

## CHAPTER 149.

## NURSING.

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**149.01 Board of nursing.** (1) The state board of nursing shall consist of the state health officer or his representative, the director of nursing education, and 8 members to be appointed by the governor with the consent of the senate, 2 from the state nurses' association, 2 from the Wisconsin league for nursing, 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 may submit a list of 5 names from which the representatives may be selected to serve for a term of 4 years and until their successors have been appointed.

(2) The director of nursing education shall act as secretary. Five members shall be a quorum. A regular meeting shall be held at least annually at a time and place fixed by the board and special meetings may be called by the president or secretary or upon the written request of 2 members. The members shall be reimbursed actual and necessary expenses.

(3) The powers and duties of the board shall be regulatory, advisory, and policy-forming and not administrative. It shall have authority to establish minimum standards for schools for nurses and schools for trained practical nurses licensed under this chapter, and to make and provide periodic surveys and consultations to such schools. It shall approve all rules and regulations for the administration of this chapter before they become effective.

(4) The board shall direct that those schools which qualify be placed on the accredited list on application and proof of qualifications; and shall make a study of nursing education and initiate rules, regulations and policies to improve it.

(5) The board in its discretion may promote the professional education of graduate nurses registered in Wisconsin, through creation of scholarships available to such graduate nurses, by foundation of professorships in nursing courses in Wisconsin colleges and universities, by conducting educational meetings, seminars, lectures, demonstrations and the like open to registered nurses, by publication and dissemination of technical information, or by other similar activities designed to improve the standards of the nursing profession in this state. For the execution of its functions under this subsection the board may recommend the use of such portion of the fund created by s. 20.580 (42) as it deems necessary.

**History:** 1955 c. 10, 333.

**149.015 State department of nurses.** The state department of nurses shall consist of the director of nursing education and department employes. The department shall be provided with office rooms and with necessary furniture, stationery, blanks, books, periodicals, printing, and other supplies.

**History:** 1955 c. 10.

**149.02 Director.** (1) The board shall appoint, upon certification of the bureau of personnel, 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:

- (a) A citizen of the United States.
- (b) A graduate of a recognized college or university.
- (c) A registered nurse.
- (d) Five years' experience as an executive of a school of nursing of not less than 35 nurses.

(2) The administrative powers and duties of the department shall be vested in the director to be administered under the statutes and subject to the policies and in accordance with the principles established by the board.

(3) The director, with prior approval of the board, shall establish rules and regulations for administering the department and performing the duties assigned to it.

**149.03 Examiners for nurses.** The board shall appoint a committee of examiners for nurses to consist of the director of nursing education, who shall act as secretary, and 4 nurses of not less than 3 years' experience in nursing. The term of each shall be 4 years and until their successors have been appointed, except that in 1955 one shall be appointed for 4 years and one for 3 years. Members shall be reimbursed actual and necessary expenses and receive such per diem for each day engaged as may be fixed by the bureau of personnel based upon the current daily compensation of private duty nurses in the state.

**History:** 1955 c. 10, 333.

**149.04 Requisites for examination as a registered nurse.** Any person who is a citizen or who has legally declared her intention to become a citizen and of good moral character, who has graduated from a high school or its equivalent as determined by the board, who holds a diploma of graduation from an accredited school of nursing, may apply to the department for registration as a registered nurse, and upon payment of \$25 shall be entitled to examination.

**History:** 1955 c. 290.

Board may not retain examination fee and refuse to examine the applicant upon grounds of inadequacy of qualifications. 39 Atty. Gen. 12.

nurses pursuant to 149.04 and 149.08, Stats. 1943, are public records within the meaning of 18.01 (1) and must be preserved unless disposal is authorized in manner provided by 44.08. 39 Atty. Gen. 608.

Applications filed with the department of

**149.05 Examination for nurses.** The committee of examiners for nurses shall prepare written questions and prescribe rules and regulations, subject to the approval of the board, for conducting examinations and the preservation of the examination papers for 2 years. Examinations shall be held at least twice a year at times and places designated by the board, and at least 30 days' public notice shall be given.

**149.06 Certificate.** (1) One complying with 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 or territory or province of Canada shall be granted a certificate without examination if her credentials of general and professional educational qualifications and other qualifications are comparable to those required in Wisconsin during the same period. The board shall evaluate the credentials and determine the equivalency in each such case.

(2) The certificate shall be issued by the president of the board and countersigned by the secretary of the committee of examiners. The holder of such certificate is a "registered nurse" and may append "R.N." to her name, and is authorized to practice professional nursing.

(3) A registered nurse practicing for compensation shall annually during January file with the department on furnished blanks a statement giving her name, residence and such other facts as the board requires, with a reregistration fee of \$3.

(4) No person shall practice or attempt to practice professional nursing, nor use the title, letters, or anything else to indicate that she is a registered or professional nurse unless she is registered under this section. No person not so registered shall use in connection with her nursing employment or vocation any title or anything else to indicate that she is a trained, certified or graduate nurse.

**History:** 1955 c. 290, 333.

Credentials of certificate holder of another state discussed. 39 Atty. Gen. 224.

**149.07 Revocation.** The board may revoke or suspend a certificate of registration of a nurse, or license of a trained practical nurse, upon proof that the person was guilty of fraud in the procuring or renewal of such certificate or license, or has wilfully or repeatedly violated any of the provisions of this chapter, or is unfit or incompetent by reason of negligence, habitual intemperance, addiction to the use of habit-forming drugs, mental incompetency or moral delinquency, or, in the case of a registered nurse, unprofessional conduct, upon notice in writing, addressed to the last post-office address shown on the records of the board specifying the charges, and time of hearing, not less than 10 days after mailing of the notice, and after hearing at which she shall have opportunity to produce testimony. A certificate or license revoked may, after one year, upon application be regranted in the discretion of the board.

**History:** 1955 c. 290.

**149.08 Permit.** Graduate nurses not registered in Wisconsin and who graduated from accredited schools and who are practicing for compensation must have a permit from the board, for which \$2 shall be charged, to practice until she can qualify for registration.

**History:** 1955 c. 290.

**149.09 Trained practical nurses.** (1) **EXAMINERS.** The board shall appoint a committee of examiners for trained practical nurses to consist of one nurse, 3 licensed trained practical nurses, one faculty member of an accredited school for practical nurses who is a nurse, the director of the department who shall act as secretary, and a person licensed to practice medicine and surgery in this state. With the exception of the director, none of those appointed shall be members of the committee of examiners for nurses created under s. 149.03. Each term shall be for 3 years and until a successor has been appointed and qualified. Committee members shall be reimbursed for the actual and necessary expenses and shall receive such per diem for each day engaged as may be fixed by the bureau of personnel, based on the current daily compensation of private duty nurses in the state.

(2) **PREREQUISITES FOR EXAMINATION AS TRAINED PRACTICAL NURSES.** A citizen or an alien who has legally declared her intention to become a citizen, who is at least 18 years of age, of good moral character, who has completed 2 years of high school or its equivalent as determined by the board, and who has completed the work prescribed by an accredited school for trained practical nurses approved by that board, which school shall be connected with an institution providing hospital facilities for the care of medical, surgical and obstetrical cases, may apply to the board for licensing as a trained practical nurse, and upon the payment of \$15 shall be entitled to take an examination for such purpose. Any school for trained practical nurses, in order to be accredited, must offer a course of not less than 9 nor more than 12 months. The size or average daily census of an institution shall not be a determinative factor in qualifying a school for trained practical nurses. The board may, in its discretion, waive the requirement of attendance at such a school when it deems the applicant to have had comparable training.

(3) **EXAMINATION.** The committee of examiners for trained practical nurses shall prepare written questions and prescribe rules and regulations, subject to the approval of the board, for the examination of those desirous of becoming trained practical nurses, 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 board, and at least 30 days' public notice shall be given of each such examination.

(4) **LICENSING.** (a) On complying with this chapter relating to applicants for licensure as trained practical nurses, and passing a satisfactory examination, the applicant shall receive a license as a trained practical nurse, which license shall be issued by the president of the board and countersigned by the secretary of the committee of examiners for trained practical nurses. The holder of such license is a "licensed trained practical nurse", and may append the letters "T.P.N." to her name. The board may revoke the license of a licensed trained practical nurse pursuant to s. 149.07.

(b) A licensed trained practical nurse practicing for compensation shall file each July with the department, on blanks furnished by that department, a statement giving her name, residence and such other facts as the board may require, accompanied by a license renewal fee of \$3.

(c) No license is required for practical nursing, but no person without a license shall hold herself out as a trained practical nurse or licensed attendant, use the title or letters "Trained Practical Nurse" or "T.P.N.", "Licensed Practical Nurse" or "L.P.N.", "Licensed Attendant" or "L.A.", "Trained Attendant" or "T.A.", nor otherwise seek to indicate that she is a trained practical nurse or licensed attendant; nor shall a trained practical nurse or a licensed attendant use the title, or otherwise seek to act as a registered, trained, certified, graduate or professional nurse. Anyone violating this subsection shall be subject to the penalties prescribed by s. 149.12. The board shall grant without examination a license as a trained practical nurse to any person who was on July 1, 1949, a licensed attendant.

(d) The board may license without examination any person who has been licensed as a licensed attendant or trained practical nurse in another state or territory or province of Canada under standards which, in the opinion of the board, are at least comparable to those of this state for trained practical nurses. The fee for licensing without examination under this section shall be \$15.

**History:** 1955 c. 290, 333.

**149.10 Definitions.** (1) **PRACTICE OF PROFESSIONAL NURSING.** The practice of professional nursing within the terms of this chapter means the performance for compensation of any act in the observation or care of the ill, injured or infirm, or for the maintenance of health or prevention of illness of others, which act requires substantial nursing skill, knowledge or training, or application of nursing principles based on biological, physical and social sciences, such as the supervision of a patient, the observation and recording of symptoms and reactions, the execution of procedures and techniques in the treatment of the sick under the general or special supervision or direction of a physician, the execution of general nursing procedures and techniques and the supervision and direction of trained practical nurses and less skilled assistants.

(2) **PRACTICE OF PRACTICAL NURSING.** The practice of practical nursing within the terms of this chapter means the performance of any simple acts in the care of convalescent, subacutely or chronically ill, injured or infirm persons, or of any act or procedure in the care of the more acutely ill, injured or infirm under the specific direction of a nurse or physician. A simple act is one which does not require any substantial nursing skill, knowledge, or training, or the application of nursing principles based on biological, physical or social sciences, or the understanding of cause and effect in such acts.

(3) **NURSE AND NURSING.** Wherever the term "nurse" is used in this chapter without modification or amplification it shall mean only a registered nurse. Wherever the term "nursing" is used in this chapter without modification or amplification it shall mean the practice of professional nursing as herein defined.

(4) **FOR COMPENSATION.** Wherever the term "compensation" is used in this chapter it shall include indirect compensation as well as direct compensation and also the expectation thereof whether actually received or not.

(5) This chapter shall not be construed to affect nursing by friends, members of the family or undergraduates in an accredited 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 none of such excepted persons while engaged in such activities shall represent herself as a registered, trained, certified or graduate nurse unless registered under this chapter.

**History:** 1955 c. 333.

**149.11 Administration.** The department 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 a record of licensed trained practical nurses, which shall be open to the public at reasonable times; also a record of applications, and a detailed account of money received. The director shall make an annual report to the governor of its proceedings under this chapter, including an itemized account of money received. Whenever requested by the board the director and employes shall furnish an official bond in such amount as the board may determine. The department may issue certified photostatic copies of records at cost.

**History:** 1955 c. 290.

**149.12 Penalty.** (1) Any person violating this chapter may be fined not more than \$250 or imprisoned not more than one year in county jail.

(2) After January 1, 1956, no action may be brought or other proceeding had to recover compensation for professional nursing services unless at the time such services were rendered the person rendering the same was a registered nurse or had a temporary permit as provided in this chapter.

**History:** 1955 c. 290, 333, 652.