

## CHAPTER 149.

## NURSING.

|         |   |         |                       |
|---------|---|---------|-----------------------|
| 149.01  | Committee.  | 149.06  | Certificate.          |
| 149.02  | Director.   | 149.065 | License of attendant. |
| 149.03  | Examiners.  | 149.07  | Revocation.           |
| 149.04  | Application.  | 149.08  | Permit.               |
| 149.045 | Prerequisites for examination as licensed attendants. | 149.09  | Public health nurses. |
| 149.05  | Examination.  | 149.10  | Exceptions.           |
| 149.055 | Examination for licensing attendants.                 | 149.11  | Administration.       |
|         |   | 149.12  | Penalty.              |

**149.01 Committee.** (1) The state board of health shall appoint a committee on nursing education to consist of the state health officer, the director of nursing education, 2 from the state nurses' association, 2 from the state league of nursing education, one from the state hospital association, one from the Wisconsin conference of the catholic hospital association, one from the state medical society, and one from the public health nursing bureau of the state board of health. Each of such organizations shall submit a list of 5 names from which the representatives shall be selected to serve for a term of 2 years and until their successors have been appointed.

(2) The director of nursing education shall act as secretary. Five members shall be a quorum. Special meetings may be called by the chairman or secretary or upon the written request of 2 members. The members shall be reimbursed actual necessary expenses and receive \$8 for each day engaged.

(3) The state board of health shall refer to the committee questions regarding nursing education for investigation, recommendation or other action.

(4) The committee shall maintain standards for and supervise schools for nurses and schools for attendants licensed under section 149.065, and place them on the accredited list on application and proof of qualification; make a study of nursing education and initiate rules, regulations and policies to improve it, and make rules and regulations for the administration of this chapter. [1941 c. 132; 1943 c. 63, 304]

**Note:** Committee on nursing education appointed by state board of health can make rules whereby accredited training schools must require of student nurses that they have high school education or its equivalent. 19 Atty. Gen. 252.

Under (4) committee on nursing education has power to accredit schools for nurses and in proper case may remove school from accredited list after giving school hearing. 26 Atty. Gen. 400.

**149.02 Director.** The state board of health shall appoint, upon nomination of the committee on nursing education, a state director of nursing education, fix her salary, and prescribe her duties and provide clerical service. Such director shall have at least the following minimum qualifications:

- (1) A citizen of the United States.
- (2) A graduate of a recognized college or university.
- (3) A registered nurse.
- (4) Five years' experience as an executive of a school of nursing of not less than thirty-five nurses. [1941 c. 132]

**149.03 Examiners.** The state board of health shall appoint, upon nomination of the committee on nursing education, a board of examiners for nurses to consist of the director of nursing education, who shall act as secretary, and 4 registered nurses of not less than 3 years' experience in nursing. The original terms shall be 2 for 2 years, and 2 for 3 years from September 1, 1921. Thereafter the term of each shall be 3 years and until their successors have been appointed. Members shall be reimbursed actual and necessary expenses and receive \$8 for each day engaged. [1941 c. 132; 1943 c. 63]

**149.04 Application.** A nurse who is a citizen or who has legally declared her intention to become a citizen over the age of 21 and of good moral character, who has graduated from a high school or its equivalent as determined by the committee on nursing education, who holds a diploma of graduation from an accredited school of nursing giving a course of not less than 3 years, or who will complete a full course in an accredited school for nurses within 4 months following the date of application, may apply to the state board of health for registration as a registered nurse, and upon payment of \$10 shall be entitled to examination. For the duration of the war and for 6 months following the cessation of hostilities, an applicant may be admitted to the examination if she will be 21 years of age within 6 months following the date of the examination and if she has satisfactorily com-

pleted or will complete within the time specified in this chapter a course in nursing which meets the minimum curriculum requirements as prescribed by the committee on nursing education, and otherwise qualifies as stated in this chapter. [1941 c. 132; 1943 c. 63]

**149.045 Prerequisites for examination as licensed attendants.** A citizen or an alien who has legally declared her intention to become a citizen, who is at least 19 years of age, of good moral character, who has graduated from a high school or its equivalent as determined by the committee on nursing education, and who has completed the work prescribed by an accredited school for attendants approved by that committee, which school shall be connected with a reputable hospital having an average daily census of at least 40 patients during the year preceding establishment of such school, and providing hospital facilities for the care of medical, surgical and obstetrical cases, may apply to the state board of health for registration as a licensed attendant, and upon the payment of \$5 shall be entitled to take an examination for such purpose. Any school for licensed attendants, in order to be accredited, must offer a course of not less than 9 nor more than 12 months. The committee on nursing education may, in its discretion, waive the requirement of attendance at such a school when it deems the applicant to have had equivalent training. [1943 c. 304]

**149.05 Examination.** The board of examiners for nurses shall prepare written questions and prescribe rules and regulations, subject to the approval of the committee on nursing education, for conducting examinations, and the preservation of the examination papers for two years. Examinations shall be held at least twice a year at times and places designated by the state board of health, and at least thirty days' public notice shall be given.

**149.055 Examination for licensing attendants.** The board of examiners for nurses shall also prepare written questions and prescribe rules and regulations, subject to the approval of the committee on nursing education, for the examination of those desirous of becoming licensed attendants, and the examination papers of all such applicants shall be preserved for 2 years. Examinations shall be held at least twice annually at times and places designated by the state board of health, and at least 30 days' public notice shall be given of each such examination. [1943 c. 304]

**149.06 Certificate.** (1) One complying with the provisions of this chapter relating to applicants for registration as nurses and passing a satisfactory examination shall receive a certificate of registration. The holder of such a certificate of another state shall be granted a certificate without examination if her credentials of general and professional educational qualifications are equivalent to those required in Wisconsin during the same period. The committee on nursing education shall evaluate the credentials and determine the equivalency in each such case.

(2) The certificate shall be issued by the secretary of the state board of health and countersigned by the secretary of the board of examiners. The recipient shall, within thirty days, record the certificate with the county clerk of her residence. The holder of such certificate is a "registered nurse" and may append "R. N." to her name.

(3) A registered nurse actually practicing shall annually during January file with the state board of health on furnished blanks a statement giving her name, residence and such other facts as the board require, with a re-registration fee of two dollars.

(4) No person shall practice or attempt to practice, as a registered, trained, certified or graduate nurse without a certificate, nor use the title, letters, or anything else to indicate that she is a registered, trained, certified or graduate nurse. [1941 c. 132; 1943 c. 304, 480; 1943 c. 553 s. 29]

**Note:** Subsection (4) and 149.10 do not prohibit any one from practicing as a nurse, but merely from practicing as a registered, trained, certified or graduate nurse without a registration certificate. *Nickley v. Eisenberg*, 206 W 265, 239 NW 426.

Registered nurse of another state may act as practical nurse but may not employ letters "R. N." 24 Atty. Gen. 563.

Chapter 149, which prohibits nurse from holding herself out as registered nurse and practicing as such without certificate of registration, does not specifically provide any penalty for hospital authorities who

knowingly hire nurse who has no such certificate and permit her to practice as registered nurse; but they may nevertheless be guilty of aiding and abetting violation thereof under such facts; they may also be guilty of common law conspiracy to violate chapter 149 under provisions of 348.40. 30 Atty. Gen. 95.

Person employed as anaesthetist in hospital is not required to be registered nurse under chapter 149, so long as she does not hold herself out as being registered, graduate, certified or trained nurse and practice as such. 30 Atty. Gen. 245.

**149.065 License of attendant.** (1) On complying with the provisions of this chapter relating to applicants for licensure as attendants, and passing a satisfactory examination, the applicant shall receive a license as a licensed attendant, which license shall be issued by the secretary of the state board of health and countersigned by the secretary of the board of examiners for nurses. The holder of such license is a "licensed attendant",

and may append the letters "L. A." to her name. The committee on nursing education may revoke the license of a licensed attendant pursuant to section 149.07.

(2) A licensed attendant actually practicing shall file each January with the state board of health, on blanks furnished by that board, a statement giving her name, residence and such other facts as the board may require, accompanied by a re-registration fee of \$1.

(3) No person shall practice or attempt to practice as a licensed attendant without a license, nor use the title or letters "Licensed Attendant", "L. A.", "Trained Attendant", or "T. A.", nor otherwise seek to indicate that she is a licensed attendant; nor shall a licensed attendant use the title, or otherwise seek to act as a registered, trained, certified or graduate nurse. Anyone violating any provision of this section shall be subject to the penalties prescribed by section 149.12.

(4) An attendant licensed under the provisions of this section may perform simple procedures in the physical care of the patient, and may perform only such other procedures as may be directed by the attending physician.

(5) The board may license without examination any person who has been registered as a licensed attendant in another state under laws which, in the opinion of the board, maintain standards at least equivalent to those of this state for licensed attendants. The fee for licensing without examination under this section shall be \$10. [1943 c. 304]

**149.07 Revocation.** The committee on nursing education may revoke a certificate of registration of any nurse who has been convicted of unprofessional or dishonorable conduct, or shown to be grossly incompetent, or if the certificate was obtained through error or fraud, upon notice in writing, specifying the charges, and time of hearing, not less than five days after service of the notice, and after hearing at which she shall have opportunity to produce testimony. A certificate revoked for gross incompetency, may, after one year, upon application be regranted in the discretion of the committee.

**149.08 Permit.** Graduate nurses not registered in Wisconsin and who graduated from accredited schools in other states and who are actually practicing, must have a permit from the state board of health, for which \$2 shall be charged, to practice until she can qualify for registration. For the duration of the war and 6 months following the cessation of hostilities, any graduate nurse who is a resident of the state of Wisconsin on April 22, 1943, who shall produce evidence of honorable discharge or release under honorable conditions from active nursing with the United States nursing services during World War I, between the dates of April 6, 1917 and November 11, 1918, shall be eligible for a permit to engage in nursing as a graduate nurse. For the duration of the war and for 6 months following the cessation of hostilities a temporary permit may be issued to any nurse who has graduated from an accredited school of nursing, who holds a license or certificate as registered nurse in any state outside of Wisconsin and who is a citizen of the United States or has filed first citizenship papers, who desires to engage in nursing in Wisconsin for the period of the emergency. Temporary permits shall be renewed annually in January. The fee for a temporary emergency permit shall be \$2. [1941 c. 132; 1943 c. 63, 169]

**149.09 Public health nurses.** (1) The qualifications of all public health nurses or instructors hereafter entering such employment and not under direct supervision of a resident certified public health nurse, shall be determined by a committee of three examiners, one selected by the state board of health, one by the board of examiners for nurses, and one by the state superintendent of public instruction.

(2) Candidates recommended by the committee of examiners shall be certified by the state board of health to the local appointing body upon request, and appointment shall be made from the certified list.

(3) Public health nurses or instructors not working under direct supervision of a resident certified public health nurse shall make a written report monthly in triplicate, one copy to the employing board, one to the local directing committee or officer, and one to the state board of health, showing the work done. The state board of health through its bureau of public health nursing shall examine the report and make recommendations for the improvement and the development of the nursing service.

(4) The state board of health shall prescribe forms or appliances, and notify the nurses where they can be purchased.

(5) This section shall not apply to cities of the first class. [1931 c. 174]

**149.10 Exceptions.** This chapter shall not be construed to affect nursing by friends, members of the family or person not graduated from an accredited training school, 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 they shall not assume to be registered, trained, certified or graduate nurses.

**149.11 Administration.** The state board of health shall enforce this chapter and cause the prosecution of persons violating it. It shall keep a register of the names and addresses of registered nurses and licensed attendants which shall be open to the public at reasonable times, a record of applications, and a detailed account of money received. The secretary shall make to the governor annual report of its proceedings under this chapter, including an itemized account of money received. [1943 c. 304]

**149.12 Penalty.** Any person violating this chapter shall be fined for each offense not less than ten nor more than fifty dollars.