

## 2001 ASSEMBLY BILL 725

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

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*Analysis by the Legislative Reference Bureau*

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

7           **SECTION 1.** 253.13 (1) of the statutes is amended to read:  
8           253.13 (1) BLOOD TESTS. The attending physician or nurse certified licensed  
9           under s. 441.15 shall cause every infant born in each hospital or maternity home,  
10          prior to its discharge therefrom, to be subjected to blood tests for congenital and

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1 metabolic disorders, as specified in rules promulgated by the department. If the  
2 infant is born elsewhere than in a hospital or maternity home, the attending  
3 physician, nurse ~~certified~~ licensed under s. 441.15 or birth attendant who attended  
4 the birth shall cause the infant, within one week of birth, to be subjected to these  
5 blood tests.

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

8 441.15 (1) (intro.) In this section, ~~“the practice;~~

9 (b) “Practice of nurse–midwifery” means the management of care of a woman  
10 in normal childbirth and the provision of prenatal, intrapartal, postpartal and  
11 nonsurgical contraceptive methods and care for the mother and the newborn  
12 women’s health care, pregnancy, childbirth, postpartum care for newborns, family  
13 planning, and gynecological services consistent with the standards of practice of the  
14 American College of Nurse–Midwives and the education, training, and experience  
15 of the nurse–midwife.

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

17 441.15 (1) (a) “Collaboration” means a process that involves 2 or more health  
18 care professionals working together and, when necessary, in each other’s presence,  
19 and in which each health care professional contributes his or her expertise to provide  
20 more comprehensive care than one health care professional alone can offer.

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

22 441.15 (2) (intro.) No person may engage in the practice of nurse–midwifery  
23 unless each of the following conditions is satisfied:

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

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1           441.15 (2) (a) ~~Without a certificate issued~~ The person is issued a license by the  
2 board under sub. (3) (a).

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

4           441.15 (2) (b) ~~Unless such~~ The practice occurs in a health care facility approved  
5 by the board by rule under sub. (3) (c), under the general supervision of in  
6 collaboration with a physician with postgraduate training in obstetrics, and  
7 pursuant to a ~~formal~~ written agreement with that physician.

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

9           441.15 (2) (c) Except as provided in sub. (5) (a), the person has in effect the  
10 malpractice liability insurance required under the rules promulgated under sub. (5)  
11 (b).

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

14           441.15 (3) (a) (intro.) The board shall grant a license to engage in the practice  
15 of nurse–midwifery to any person licensed as a registered nurse under this  
16 subchapter or in a party state, as defined in s. 441.50 (2) (j), who ~~meets~~ does all of the  
17 following:

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

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

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

23           441.15 (3) (a) 3. If applicable, submits evidence satisfactory to the board that  
24 he or she has in effect the malpractice liability insurance required under the rules  
25 promulgated under sub. (5) (b).

**ASSEMBLY BILL 725****SECTION 10**

1           **SECTION 10.** 441.15 (3) (b) of the statutes is amended to read:

2           441.15 **(3)** (b) On or before the applicable renewal date specified under s. 440.08  
3 (2) (a), a person issued a ~~certificate~~ license under par. (a) and practicing  
4 nurse–midwifery shall submit to the board on furnished blanks a statement giving  
5 his or her name, residence, and other information as that the board requires by rule,  
6 with the applicable renewal fee specified under s. 440.08 (2) (a). If applicable, the  
7 person shall also submit evidence satisfactory to the board that he or she has in effect  
8 the malpractice liability insurance required under the rules promulgated under sub.  
9 (5) (b).

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

11           441.15 **(4)** A nurse–midwife who discovers evidence that any aspect of care  
12 involves any complication which jeopardizes the health or life of the a newborn or  
13 mother shall ~~immediately refer the patient to the supervising~~ consult with the  
14 collaborating physician under sub. (2) (b) ~~or, if that physician is unavailable, to~~  
15 ~~another physician or the physician’s designee, or make a referral as specified in a~~  
16 written agreement under sub. (2) (b).

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

18           441.15 **(5)** (a) Except for any of the following, no person may practice  
19 nurse–midwifery unless he or she has in effect malpractice liability insurance in an  
20 amount that is at least the minimum amount specified in rules promulgated under  
21 par. (b):

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

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

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

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

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

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

10           655.001 (7t) “Health care practitioner” means a health care professional, as  
11 defined in s. 180.1901 (1m), who is an employee of a health care provider described  
12 in s. 655.002 (1) (d), (e), or (f) and who has the authority to provide health care  
13 services that are not in collaboration with a physician under s. 441.15 (2) (b) or under  
14 the direction and supervision of a physician or nurse anesthetist.

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

16           655.005 (2) (a) An employee of a health care provider if the employee is a  
17 physician or a nurse anesthetist or is a health care practitioner who is not providing  
18 health care services that are not in collaboration with a physician under s. 441.15 (2)  
19 (b) or under the direction and supervision of a physician or nurse anesthetist.

20           **SECTION 13. Nonstatutory provisions.**

21           (1) Using the procedure under section 227.24 of the statutes, the board of  
22 nursing may promulgate the rules required under section 441.15 (5) (b) of the  
23 statutes, as created by this act, for the period before permanent rules become  
24 effective, but not to exceed the period authorized under section 227.24 (1) (c) and (2)  
25 of the statutes. Notwithstanding section 227.24 (1) (a) and (2) (b) of the statutes, the

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**SECTION 13**

1 board of nursing need not provide evidence of the necessity of preservation of the  
2 public peace, health, safety, or welfare in promulgating rules under this subsection.

3 **SECTION 14. Effective date.**

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

6 (END)