

State of Wisconsin



2001 Assembly Bill 725

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2001 WISCONSIN ACT 52

AN ACT *to renumber and amend* 441.15 (1) and 441.15 (3) (a); *to amend* 253.13 (1), 441.15 (2) (intro.), 441.15 (2) (a), 441.15 (2) (b), 441.15 (3) (b), 441.15 (4), 655.001 (7t) and 655.005 (2) (a); and *to create* 441.15 (1) (a), 441.15 (2) (c), 441.15 (3) (a) 3. and 441.15 (5) of the statutes; **relating to:** the practice of nurse–midwifery, providing an exemption from emergency rule procedures, and granting rule–making authority.

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

SECTION 1. 253.13 (1) of the statutes is amended to read:

253.13 (1) BLOOD TESTS. The attending physician or nurse ~~certified~~ licensed under s. 441.15 shall cause every infant born in each hospital or maternity home, prior to its discharge therefrom, to be subjected to blood tests for congenital and metabolic disorders, as specified in rules promulgated by the department. If the infant is born elsewhere than in a hospital or maternity home, the attending physician, nurse ~~certified~~ licensed under s. 441.15 or birth attendant who attended the birth shall cause the infant, within one week of birth, to be subjected to these blood tests.

SECTION 2. 441.15 (1) of the statutes is renumbered 441.15 (1) (intro.) and amended to read:

441.15 (1) (intro.) In this section, ~~“the practice;~~

(b) ~~“Practice of nurse–midwifery” means the management of care of a woman in normal childbirth and the provision of prenatal, intrapartal, postpartal and nonsurgical contraceptive methods and care for the mother and the newborn women’s health care, pregnancy, childbirth, postpartum care for newborns, family planning, and gynecological services consistent with the standards of~~

practice of the American College of Nurse–Midwives and the education, training, and experience of the nurse–midwife.

SECTION 3. 441.15 (1) (a) of the statutes is created to read:

441.15 (1) (a) “Collaboration” means a process that involves 2 or more health care professionals working together and, when necessary, in each other’s presence, and in which each health care professional contributes his or her expertise to provide more comprehensive care than one health care professional alone can offer.

SECTION 4. 441.15 (2) (intro.) of the statutes is amended to read:

441.15 (2) (intro.) No person may engage in the practice of nurse–midwifery unless each of the following conditions is satisfied:

SECTION 5. 441.15 (2) (a) of the statutes is amended to read:

441.15 (2) (a) ~~Without a certificate issued~~ The person is issued a license by the board under sub. (3) (a).

SECTION 6. 441.15 (2) (b) of the statutes is amended to read:

441.15 (2) (b) ~~Unless such~~ The practice occurs in a health care facility approved by the board by rule under sub. (3) (c), under the general supervision of in collaboration with a physician with postgraduate training in obstet-

* Section 991.11, WISCONSIN STATUTES 1999–00: 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 as designated” by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

rics, and pursuant to a formal written agreement with that physician.

SECTION 7. 441.15 (2) (c) of the statutes is created to read:

441.15 (2) (c) Except as provided in sub. (5) (a), the person has in effect the malpractice liability insurance required under the rules promulgated under sub. (5) (b).

SECTION 8. 441.15 (3) (a) of the statutes is renumbered 441.15 (3) (a) (intro.) and amended to read:

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

1. Submits evidence satisfactory to the board that he or she meets the educational and training prerequisites established by the board for the practice of nurse-midwifery and who pays.

2. Pays the fee specified under s. 440.05 (1).

SECTION 9. 441.15 (3) (a) 3. of the statutes is created to read:

441.15 (3) (a) 3. If applicable, submits evidence satisfactory to the board that he or she has in effect the malpractice liability insurance required under the rules promulgated under sub. (5) (b).

SECTION 10. 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 certificate license under par. (a) and practicing nurse-midwifery shall submit to the board on furnished blanks a statement giving his or her name, residence, and other information as that the board requires by rule, with the applicable renewal fee specified under s. 440.08 (2) (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) (b).

SECTION 11. 441.15 (4) of the statutes is amended to read:

441.15 (4) A nurse-midwife who discovers evidence that any aspect of care involves any complication which jeopardizes the health or life of ~~the~~ a newborn or mother shall immediately refer the patient to the supervising consultant with the collaborating physician under sub. (2) (b) ~~or, if that physician is unavailable, to another physician or the physician's designee, or make a referral as specified in a written agreement under sub. (2) (b).~~

SECTION 12. 441.15 (5) of the statutes is created to read:

441.15 (5) (a) Except for any of the following, no person may practice nurse-midwifery unless he or she has

in effect malpractice liability insurance in an amount that is at least the minimum amount specified in rules promulgated under par. (b):

1. A federal, state, county, city, village, or town employee who practices nurse-midwifery within the scope of his or her employment.

2. A person who is considered to be an employee of the federal public health service under 42 USC 233 (g).

3. A person whose employer has in effect malpractice liability insurance that provides coverage for the person in an amount that is at least the minimum amount specified in the rules.

4. A person who does not provide care for patients.

(bm) The board shall promulgate rules establishing the minimum amount of malpractice liability insurance that is required for a person to practice nurse-midwifery, which shall be the same as the amount established by the board under s. 441.16 (3) (e).

SECTION 12g. 655.001 (7t) of the statutes is amended to read:

655.001 (7t) "Health care practitioner" means a health care professional, as defined in s. 180.1901 (1m), who is an employee of a health care provider described in s. 655.002 (1) (d), (e), or (f) and who has the authority to provide health care services that are not in collaboration with a physician under s. 441.15 (2) (b) or under the direction and supervision of a physician or nurse anesthetist.

SECTION 12r. 655.005 (2) (a) of the statutes is amended to read:

655.005 (2) (a) An employee of a health care provider if the employee is a physician or a nurse anesthetist or is a health care practitioner who is ~~not~~ providing health care services that are not in collaboration with a physician under s. 441.15 (2) (b) or under the direction and supervision of a physician or nurse anesthetist.

SECTION 13. Nonstatutory provisions.

(1) Using the procedure under section 227.24 of the statutes, the board of nursing may promulgate the rules required under section 441.15 (5) (b) of the statutes, as created by this act, for the period before permanent rules become effective, but not to exceed the period authorized under section 227.24 (1) (c) and (2) of the statutes. Notwithstanding section 227.24 (1) (a) and (2) (b) of the statutes, the board of nursing need not provide evidence of the necessity of preservation of the public peace, health, safety, or welfare in promulgating rules under this subsection.

SECTION 14. Effective date.

(1) This act takes effect on the first day of the 7th month beginning after publication.