed and recreated to read:

17          **441.07 (title) Disciplinary proceedings and actions.**

18          **SECTION 7.** 441.07 (1) of the statutes is renumbered 441.07 (1g), and 441.07 (1g)  
19          (intro.), as renumbered, is amended to read:

20          441.07 (1g) (intro.) ~~The board may, after disciplinary proceedings conducted~~  
21          ~~in accordance with~~ Subject to the rules promulgated under s. 440.03 (1), the board  
22          may deny an initial license or revoke, limit, suspend, or deny the renewal of a license  
23          of a registered nurse, ~~a nurse-midwife, or a licensed practical nurse, may; deny~~  
24          an initial certificate or revoke, limit, suspend, or deny the renewal of a certificate to  
25          prescribe drugs or devices granted under s. 441.16;~~;~~ or ~~may~~ reprimand a registered

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1 nurse, nurse-midwife, or licensed practical nurse, if the board finds that the person  
2 applicant or licensee committed any of the following:

3 **SECTION 8.** 441.07 (1c) of the statutes is created to read:

4 441.07 (1c) Subject to the rules promulgated under s. 440.03 (1), the board may  
5 conduct investigations and hearings to determine whether a person has violated this  
6 chapter or a rule promulgated under this chapter.

7 **SECTION 9.** 441.10 (1) of the statutes is renumbered 441.10 (3) (a) 1. and  
8 amended to read:

9 441.10 (3) (a) 1. ~~'Prerequisites for examination as licensed practical nurses.'~~  
10 ~~A person who~~ The applicant is 18 years of age or older, ~~does.~~

11 2. The applicant does not have an arrest or conviction record, subject to ss.  
12 111.321, 111.322 and 111.335, ~~has.~~

13 3. The applicant has completed 2 years of high school or its equivalent as  
14 determined by the board ~~and holds.~~

15 4. The applicant holds a diploma of graduation from an accredited school for  
16 licensed practical nurses approved by ~~that~~ the board, ~~may apply to the board for~~  
17 ~~licensing as a licensed practical nurse, and, upon payment of the examination.~~

18 5. The applicant pays the fee specified in s. 440.05 (1), ~~shall be entitled to take~~  
19 ~~an examination.~~

20 (ag) Any school for licensed practical nurses, in order to be accredited, must  
21 offer a course of not less than 9 months.

22 **SECTION 10.** 441.10 (3) (a) of the statutes is renumbered 441.10 (3) (a) (intro.)  
23 and amended to read:

24 441.10 (3) (a) (intro.) ~~On complying with this subchapter relating to applicants~~  
25 Subject to s. 441.07 (1g), the board shall grant a license as a licensed practical nurse

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1 ~~to an applicant for licensure as licensed practical nurses, and passing an~~  
2 ~~examination, the applicant shall receive a license as a licensed practical nurse. who~~  
3 ~~satisfies all of the following conditions:~~

4 ~~(ar) The holder of the a license under this subsection is a “licensed practical~~  
5 ~~nurse” and may append the letters “L.P.N.” to his or her name. The board may~~  
6 ~~reprimand or may limit, suspend, or revoke the license of a licensed practical nurse~~  
7 ~~under s. 441.07.~~

8 **SECTION 11.** 441.10 (3) (a) 6. of the statutes is created to read:

9 441.10 (3) (a) 6. The applicant passes the examination under sub. (2) for  
10 licensure as a licensed practical nurse in this state. The applicant may not take the  
11 examination before receiving a diploma under subd. 4. unless the applicant obtains  
12 a certificate of approval to take the examination from the school of nursing the  
13 applicant attends and submits that certificate to the board prior to examination.

14 **SECTION 12.** 441.15 (3) (a) (intro.) of the statutes is amended to read:

15 441.15 (3) (a) (intro.) The Subject to s. 441.07 (1g), the board shall grant a  
16 license to engage in the practice of nurse-midwifery to any person licensed as a  
17 registered nurse under this subchapter or in a party state, as defined in s. 441.50 (2)  
18 (j), who does all of the following:

19 **SECTION 13.** 441.16 (2) of the statutes is amended to read:

20 441.16 (2) The Subject to s. 441.07 (1g), the board shall grant a certificate to  
21 issue prescription orders to an advanced practice nurse who meets the education,  
22 training, and examination requirements established by the board for a certificate to  
23 issue prescription orders, and who pays the fee specified under s. 440.05 (1). An  
24 advanced practice nurse certified under this section may provide expedited partner  
25 therapy in the manner described in s. 448.035.

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1           **SECTION 14.** 442.04 (4) (a) of the statutes, as affected by 2013 Wisconsin Act 21,  
2 is renumbered 442.04 (5) (a).

3           **SECTION 15.** 442.04 (4) (bm) of the statutes is renumbered 442.04 (5) (b) 3. and  
4 amended to read:

5           442.04 (5) (b) 3. ~~A person may not take the examination leading to the~~  
6 ~~certificate to practice as a certified public accountant unless the~~ The person has  
7 completed at least 150 semester hours of education with an accounting concentration  
8 at an institution, and has received a bachelor's or higher degree with an accounting  
9 concentration from an institution, except as provided in par. (c).

10          **SECTION 16.** 442.04 (4) (c) of the statutes is renumbered 442.04 (5) (c) and  
11 amended to read:

12          442.04 (5) (c) If an applicant has a bachelor's or higher degree from an  
13 institution, and satisfies the other conditions under par. (b), but does not have an  
14 accounting concentration required in par. ~~(bm)~~ (b) 3., the examining board may  
15 review such other educational experience from an institution as the applicant  
16 presents and, if the examining board determines that such other experience provides  
17 the reasonable equivalence of an accounting concentration required in par. ~~(bm)~~ (b)  
18 3., the examining board shall approve grant a certificate as a certified public  
19 accountant to the applicant for examination.

20          **SECTION 17.** 442.04 (5) of the statutes is renumbered 442.04 (5) (b) (intro.) and  
21 amended to read:

22          442.04 (5) (b) (intro.) The examining board may not grant a certificate as a  
23 certified public accountant to any person other than a person who is satisfies all of  
24 the following conditions:

25           1. The person is 18 years of age or older,~~does.~~

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1           2. The person does not have an arrest or conviction record, subject to ss.  
2           111.321, 111.322, and 111.335,~~and, except.~~

3           4. Except as provided in s. 442.05, the person has successfully passed an  
4           examination in such subjects affecting accountancy as the examining board  
5           considers necessary. ~~The examining board may not grant the certificate unless the~~  
6           applicant has

7           5. The person has at least one year of public accounting experience or its  
8           equivalent, the sufficiency of the experience or the equivalency to be judged by the  
9           examining board.

10           (d) The examining board shall ensure that evaluation procedures and  
11           examinations under this subsection are nondiscriminatory, relate directly to  
12           accountancy, and are designed to measure only the ability to perform competently  
13           as an accountant. The examining board may use the examination service provided  
14           by the American Institute of Certified Public Accountants.

15           **SECTION 18.** 445.045 (1) (g) of the statutes is amended to read:

16           445.045 (1) (g) The person must have successfully passed a comprehensive  
17           examination conducted by the examining board as required by s. 445.04. ~~The~~  
18           ~~examination may be taken at any time after completion of the college and mortuary~~  
19           ~~school instruction and regardless of the age of the applicant.~~

20           **SECTION 19.** 449.04 (title) of the statutes is amended to read:

21           **449.04** (title) **Examination and licensure.**

22           **SECTION 20.** 449.04 (1) of the statutes is renumbered 449.04 (1) (intro.) and  
23           amended to read:



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1           449.04 (1) (intro.) ~~Licenses~~ The examining board may grant a license to engage  
2           in the practice of optometry ~~shall be issued only to persons~~ a person who pass  
3           satisfies all of the following conditions:

4           (c) The person passes an examination approved or conducted by the examining  
5           board. ~~An applicant who qualifies under s. 449.05 may take any examination~~  
6           ~~approved or administered by the examining board upon payment of~~

7           (d) The person pays the fee specified in s. 440.05 (1).

8           **SECTION 21.** 449.05 (intro.) of the statutes is repealed.

9           **SECTION 22.** 449.05 (1m) of the statutes is renumbered 449.04 (1) (a).

10          **SECTION 23.** 449.05 (2m) of the statutes is renumbered 449.04 (1) (b).

11          **SECTION 24.** 449.055 (5) of the statutes is amended to read:

12          449.055 (5) The person satisfies the requirements under s. ~~449.05~~ 449.04 (1)  
13          (a) and (b).

14          **SECTION 25.** 450.03 (2) of the statutes is renumbered 450.03 (2) (intro.) and  
15          amended to read:

16          450.03 (2) (intro.) ~~The~~ Except as provided in s. 450.10, the board shall issue a  
17          license as a pharmacist to any person who ~~files satisfactory proof of qualifications~~  
18          ~~under s. 450.04 (3),~~ passes does all of the following:

19          (c) Passes the examination under s. 450.04 ~~and pays.~~

20          (d) Pays the fee specified in s. 440.05 (1), ~~except as provided under s. 450.10.~~

21          **SECTION 26.** 450.04 (3) (intro.) of the statutes is renumbered 450.04 (3) and  
22          amended to read:

23          450.04 (3) Every candidate for examination for licensure as a pharmacist shall  
24          submit an application on a form provided by the department and pay the fee specified

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1 in s. 440.05 (1) at least 30 days before the date of examination. ~~Every candidate shall~~  
2 ~~also submit proof to the board that he or she:~~

3 **SECTION 27.** 450.04 (3) (a) of the statutes is renumbered 450.03 (2) (a) and  
4 amended to read:

5 450.03 (2) (a) Has received a professional degree from a pharmacy program  
6 approved by the board; ~~and,~~

7 **SECTION 28.** 450.04 (3) (b) of the statutes is renumbered 450.03 (2) (b) and  
8 amended to read:

9 450.03 (2) (b) Has completed an internship in the practice of pharmacy or has  
10 practical experience acquired in another state ~~which~~ that is comparable to that  
11 included in an internship and ~~which~~ that is approved and verified by the board or by  
12 the agency ~~which~~ that is the equivalent of the board in the state in which the practical  
13 experience was acquired.

14 **SECTION 29.** 451.06 (1) of the statutes is renumbered 451.06.

15 **SECTION 30.** 451.06 (2) of the statutes is repealed.

16 **SECTION 31.** 452.09 (3) (e) of the statutes is repealed.

17 **SECTION 32.** 454.07 (3) of the statutes is repealed.

18 **SECTION 33.** 454.24 (3) of the statutes is repealed.

19 **SECTION 34.** 456.03 of the statutes is renumbered 456.03 (intro.) and amended  
20 to read:

21 **456.03 Licenses.** (intro.) An applicant for a license as a nursing home  
22 administrator who does all of the following and has successfully complied with ~~the~~  
23 any other requirements for licensure under this chapter ~~and passed the examination~~  
24 shall be granted a license by the examining board, certifying that the applicant has  
25 met the requirements of the laws and rules entitling the applicant to serve, act,

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1 practice, and otherwise hold himself or herself out as a duly licensed nursing home  
2 administrator;

3 **SECTION 35.** 456.03 (5) of the statutes is created to read:

4 456.03 (5) Passes the examination under s. 456.05.

5 **SECTION 36.** 456.04 (intro.) of the statutes is repealed.

6 **SECTION 37.** 456.04 (1) of the statutes is renumbered 456.03 (1).

7 **SECTION 38.** 456.04 (2) of the statutes is renumbered 456.03 (2).

8 **SECTION 39.** 456.04 (3) of the statutes is renumbered 456.03 (3).

9 **SECTION 40.** 456.04 (4) of the statutes is renumbered 456.03 (4).

10 **SECTION 41.** 459.26 (3) of the statutes is amended to read:

11 459.26 (3) An individual is not eligible for examination unless he or she has  
12 satisfied the requirements for licensure under s. ~~459.24 (2) (a) to (d) or (3) (a) to (d)~~  
13 and, at least 30 days before the date of examination, submits an application for  
14 examination to the department on a form provided by the department and pays the  
15 fee specified in s. 440.05 (1).

16 (END)