

1993 Assembly Bill 756

Date of enactment: **March 8, 1994**  
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## 1993 WISCONSIN ACT 138

AN ACT *to amend* 161.01 (19) (a) and 441.07 (1) (intro.); and *to create* 441.07 (1) (e) and 441.16 of the statutes, relating to: permitting certain registered nurses to prescribe drugs, creating a prescriptive authority advisory committee and granting rule-making authority.

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

**SECTION 1.** 161.01 (19) (a) of the statutes is amended to read:

161.01 (19) (a) A physician, advanced practice nurse, dentist, veterinarian, podiatrist, optometrist, scientific investigator or other person licensed, registered, certified or otherwise permitted to distribute, dispense, conduct research with respect to or administer a controlled substance in the course of professional practice or research in this state.

**SECTION 2.** 441.07 (1) (intro.) of the statutes is amended to read:

441.07 (1) (intro.) The board may, after disciplinary proceedings conducted in accordance with rules promulgated under s. 440.03 (1), revoke, limit, suspend or deny renewal of a license of a registered nurse, a nurse-midwife or a licensed practical nurse, may revoke, limit, suspend or deny renewal of a certificate to prescribe drugs or devices granted under s. 441.16, or may reprimand a registered nurse, nurse-midwife or licensed practical nurse, if the board finds that the person committed any of the following:

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

441.07 (1) (e) A violation of any state or federal law that regulates prescribing or dispensing drugs or devices, if the person has a certificate to prescribe drugs or devices under s. 441.16.

**SECTION 4.** 441.16 of the statutes is created to read:

**441.16 Prescription privileges of nurses.** (1) In this section:

(a) "Device" has the meaning given in s. 450.01 (6).

(b) "Drug" has the meaning given in s. 450.01 (10) and includes all of the following:

1. Prescription drugs, as defined in s. 450.01 (20) (a).
2. Controlled substances, as defined in s. 161.01 (4).

(c) "Prescription order" has the meaning given in s. 450.01 (21).

(2) The board shall grant a certificate to issue prescription orders to an advanced practice nurse who meets the education, training and examination requirements established by the board for a certificate to issue prescription orders, and who pays the fee specified under s. 440.05 (1).

(3) The board shall promulgate rules necessary to administer this section, including rules for all of the following:

(a) Establishing the education, training or experience requirements that a registered nurse must satisfy to be an advanced practice nurse. The rules promulgated under this paragraph shall require a registered nurse to have education, training or experience that is in addition to the education, training or experience required for licensure as a registered nurse.

(am) Establishing the appropriate education, training and examination requirements that an advanced practice nurse must satisfy to qualify for a certificate to issue prescription orders.

(b) Defining the scope of practice within which an advanced practice nurse may issue prescription orders.

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(c) Specifying the classes of drugs, individual drugs or devices that may not be prescribed by an advanced practice nurse.

(cm) Specifying the conditions to be met for a registered nurse to do the following:

1. Administer a drug prescribed by an advanced practice nurse who is certified to issue prescription orders.

2. Administer a drug at the direction of an advanced practice nurse who is certified to issue prescription orders.

(d) Establishing procedures for maintaining a certificate to issue prescription orders, including requirements for continuing education.

(e) Establishing the minimum amount of malpractice liability insurance coverage that an advanced practice nurse shall have if he or she is certified to issue prescription orders. The board shall promulgate rules under this paragraph in consultation with the commissioner of insurance.

(4) Every advanced practice nurse who is certified to issue prescription orders shall annually submit to the board evidence satisfactory to the board that he or she has in effect malpractice liability insurance coverage in the minimum amounts required by the rules of the board.

(5) An advanced practice nurse who is certified to issue prescription orders may not delegate the act of issuing a prescription order to any nurse who is not certified to issue prescription orders.

(6) Nothing in this section prohibits a nurse from issuing a prescription order as an act delegated by a physician.

**SECTION 5. Nonstatutory provisions.** (1) REGULATION AND LICENSING. (a) The secretary of regulation and

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licensing shall establish a committee under section 15.04

(1) (c) of the statutes to advise the board of nursing in drafting the rules required to be promulgated under section 441.16 (3) of the statutes, as created by this act, and to study and advise the department of regulation and licensing and the board of nursing on the following:

1. Certifying registered nurses to prescribe drugs and devices.

2. The individual drugs or devices or classes of drugs that advanced practice nurses should not be allowed to prescribe, and the rules specifying those drugs that the board of nursing is required to promulgate under section 441.16 (3) (c) of the statutes, as created by this act.

3. Methods for consolidating patient medical records in order to provide appropriate treatment and effective case management.

4. Strengthening collaboration among primary health care providers through the certification of advanced practice nurses to prescribe drugs or devices under section 441.16 of the statutes, as created by this act.

(b) The committee shall consist of 4 registered nurses licensed under chapter 441 of the statutes, 3 physicians licensed under chapter 448 of the statutes and 3 pharmacists licensed under chapter 450 of the statutes. The secretary of regulation and licensing, or a person designated by the secretary, shall serve as the nonvoting chairperson of the committee.

(2) BOARD OF NURSING. The board of nursing shall submit in proposed form the rules required under section 441.16 (3) of the statutes, as created by this act, to the legislative council staff under section 227.15 (1) of the statutes no later than the first day of the 13th month beginning after the effective date of this subsection.