

1979 Assembly Bill 66

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CHAPTER 317, Laws of 1979

AN ACT to amend 441.07 and 448.03 (2) (a); and to create 441.15 of the statutes, relating to certification of nurse-midwives by the board of nursing and granting rule-making authority.

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

SECTION 1. Legislative intent. It is the intent of the legislature, by certifying nurse-midwives under this act, to provide a cost savings to persons who use the services of a nurse-midwife rather than the services of a physician. The legislature intends that services performed by a nurse-midwife should be considered as separate and distinct from the services of the cooperating physician for purposes of billing and determining reimbursement for those services.

SECTION 2. 441.07 of the statutes is amended to read:

441.07 Revocation. The board may revoke, limit, suspend or deny renewal of a certificate of registration of a nurse, certificate of a nurse-midwife or license of a trained practical nurse, or may reprimand a nurse, nurse-midwife or trained practical nurse, upon proof that the person was guilty of fraud in the procuring or renewal of the certificate or license, ~~has failed to become a citizen within 7 years after declaring such intent,~~ has wilfully or repeatedly violated this chapter, ~~or~~ is unfit or incompetent by reason of negligence, habitual intemperance, addiction to the use of habit-forming drugs, or mental incompetency ~~or moral delinquency,~~ is not of good professional character or, in the case of a registered nurse, is unfit or incompetent by reason of unprofessional conduct, after a hearing conducted under the rules promulgated under s. 440.03 (1). A certificate or license revoked may, after one year, upon application be reinstated by the board.

SECTION 3. 441.15 of the statutes is created to read:

441.15 Nurse-midwives. (1) In this section, "the 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.

(2) No person may practice nurse-midwifery:

- (a) Without a certificate issued by the board under sub. (3) (a).
- (b) Unless such practice occurs in a health care facility approved by the board by rule under sub. (3) (c), under the general supervision of a physician with training in obstetrics and pursuant to a formal written agreement with that physician.
- (3) (a) The board shall grant a certificate to engage in the practice of nurse-midwifery to any person registered as a nurse under this chapter who meets the educational and training prerequisites established by the board for the practice of nurse-midwifery and who pays the fee specified under s. 440.05 (1).
- (b) Any person issued a certificate under par. (a) and practicing nurse-midwifery shall, during January of the even-numbered years, submit to the board on furnished blanks a statement giving his or her name, residence and other information as the board requires by rule, with the renewal fee specified in s. 440.05 (3).
- (c) The board shall promulgate rules necessary to administer this section, including the establishment of appropriate limitations on the scope of the practice of nurse-midwifery and the facilities in which such practice may occur.
- (4) A nurse-midwife who discovers evidence that any aspect of care involves any complication which jeopardizes the health or life of the newborn or mother shall immediately refer the patient to the supervising physician under sub. (2) (b) or, if that physician is unavailable, to another physician.

SECTION 4. 448.03 (2) (a) of the statutes is amended to read:

448.03 (2) (a) Any person lawfully practicing within the scope of a license, permit, registration, certificate or certification granted to practice professional or practical nursing or nurse-midwifery under ch. 441, to practice chiropractic under ch. 446, to practice dentistry or dental hygiene under ch. 447, to practice optometry under ch. 449 or under any other statutory provision, or as otherwise provided by statute.
