

BILL HISTORY FOR ASSEMBLY BILL 305 (LRB -2286)

An Act to amend 441.01 (1), 441.06 (1), 441.06 (4), 441.07 (1) (b), 441.10 (3) (a), 441.10 (3) (c), 441.11 (1) to (3), 441.11 (4), 441.115 (1), 441.115 (2) (a), 441.115 (2) (b), 441.13 and 441.15 (3) (a); to repeal and recreate 441.11 (3) and 441.11 (4); and to create subchapter I (title) of chapter 441 [precedes 441.01] and subchapter II of chapter 441 [precedes 441.50] of the statutes; relating to: adopting the nurse licensure compact and granting rule-making authority. (FE)

1999

04-22.	A.	Introduced by Representatives Johnsrud, Wasserman, Albers, Ainsworth, Bock, Brandemuehl, Carpenter, Cullen, Hahn, Gunderson, Grothman, Hutchison, Seratti, Huebsch, Ladwig, Turner, Stone, Petrowski, Klusman, Musser, Underheim, Jensen, J. Lehman, Olsen, Townsend, Pettis, Walker, La Fave, Miller and Huber ; cosponsored by Senators Robson, Rude, Schultz, Darling, Clausing, Lazich, Moore, Cowles, Huelsman, Panzer and Rosenzweig , by request of Wisconsin State Board of Nursing.	
04-22.	A.	Read first time and referred to committee on Health	151
05-11.	A.	Public hearing held.	
05-17.	A.	LRB correction	192
05-19.	A.	Fiscal estimate received.	
05-25.	A.	Executive action taken.	
05-25.	A.	Assembly amendment 1 offered by committee on Health (LRB a0457)	209
05-26.	A.	Report Assembly amendment 1 adoption recommended by committee on Health, Ayes 18, Noes 0	209
05-26.	A.	Report passage as amended recommended by committee on Health, Ayes 17, Noes 1	209
05-26.	A.	Referred to committee on Rules	209
05-26.	A.	Placed on calendar 6-1-1999 by committee on Rules.	
06-01.	A.	Read a second time	215
06-01.	A.	Assembly amendment 1 adopted	215
06-01.	A.	Ordered to a third reading	215
06-01.	A.	Rules suspended	215
06-01.	A.	Read a third time and passed , Ayes 97, Noes 2	215
06-01.	A.	Ordered immediately messaged	215
06-03.	S.	Received from Assembly	165
06-03.	S.	Read first time and referred to committee on Human Services and Aging	166
11-08.	S.	Executive action taken.	
11-09.	S.	Report concurrence recommended by committee on Human Services and Aging, Ayes 4, Noes 0	328
11-09.	S.	Available for scheduling.	
11-09.	S.	Read a second time	334
11-09.	S.	Senate amendment 1 offered by Senator Moore (LRB a1022)	334
11-09.	S.	Senate amendment 1 rejected, Ayes 25, Noes 8	334
11-09.	S.	Ordered to a third reading	334
11-09.	S.	Rules suspended	334
11-09.	S.	Read a third time and concurred in	334
11-09.	S.	Ordered immediately messaged	335
11-10.	A.	Received from Senate concurred in.	

**1999
ENROLLED BILL**

99en AB-305

ADOPTED DOCUMENTS:

Orig Engr SubAmdt 99 -2286 2

Amendments to above (if none, write "NONE"): AA1

Corrections - show date (if none, write "NONE"): 5-17-99

Topic Adopting the nurse licensure compact

11/10/99 Peter P. [Signature]
Date Enrolling Drafter

ELECTRONIC PROCEDURE:

Follow automatic or manual enrolling procedures in *TEXT2000 Reference Guide*, Document Specific Procedures, Ch. 20, Engrossing and Enrolling

DISTRIBUTION:

HOUSE OF ORIGIN:

- 11 copies plus bill jacket
- Secretary of State's envelope containing 4 copies plus newspaper notice

REVISOR OF STATUTES:

- 5 copies

DEPARTMENT OF ADMINISTRATION:

- 2 copies

LRB:

- Drafting file original
- Drafting attorney 1 copy
- Legal section editors 1 copy each
- Reference section 1 copy
- Bill index librarian 1 copy



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-2286/2
PG&MDK:wlj:jf

1999 ASSEMBLY BILL 305

April 22, 1999 – Introduced by Representatives JOHNSRUD, WASSERMAN, ALBERS, AINSWORTH, BOCK, BRANDEMUEHL, CARPENTER, CULLEN, HAHN, GUNDERSON, GROTHMAN, HUTCHISON, SERATTI, HUEBSCH, LADWIG, TURNER, STONE, PETROWSKI, KLUSMAN, MUSSER, UNDERHEIM, JENSEN, J. LEHMAN, OLSEN, TOWNSEND, PETTIS, WALKER, LA FAVE, MILLER and HUBER, cosponsored by Senators ROBSON, RUDE, SCHULTZ, DARLING, CLAUSING, LAZICH, MOORE, COWLES, HUELSMAN, PANZER and ROSENZWEIG, by request of Wisconsin State Board of Nursing. Referred to Committee on Health.

AN ACT to amend 441.01 (1), 441.06 (1), 441.06 (4), 441.07 (1) (b), 441.10 (3) (a), 441.10 (3) (c), 441.11 (1) to (3), 441.11 (4), 441.115 (1), 441.115 (2) (a), 441.115 (2) (b), 441.13 and 441.15 (3) (a); **to repeal and recreate** 441.11 (3) and 441.11 (4); and **to create** subchapter I (title) of chapter 441 [precedes 441.01] and subchapter II of chapter 441 [precedes 441.50] of the statutes; **relating to:** adopting the nurse licensure compact and granting rule-making authority.

Analysis by the Legislative Reference Bureau

Under current law, no person may practice professional nursing in this state unless he or she is licensed as a registered nurse by the board of nursing. Although a license is not required for practical nursing, no person without such a license issued by the board of nursing may hold himself or herself out as a licensed practical nurse or indicate in any way that he or she is a licensed practical nurse. Exceptions to these prohibitions are provided for temporary practice. In addition, current law provides a mechanism for persons who are licensed in other states to be issued a license in this state without retaking the national licensing examination.

This bill adopts the interstate compact on nurse licensure, which was approved by the national council of state boards of nursing on December 15, 1997. Under the compact, a nurse who is licensed in a party state (a state that has adopted the compact) may practice nursing in any other party state without obtaining a license in the other state. The compact requires every nurse practicing in a party state to

ASSEMBLY BILL 305

comply with the practice laws of that state and allows each party state to limit or revoke the multistate licensure privilege.

The compact also requires each party state to participate in the establishment of a coordinated data base of all licensed nurses. The system includes information on the licensure and disciplinary history of each nurse.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

AAI
2-1

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

ly. AAI

~~SECTION X~~ Subchapter I (title) of chapter 441 [precedes 441.01] of the statutes is created to read:

CHAPTER 441

SUBCHAPTER I

REGULATION OF NURSING

SECTION 2. 441.01 (1) of the statutes is amended to read:

441.01 (1) In this chapter subchapter, "board" means board of nursing.

SECTION 3. 441.06 (1) of the statutes is amended to read:

441.06 (1) An applicant for licensure as a registered nurse who complies with the requirements of this ~~chapter~~ subchapter and satisfactorily passes an examination shall receive a license. The holder of such a license of another state or territory or province of Canada may be granted a license without examination if the holder's credentials of general and professional educational qualifications and other qualifications are comparable to those required in this state during the same period and if the board is satisfied from the holder's employment and professional record that the holder is currently competent to practice the profession. The board shall evaluate the credentials and determine the equivalency and competency in each

ASSEMBLY BILL 305

case. The application for licensure without examination shall be accompanied by the fee prescribed in s. 440.05 (2).

SECTION 4. 441.06 (4) of the statutes is amended to read:

441.06 (4) No person may practice or attempt to practice professional nursing, nor use the title, letters, or anything else to indicate that he or she is a registered or professional nurse unless he or she is licensed under this section. No person not so licensed may use in connection with his or her nursing employment or vocation any title or anything else to indicate that he or she is a trained, certified or graduate nurse. This subsection does not apply to any person who is licensed to practice nursing by a jurisdiction, other than this state, that has adopted the nurse licensure compact under s. 441.50.

SECTION 5. 441.07 (1) (b) of the statutes is amended to read:

441.07 (1) (b) One or more violations of this ~~chapter~~ subchapter or any rule adopted by the board under the authority of this ~~chapter~~ subchapter.

SECTION 6. 441.10 (3) (a) of the statutes is amended to read:

441.10 (3) (a) On complying with this ~~chapter~~ subchapter relating to applicants for licensure as licensed practical nurses, and passing an examination, the applicant shall receive a license as a licensed practical nurse. The holder of the license is a “licensed practical nurse” and may append the letters “L.P.N.” to his or her name. The board may reprimand or may limit, suspend or revoke the license of a licensed practical nurse under s. 441.07.

SECTION 7. 441.10 (3) (c) of the statutes is amended to read:

441.10 (3) (c) No license is required for practical nursing, but no person without a license may hold himself or herself out as a licensed practical nurse or licensed attendant, use the title or letters “Trained Practical Nurse” or “T.P.N.”, “Licensed

ASSEMBLY BILL 305**SECTION 7**

Practical Nurse” or “L.P.N.”, “Licensed Attendant” or “L.A.”, “Trained Attendant” or “T.A.”, or otherwise seek to indicate that he or she is a licensed practical nurse or licensed attendant. No licensed practical nurse or licensed attendant may use the title, or otherwise seek to act as a registered, licensed, graduate or professional nurse. Anyone violating this subsection shall be subject to the penalties prescribed by s. 441.13. The board shall grant without examination a license as a licensed practical nurse to any person who was on July 1, 1949, a licensed attendant. This paragraph does not apply to any person who is licensed to practice practical nursing by a jurisdiction, other than this state, that has adopted the nurse licensure compact under s. 441.50.

SECTION 8. 441.11 (1) to (3) of the statutes are amended to read:

441.11 (1) **FOR COMPENSATION.** Wherever the term “compensation” is used in this ~~chapter~~ subchapter it shall include indirect compensation as well as direct compensation and also the expectation thereof whether actually received or not.

(2) **NURSE AND NURSING.** Except as provided under s. 441.08, wherever the term “nurse” is used in this ~~chapter~~ subchapter without modification or amplification it shall mean only a registered nurse. Wherever the term “nursing” is used in this ~~chapter~~ subchapter without modification or amplification it shall mean the practice of professional nursing as specified in sub. (4).

(3) **PRACTICE OF PRACTICAL NURSING.** The practice of practical nursing under this ~~chapter~~ subchapter means the performance for compensation 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, physician, podiatrist licensed under ch. 448, dentist licensed under ch. 447 or optometrist licensed under ch. 449, or under an order of a

ASSEMBLY BILL 305

person who is licensed to practice medicine, podiatry or dentistry in another state if that person prepared the order after examining the patient in that other state and directs that the order be carried out in this state. A simple act is one ~~which~~ that 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 and is one ~~which~~ that is of a nature of those approved by the board for the curriculum of schools for licensed practical nurses.

SECTION 9. 441.11 (3) of the statutes, as affected by 1997 Wisconsin Act 62, is repealed and recreated to read:

441.11 (3) PRACTICE OF PRACTICAL NURSING. The practice of practical nursing under this subchapter means the performance for compensation 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, physician, podiatrist licensed under ch. 448, dentist licensed under ch. 447 or optometrist licensed under ch. 449, or under an order of a person who is licensed to practice medicine, podiatry, dentistry or optometry in another state if that person prepared the order after examining the patient in that other state and directs that the order be carried out in this state. A simple act is one that 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 and is one that is of a nature of those approved by the board for the curriculum of schools for licensed practical nurses.

SECTION 10. 441.11 (4) of the statutes is amended to read:

ASSEMBLY BILL 305

441.11 (4) PRACTICE OF PROFESSIONAL NURSING. The practice of professional nursing within the terms of this ~~chapter~~ subchapter 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 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, podiatrist licensed under ch. 448, dentist licensed under ch. 447 or optometrist licensed under ch. 449, or under an order of a person who is licensed to practice medicine, podiatry or dentistry in another state if that person prepared the order after examining the patient in that other state and directs that the order be carried out in this state, and the execution of general nursing procedures and techniques. Except as provided in s. 50.04 (2) (b), the practice of professional nursing includes the supervision of a patient and the supervision and direction of licensed practical nurses and less skilled assistants.

SECTION 11. 441.11 (4) of the statutes, as affected by 1997 Wisconsin Act 62, is repealed and recreated to read:

441.11 (4) PRACTICE OF PROFESSIONAL NURSING. The practice of professional nursing within the terms of this subchapter 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 observation and recording of symptoms and reactions, the execution of procedures and techniques in

ASSEMBLY BILL 305

the treatment of the sick under the general or special supervision or direction of a physician, podiatrist licensed under ch. 448, dentist licensed under ch. 447 or optometrist licensed under ch. 449, or under an order of a person who is licensed to practice medicine, podiatry, dentistry or optometry in another state if that person prepared the order after examining the patient in that other state and directs that the order be carried out in this state, and the execution of general nursing procedures and techniques. Except as provided in s. 50.04 (2) (b), the practice of professional nursing includes the supervision of a patient and the supervision and direction of licensed practical nurses and less skilled assistants.

SECTION 12. 441.115 (1) of the statutes is amended to read:

441.115 (1) 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 himself or herself as a registered, trained, certified or graduate nurse unless registered under this chapter subchapter.

SECTION 13. 441.115 (2) (a) of the statutes is amended to read:

441.115 (2) (a) In this subsection, “nursing credential” means a license, permit or certificate of registration or certification that is granted to a person by another state or territory or by a foreign country or province and that authorizes or qualifies the person holding the credential to perform acts that are substantially the same as those performed by a person licensed as a registered nurse or licensed practical nurse under this chapter subchapter. In this paragraph, “state or territory” excludes any state or territory that has adopted the nurse licensure compact under s. 441.50.

ASSEMBLY BILL 305

SECTION 14. 441.115 (2) (b) of the statutes is amended to read:

441.115 (2) (b) A person who holds a current, valid nursing credential may practice professional or practical nursing in this state, as provided under par. (c), for not more than 72 consecutive hours each year without holding a license granted by the board under this ~~chapter~~ subchapter if the board determines that the requirements for the nursing credential that the person holds are substantially equivalent to the requirements for licensure under this ~~chapter~~ subchapter. Except in an emergency, the person shall provide to the board, at least 7 days before practicing professional or practical nursing for the person who is specified under par. (c) 2., written notice that includes the name of the person providing notice, the type of nursing credential that the person holds and the name of the state, territory, foreign country or province that granted the nursing credential. In the event of an emergency, the person shall provide to the board written notice that includes the information otherwise required under this paragraph, as soon as practicable.

SECTION 15. 441.13 of the statutes is amended to read:

441.13 Penalty. (1) Any person violating this ~~chapter~~ subchapter or knowingly employing another in violation of this ~~chapter~~ subchapter may be fined not more than \$250 or imprisoned not more than one year in the county jail.

(2) 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 issued under this ~~chapter~~ subchapter.

(3) The remedy of injunction may be used in enforcing this ~~chapter~~ subchapter.

SECTION 16. 441.15 (3) (a) of the statutes is amended to read:

ASSEMBLY BILL 305

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

SECTION 17. Subchapter II of chapter 441 [precedes 441.50] of the statutes is created to read:

SUBCHAPTER II**NURSE LICENSURE COMPACT****441.50 Nurse Licensure Compact.****(1) ARTICLE I – FINDINGS AND DECLARATION OF PURPOSE.**

(a) The party states find all of the following:

1. That the health and safety of the public are affected by the degree of compliance with and the effectiveness of enforcement activities related to state nurse licensure laws.
2. That violations of nurse licensure and other laws regulating the practice of nursing may result in injury or harm to the public.
3. That the expanded mobility of nurses and the use of advanced communication technologies as part of our nation's health care delivery system require greater coordination and cooperation among states in the areas of nurse licensure and regulation.
4. That new practice modalities and technology make compliance with individual state nurse licensure laws difficult and complex.
5. That the current system of duplicative licensure for nurses practicing in multiple states is cumbersome and redundant to both nurses and states.

ASSEMBLY BILL 305

(b) The general purposes of this compact are as follows:

1. To facilitate the states' responsibility to protect the public's health and safety.
2. To ensure and encourage the cooperation of party states in the areas of nurse licensure and regulation.
3. To facilitate the exchange of information between party states in the areas of nurse regulation, investigation and adverse actions.
4. To promote compliance with the laws governing the practice of nursing in each jurisdiction.
5. To invest all party states with the authority to hold a nurse accountable for meeting all state practice laws in the state in which the patient is located at the time care is rendered through the mutual recognition of party state licenses.

(2) ARTICLE II – DEFINITIONS. As used in this compact:

- (a) "Adverse action" means a home or remote state action.
- (b) "Alternative program" means a voluntary, nondisciplinary monitoring program approved by a nurse licensing board.
- (c) "Coordinated licensure information system" means an integrated process for collecting, storing and sharing information on nurse licensure and enforcement activities related to nurse licensure laws, which is administered by a nonprofit organization composed of and controlled by state nurse licensing boards.
- (d) "Current significant investigative information" means any of the following:
 1. Investigative information that a licensing board, after a preliminary inquiry that includes notification and an opportunity for the nurse to respond if required by state law, has reason to believe is not groundless and, if proved true, would indicate more than a minor infraction.

ASSEMBLY BILL 305

2. Investigative information that indicates that the nurse represents an immediate threat to public health and safety regardless of whether the nurse has been notified and had an opportunity to respond.

(e) “Home state” means the party state that is the nurse’s primary state of residence.

(f) “Home state action” means any administrative, civil, equitable or criminal action permitted by the home state’s laws that are imposed on a nurse by the home state’s licensing board or other authority including actions against an individual’s license, such as revocation, suspension, probation or any other action that affects a nurse’s authorization to practice.

(g) “Licensing board” means a party state’s regulatory body responsible for issuing nurse licenses.

(h) “Multistate licensure privilege” means current, official authority from a remote state permitting the practice of nursing as either a registered nurse or a licensed practical/vocational nurse in such party state. All party states have the authority, in accordance with existing state due process law, to take actions against the nurse’s privilege, such as revocation, suspension, probation or any other action that affects a nurse’s authorization to practice.

(i) “Nurse” means a registered nurse or licensed practical/vocational nurse, as those terms are defined by each party’s state practice laws.

(j) “Party state” means any state that has adopted this compact.

(k) “Remote state” means a party state, other than the home state, where the patient is located at the time nursing care is provided, or, in the case of the practice of nursing not involving a patient, in such party state where the recipient of nursing practice is located.

ASSEMBLY BILL 305

(L) “Remote state action” means any of the following:

1. Any administrative, civil, equitable or criminal action permitted by a remote state’s laws that are imposed on a nurse by the remote state’s licensing board or other authority including actions against an individual’s multistate licensure privilege to practice in the remote state.

2. Cease and desist and other injunctive or equitable orders issued by remote states or the licensing boards thereof.

(m) “State” means a state, territory, or possession of the United States, the District of Columbia or the Commonwealth of Puerto Rico.

(n) “State practice laws” means those individual party’s state laws and regulations that govern the practice of nursing, define the scope of nursing practice, and create the methods and grounds for imposing discipline. “State practice laws” does not include the initial qualifications for licensure or requirements necessary to obtain and retain a license, except for qualifications or requirements of the home state.

(3) ARTICLE III – GENERAL PROVISIONS AND JURISDICTION.

(a) A license to practice registered nursing issued by a home state to a resident in that state will be recognized by each party state as authorizing a multistate licensure privilege to practice as a registered nurse in such party state. A license to practice licensed practical/vocational nursing issued by a home state to a resident in that state will be recognized by each party state as authorizing a multistate licensure privilege to practice as a licensed practical/vocational nurse in such party state. In order to obtain or retain a license, an applicant must meet the home state’s qualifications for licensure and license renewal as well as all other applicable state laws.

ASSEMBLY BILL 305

(b) Party states may, in accordance with state due process laws, limit or revoke the multistate licensure privilege of any nurse to practice in their state and may take any other actions under their applicable state laws necessary to protect the health and safety of their citizens. If a party state takes such action, it shall promptly notify the administrator of the coordinated licensure information system. The administrator of the coordinated licensure information system shall promptly notify the home state of any such actions by remote states.

(c) Every nurse practicing in a party state must comply with the state practice laws of the state in which the patient is located at the time care is rendered. In addition, the practice of nursing is not limited to patient care, but shall include all nursing practice as defined by the state practice laws of a party state. The practice of nursing will subject a nurse to the jurisdiction of the nurse licensing board and the courts, as well as the laws, in that party state.

(d) This compact does not affect additional requirements imposed by states for advanced practice registered nursing. However, a multistate licensure privilege to practice registered nursing granted by a party state shall be recognized by other party states as a license to practice registered nursing if one is required by state law as a precondition for qualifying for advanced practice registered nurse authorization.

(e) Individuals not residing in a party state shall continue to be able to apply for nurse licensure as provided for under the laws of each party state. However, the license granted to these individuals will not be recognized as granting the privilege to practice nursing in any other party state unless explicitly agreed to by that party state.

(4) ARTICLE IV – APPLICATIONS FOR LICENSURE IN A PARTY STATE.

ASSEMBLY BILL 305**SECTION 17**

(a) Upon application for a license, the licensing board in a party state shall ascertain, through the coordinated licensure information system, whether the applicant has ever held, or is the holder of, a license issued by any other state, whether there are any restrictions on the multistate licensure privilege, and whether any other adverse action by any state has been taken against the license.

(b) A nurse in a party state shall hold licensure in only one party state at a time, issued by the home state.

(c) A nurse who intends to change his or her primary state of residence may apply for licensure in the new home state in advance of such change. However, new licenses will not be issued by a party state until after a nurse provides evidence of the change in his or her primary state of residence satisfactory to the new home state's licensing board.

(d) 1. When a nurse changes his or her primary state of residence by moving between two party states, and obtains a license from the new home state, the license from the former home state is no longer valid.

2. When a nurse changes his or her primary state of residence by moving from a nonparty state to a party state, and obtains a license from the new home state, the individual state license issued by the nonparty state is not affected and will remain in full force if so provided by the laws of the nonparty state.

3. When a nurse changes his or her primary state of residence by moving from a party state to a nonparty state, the license issued by the prior home state converts to an individual state license, valid only in the former home state, without the multistate licensure privilege to practice in other party states.

(5) **ARTICLE V - ADVERSE ACTIONS.** In addition to the general provisions described in sub. (3), the following provisions apply:

ASSEMBLY BILL 305

(a) The licensing board of a remote state shall promptly report to the administrator of the coordinated licensure information system any remote state actions including the factual and legal basis for such action, if known. The licensing board of a remote state shall also promptly report any significant current investigative information yet to result in a remote state action. The administrator of the coordinated licensure information system shall promptly notify the home state of any such reports.

(b) The licensing board of a party state shall have the authority to complete any pending investigations for a nurse who changes his or her primary state of residence during the course of such investigations. It shall also have the authority to take appropriate actions, and shall promptly report the conclusions of such investigations to the administrator of the coordinated licensure information system. The administrator of the coordinated licensure information system shall promptly notify the new home state of any such actions.

(c) A remote state may take adverse action affecting the multistate licensure privilege to practice within that party state. However, only the home state shall have the power to impose adverse action against the license issued by the home state.

(d) For purposes of imposing adverse action, the licensing board of the home state shall give the same priority and effect to reported conduct received from a remote state as it would if such conduct had occurred within the home state. In so doing, it shall apply its own state laws to determine appropriate action.

(e) The home state may take adverse action based on the factual findings of the remote state, so long as each state follows its own procedures for imposing such adverse action.

ASSEMBLY BILL 305**SECTION 17**

(f) Nothing in this compact shall override a party state's decision that participation in an alternative program may be used in lieu of licensure action and that such participation shall remain nonpublic if required by the party state's laws. Party states must require nurses who enter any alternative programs to agree not to practice in any other party state during the term of the alternative program without prior authorization from such other party state.

(6) ARTICLE VI – ADDITIONAL AUTHORITIES INVESTED IN PARTY STATE NURSE LICENSING BOARDS. Notwithstanding any other powers, party state nurse licensing boards shall have the authority to do any of the following:

(a) If otherwise permitted by state law, recover from the affected nurse the costs of investigations and disposition of cases resulting from any adverse action taken against that nurse.

(b) Issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses, and the production of evidence. Subpoenas issued by a nurse licensing board in a party state for the attendance and testimony of witnesses, or the production of evidence from another party state, or both, shall be enforced in the latter state by any court of competent jurisdiction, according to the practice and procedure of that court applicable to subpoenas issued in proceedings pending before it. The issuing authority shall pay any witness fees, travel expenses, mileage and other fees required by the service statutes of the state where the witnesses or evidence, or both, are located.

(c) Issue cease and desist orders to limit or revoke a nurse's authority to practice in their state.

(d) Promulgate uniform rules and regulations as provided for in sub. (8) (c).

(7) ARTICLE VII – COORDINATED LICENSURE INFORMATION SYSTEM.

ASSEMBLY BILL 305

(a) All party states shall participate in a cooperative effort to create a coordinated data base of all licensed registered nurses and licensed practical/vocational nurses. This system will include information on the licensure and disciplinary history of each nurse, as contributed by party states, to assist in the coordination of nurse licensure and enforcement efforts.

(b) Notwithstanding any other provision of law, all party states' licensing boards shall promptly report adverse actions, actions against multistate licensure privileges, any current significant investigative information yet to result in adverse action, denials of applications, and the reasons for such denials, to the coordinated licensure information system.

(c) Current significant investigative information shall be transmitted through the coordinated licensure information system only to party state licensing boards.

(d) Notwithstanding any other provision of law, all party states' licensing boards contributing information to the coordinated licensure information system may designate information that may not be shared with nonparty states or disclosed to other entities or individuals without the express permission of the contributing state.

(e) Any personally identifiable information obtained by a party states' licensing board from the coordinated licensure information system may not be shared with nonparty states or disclosed to other entities or individuals except to the extent permitted by the laws of the party state contributing the information.

(f) Any information contributed to the coordinated licensure information system that is subsequently required to be expunged by the laws of the party state contributing that information, shall also be expunged from the coordinated licensure information system.

ASSEMBLY BILL 305**SECTION 17**

(e) The compact administrators, acting jointly with each other and in consultation with the administrator of the coordinated licensure information system, shall formulate necessary and proper procedures for the identification, collection and exchange of information under this compact.

(8) ARTICLE VIII – COMPACT ADMINISTRATION AND INTERCHANGE OF INFORMATION.

(a) The secretary of the department, or his or her designee, shall be the administrator of this compact for this state.

(b) The compact administrator of each party state shall furnish to the compact administrator of each other party state any information and documents including, but not limited to, a uniform data set of investigations, identifying information, licensure data and disclosable alternative program participation information to facilitate the administration of this compact.

(c) Compact administrators shall have the authority to develop uniform rules to facilitate and coordinate implementation of this compact. These uniform rules shall be adopted by party states, under the authority invested under sub. (6) (d).

(9) ARTICLE IX – IMMUNITY. No party state or the officers or employes or agents of a party state's nurse licensing board who acts in accordance with the provisions of this compact shall be liable on account of any act or omission in good faith while engaged in the performance of their duties under this compact. Good faith in this article shall not include wilful misconduct, gross negligence or recklessness.

(10) ARTICLE X – ENTRY INTO FORCE, WITHDRAWAL AND AMENDMENT.

(a) This compact shall enter into force and become effective as to any state when it has been enacted into the laws of that state. Any party state may withdraw from this compact by enacting a statute repealing the same, but no such withdrawal shall

ASSEMBLY BILL 305

take effect until 6 months after the withdrawing state has given notice of the withdrawal to the executive heads of all other party states.

(b) No withdrawal shall affect the validity or applicability by the licensing boards of states remaining party to the compact of any report of adverse action occurring prior to the withdrawal.

(c) Nothing contained in this compact shall be construed to invalidate or prevent any nurse licensure agreement or other cooperative arrangement between a party state and a nonparty state that is made in accordance with the other provisions of this compact.

(d) This compact may be amended by the party states. No amendment to this compact shall become effective and binding upon the party states unless and until it is enacted into the laws of all party states.

(11) ARTICLE XI – CONSTRUCTION AND SEVERABILITY.

(a) This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any party state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state party thereto, the compact shall remain in full force and effect as to the remaining party states and in full force and effect as to the party state affected as to all severable matters.

(b) In the event party states find a need for settling disputes arising under this compact, the party states may submit the issues in dispute to an arbitration panel

ASSEMBLY BILL 305

SECTION 17

that will be comprised of an individual appointed by the compact administrator in the home state, an individual appointed by the compact administrator in the remote state or states involved and an individual mutually agreed upon by the compact administrators of all the party states involved in the dispute. The decision of a majority of the arbitrators shall be final and binding.

SECTION 18. Effective dates. This act takes effect on the day after publication, except as follows:

(1) The repeal and recreation of section 441.11 (3) and (4) of the statutes takes effect on April 1, 2000, or the day after publication, whichever is later.

(END)

20-5
AAI



State of Wisconsin
1999 - 2000 LEGISLATURE

LRBa0457/1
MDK:kmg:mrc

**ASSEMBLY AMENDMENT 1,
TO 1999 ASSEMBLY BILL 305**

May 25, 1999 – Offered by COMMITTEE ON HEALTH.

At the locations indicated, amend the bill as follows:

1. Page 2, line 1: before that line insert:

SECTION 1b. 49.498 (1) (L) of the statutes is amended to read:

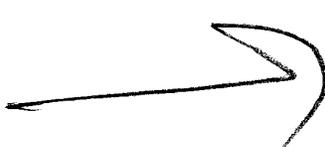
2-11
49.498 (1) (L) "Registered professional nurse" means a registered nurse who is licensed under ch. 441 or in a party state, as defined in s. 441.50 (2) (j).

SECTION 1e. 50.01 (1w) of the statutes is amended to read:

50.01 (1w) "Licensed practical nurse" means a nurse who is licensed or has a temporary permit under s. 441.10 or who is licensed as a licensed practical/vocational nurse in a party state, as defined in s. 441.50 (2) (j).

SECTION 1h. 50.01 (5r) of the statutes is amended to read:

50.01 (5r) "Registered nurse" means a nurse who is licensed under s. 441.06 or permitted under s. 441.08 or who is licensed as a registered nurse in a party state, as defined in s. 441.50 (2) (j).



2-1

SECTION 1j. 115.001 (11) of the statutes is amended to read:

115.001 (11) SCHOOL NURSE. "School nurse" means a registered nurse licensed under ch. 441 or in a party state, as defined in s. 441.50 (2) (j), who is also certified by the department as being qualified to perform professional nursing services in a public school.

SECTION 1L. 146.40 (1) (c) of the statutes is amended to read:

146.40 (1) (c) "Licensed practical nurse" means a nurse who is licensed or has a temporary permit under s. 441.10 or is licensed as a licensed practical/vocational nurse in a party state, as defined in s. 441.50 (2) (j).

SECTION 1p. 146.40 (1) (f) of the statutes is amended to read:

146.40 (1) (f) "Registered nurse" means a nurse who has a certificate of registration under s. 441.06 or a temporary permit under s. 441.08 or who is licensed as a registered nurse in a party state, as defined in s. 441.50 (2) (j).

SECTION 1r. 250.01 (7) of the statutes is amended to read:

250.01 (7) "Registered nurse" means a registered nurse who is licensed under s. 441.06 or in a party state, as defined in s. 441.50 (2) (j), or permitted under s. 441.08.

SECTION 1u. 255.07 (1) of the statutes is amended to read:

255.07 (1) In this section, "nurse practitioner" means a registered nurse licensed under ch. 441 or in a party state, as defined in s. 441.50 (2) (j), whose practice of professional nursing under s. 441.11 (4) includes performance of delegated medical services under the supervision of a physician, dentist or podiatrist[?].

2. Page 2, line 1: delete "SECTION 1" and substitute "SECTION 1y".

3. Page 20, line 5: after that line insert:

SECTION 17c. 655.001 (9) of the statutes is amended to read:

20-5
655.001 (9) "Nurse anesthetist" means a nurse licensed under ch. 441 or in a party state, as defined in s. 441.50 (2) (j), who is certified as a nurse anesthetist by the American association of nurse anesthetists.

SECTION 17g. 905.04 (1) (f) of the statutes is amended to read:

905.04 (1) (f) "Registered nurse" means a nurse who is licensed under s. 441.06 or licensed as a registered nurse in a party state, as defined in s. 441.50 (2) (j), or a person reasonably believed by the patient to be a registered nurse.

SECTION 17n. 990.01 (19g) of the statutes is created to read:

990.01 (19g) LICENSED PRACTICAL NURSE. "Licensed practical nurse" includes a licensed practical/vocational nurse who is licensed in a party state, as defined in s. 441.50 (2) (j).

SECTION 17r. 990.01 (23q) of the statutes is created to read:

990.01 (23q) NURSE. "Nurse", "nurse licensed under ch. 441" and any reference to an individual who is registered or licensed under ch. 441 include a registered nurse or licensed practical/vocational nurse who is licensed in a party state, as defined in s. 441.50 (2) (j).

SECTION 17w. 990.01 (36m) of the statutes is created to read:

990.01 (36m) REGISTERED NURSE. "Registered nurse" includes a registered nurse who is licensed in a party state, as defined in s. 441.50 (2) (j)."

(END)