

2013-2014 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-1866/2ins  
MPG:wlj:ph

okay to check out  
MPG's insert  
per MPG  
(board)

1 INSERT A

disciplinarily  
Also under current law, the Board of Nursing<sup>(board)</sup> has the authority to conduct  
disciplinarily proceedings and to revoke, limit, suspend, or deny the renewal of a  
license or certificate granted by the board. Under this bill, the Board of Nursing may  
also deny an initial license or certificate subject to certain rules.

2 END INSERT A

3 INSERT 2-3

4 SECTION 1. 253.10 (7) of the statutes is amended to read:

5 253.10 (7) AFFIRMATIVE DEFENSE. No person is liable under sub. (5) or (6) or  
6 under s. 441.07 (1) (1g) (f), 448.02 (3) (a), or 457.26 (2) (gm) for failure under sub. (3)  
7 (c) 2. d. to provide the printed materials described in sub. (3) (d) to a woman or for  
8 failure under sub. (3) (c) 2. d., e., f., fm., or g. to describe the contents of the printed  
9 materials if the person has made a reasonably diligent effort to obtain the printed  
10 materials under sub. (3) (e) and s. 46.245 and the department and the county  
11 department under s. 46.215, 46.22, or 46.23 have not made the printed materials  
12 available at the time that the person is required to give them to the woman.

History: 1985 a. 56, 176; 1991 a. 263; 1993 a. 27 s. 378; Stats. 1993 s. 253.10; 1995 a. 309; 1997 a. 27; 1999 a. 9; 2005 a. 155, 277, 387; 2007 a. 20; 2009 a. 28; 2011 a. 217.

13 END INSERT 2-3

14 INSERT 3-24

15 SECTION 2. 441.07 (title) of the statutes is repealed and recreated to read:

16 441.07 (title) **Disciplinarily proceedings and actions.**

17 SECTION 3. 441.07 (1c) of the statutes is created to read:

18 441.07 (1c) Subject to the rules promulgated under s. 440.03 (1), the board may  
19 conduct investigations and hearings to determine whether a person has violated this  
20 chapter or a rule promulgated under this chapter.

Move to 2-10

↑ and 441.07 (1g) (intro.) ↑ as renumbered ↑

1 SECTION ~~4.~~ 441.07 (1) (intro.) of the statutes is renumbered 441.07 (1g) (intro.)

2 and amended to read:

3 441.07 (1g) (intro.) ~~The board may, after disciplinary proceedings conducted~~  
4 ~~in accordance with~~ Subject to the rules promulgated under s. 440.03 (1), the board  
5 may deny, revoke, limit, suspend, or deny the renewal of a license of a registered  
6 nurse, a nurse-midwife, or a licensed practical nurse, may deny, revoke, limit,  
7 suspend, or deny the renewal of a certificate to prescribe drugs or devices granted  
8 under s. 441.16; or may reprimand a registered nurse, nurse-midwife, or licensed  
9 practical nurse, if the board finds that the person applicant or licensee committed

10 any of the following:

INSERT FROM 1-17 to 1-20 →

History: 1977 c. 418; 1979 c. 317, 337; 1981 c. 162; 1983 a. 273 s. 8; 1985 a. 29, 340; 1987 a. 264; 1993 a. 138; 1995 a. 309; 1997 a. 237; 1999 a. 22; 2009 a. 280.

11 END INSERT 3-24

12 INSERT 5-5

13 SECTION 5. 441.15 (3) (a) (intro.) of the statutes is amended to read:

14 441.15 (3) (a) (intro.) The Subject to s. 441.07 (1g), the board shall grant a  
15 license to engage in the practice of nurse-midwifery to any person licensed as a  
16 registered nurse under this subchapter or in a party state, as defined in s. 441.50 (2)  
17 (j), who does all of the following:

History: 1979 c. 317; 1983 a. 273; 1987 a. 264; 1991 a. 39; 1999 a. 22; 2001 a. 52, 105, 107; 2003 a. 321; 2005 a. 96, 292; 2007 a. 20, 97; 2009 a. 28, 42, 282.

18 END INSERT 5-5

SECTION # AM; 441.16 (2)  
(1) INSERT X

1 of a registered nurse, ~~a nurse-midwife, or a licensed practical nurse, may; deny~~  
 2 the initial certificate or revoke, limit, suspend, or deny the renewal of a certificate  
 3 to prescribe drugs or devices granted under s. 441.16; ~~or may reprimand a registered~~  
 4 nurse, nurse-midwife, or licensed practical nurse, if the board finds that the person  
 5 applicant or licensee committed any of the following:

6 **SECTION 4.** 441.07 (1c) of the statutes is created to read:

7 441.07 (1c) Subject to the rules promulgated under s. 440.03 (1), the board may  
 8 conduct investigations and hearings to determine whether a person has violated this  
 9 chapter or a rule promulgated under this chapter.

10 END INSERT 3-24

11 INSERT 5-5

12 **SECTION 5.** 441.15 (3) (a) (intro.) of the statutes is amended to read:

13 441.15 (3) (a) (intro.) ~~The~~ Subject to s. 441.07 (1g), the board shall grant a  
 14 license to engage in the practice of nurse-midwifery to any person licensed as a  
 15 registered nurse under this subchapter or in a party state, as defined in s. 441.50 (2)  
 16 (j), who does all of the following:

17 **SECTION 6.** 441.16 (2) of the statutes is amended to read:

18 441.16 (2) ~~The~~ Subject to s. 441.07 (1g), the board shall grant a certificate to  
 19 issue prescription orders to an advanced practice nurse who meets the education,  
 20 training, and examination requirements established by the board for a certificate to  
 21 issue prescription orders, and who pays the fee specified under s. 440.05 (1). An  
 22 advanced practice nurse certified under this section may provide expedited partner  
 23 therapy in the manner described in s. 448.035.

24 END INSERT 5-5

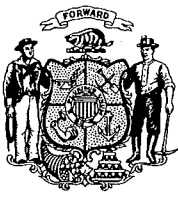
INSERT X

**Parisi, Lori**

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**From:** Weigand, Jeffrey - DSPS <Jeffrey.Weigand@wisconsin.gov>  
**Sent:** Monday, August 05, 2013 4:10 PM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB -1866/2 Topic: Allow applicants for licensure to sit for exam prior to degree completion

Please Jacket LRB -1866/2 for the SENATE.



9/25 Today



LRB-1866(2)  
MPG:wlj:jf

Thanks

stay

13

## 2013 BILL

Regen

1 AN ACT *to repeal* 449.05 (intro.), 451.06 (2), 452.09 (3) (e), 454.07 (3), 454.24 (3)  
 2 and 456.04 (intro.); *to renumber* 442.04 (4) (a), 449.05 (1m), 449.05 (2m),  
 3 451.06 (1), 456.04 (1), 456.04 (2), 456.04 (3) and 456.04 (4); *to renumber and*  
 4 *amend* 441.04, 441.06 (1), 441.07 (1), 441.10 (1), 441.10 (3) (a), 442.04 (4) (bm),  
 5 442.04 (4) (c), 442.04 (5), 449.04 (1), 450.03 (2), 450.04 (3) (intro.), 450.04 (3) (a),  
 6 450.04 (3) (b) and 456.03; *to amend* 39.393 (1) (c), 253.10 (7), 441.15 (3) (a)  
 7 (intro.), 441.16 (2), 445.045 (1) (g), 449.04 (title), 449.055 (5) and 459.26 (3); *to*  
 8 *repeal and recreate* 441.07 (title); and *to create* 440.071, 441.07 (1c), 441.10  
 9 (3) (a) 6. and 456.03 (5) of the statutes; **relating to:** examination requirements  
 10 for various professional credentials and powers of the Board of Nursing.

### *Analysis by the Legislative Reference Bureau*

Under current law, the Department of Safety and Professional Services (DSPS) and various boards under DSPS administer Wisconsin's professional credentialing laws. For many credentials, DSPS or the relevant board requires that a candidate for a credential complete postsecondary education or other training to be eligible to sit for the examination for the credential.

**BILL**

Under this bill, DSPS or a board may not require a person to complete any postsecondary education or other program before the person is eligible to take an examination for a credential. The bill creates an exception from that prohibition for the examination for a real estate appraiser certification or license issued by the Real Estate Appraisers Board.

Also under current law, the Board of Nursing (board) has the authority to conduct disciplinary proceedings and to revoke, limit, suspend, or deny the renewal of a license or certificate granted by the board. Under this bill, the board may also deny an initial license or certificate subject to certain rules.

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

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

1           **SECTION 1.** 39.393 (1) (c) of the statutes is amended to read:

2           39.393 (1) (c) A program in this state that confers a 2nd degree that will make  
3 the person eligible to sit for ~~examination~~ licensure under s. 441.04 ~~441.06~~ or 441.10.

4           **SECTION 2.** 253.10 (7) of the statutes is amended to read:

5           253.10 (7) **AFFIRMATIVE DEFENSE.** No person is liable under sub. (5) or (6) or  
6 under s. 441.07 ~~(1)~~ (1g) (f), 448.02 (3) (a), or 457.26 (2) (gm) for failure under sub. (3)  
7 (c) 2. d. to provide the printed materials described in sub. (3) (d) to a woman or for  
8 failure under sub. (3) (c) 2. d., e., f., fm., or g. to describe the contents of the printed  
9 materials if the person has made a reasonably diligent effort to obtain the printed  
10 materials under sub. (3) (e) and s. 46.245 and the department and the county  
11 department under s. 46.215, 46.22, or 46.23 have not made the printed materials  
12 available at the time that the person is required to give them to the woman.

13           **SECTION 3.** 440.071 of the statutes is created to read:

14           **440.071 No degree completion requirement to sit for examination. (1)**  
15 Except as provided under sub. (2), the department or a credentialing board or other  
16 board in the department may not require a person to complete any postsecondary

**BILL**

1 education or other program before the person is eligible to take an examination for  
2 a credential the department or credentialing board or other board in the department  
3 grants or issues.

4 (2) This section does not apply to an examination for a real estate appraiser  
5 certification under s. 458.06 or license under s. 458.08.

6 **SECTION 4.** 441.04 of the statutes is renumbered 441.06 (1) (a) and amended  
7 to read:

8 441.06 (1) (a) ~~Requisites for examination as a registered nurse. Any person who~~  
9 ~~has graduated~~ The applicant graduates from a high school or its equivalent as  
10 determined by the board, ~~does.~~

11 (b) The applicant does not have an arrest or conviction record, subject to ss.  
12 111.321, 111.322 and 111.335, ~~holds.~~

13 (c) The applicant holds a diploma of graduation from an accredited school of  
14 nursing and, if the school is located outside this state, submits evidence of general  
15 and professional educational qualifications comparable to those required in this  
16 state at the time of graduation ~~may apply to the department for licensure by the~~  
17 ~~board as a registered nurse, and upon payment of.~~

18 (d) The applicant pays the fee specified under in s. 440.05 (1) ~~shall be entitled~~  
19 ~~to examination.~~

20 **SECTION 5.** 441.06 (1) of the statutes is renumbered 441.06 (1) (intro.) and  
21 amended to read:

22 441.06 (1) (intro.) An Subject to s. 441.07 (1g), the board shall grant a license  
23 as a registered nurse to an applicant for licensure as a registered nurse who complies  
24 with all of the following requirements of this subchapter and satisfactorily passes an:

BILL

Not more than 30 days prior to the  
= date the applicant is granted a diploma under part (c)

SECTION 5

1 (e) ~~The applicant~~ passes the examination shall under s. 441.05 to receive a  
2 license as a registered nurse in this state. taxes and

3 (1m) The holder of such a license as a registered nurse under the laws of  
4 another state or territory or province of Canada may be granted a license as a  
5 registered nurse in this state without examination if the holder's credentials of  
6 general and professional educational qualifications and other qualifications are  
7 comparable to those required in this state during the same period and if the board  
8 is satisfied from the holder's employment and professional record that the holder is  
9 currently competent to practice the profession. The board shall evaluate the  
10 credentials and determine the equivalency and competency in each case. The  
11 application for licensure without examination shall be accompanied by the fee  
12 prescribed in s. 440.05 (2).

13 SECTION 6. 441.07 (title) of the statutes is repealed and recreated to read:

14 441.07 (title) **Disciplinary proceedings and actions.**

15 SECTION 7. 441.07 (1) of the statutes is renumbered 441.07 (1g), and 441.07 (1g)  
16 (intro.), as renumbered, is amended to read:

17 441.07 (1g) (intro.) ~~The board may, after disciplinary proceedings conducted~~  
18 ~~in accordance with~~ Subject to the rules promulgated under s. 440.03 (1), the board  
19 may deny an initial license or revoke, limit, suspend, or deny the renewal of a license  
20 of a registered nurse, ~~a~~ nurse-midwife, or ~~a~~ licensed practical nurse, ~~may~~ deny  
21 an initial certificate or revoke, limit, suspend, or deny the renewal of a certificate to  
22 prescribe drugs or devices granted under s. 441.16; ~~or may~~ reprimand a registered  
23 nurse, nurse-midwife, or licensed practical nurse, if the board finds that the person  
24 applicant or licensee committed any of the following:

25 SECTION 8. 441.07 (1c) of the statutes is created to read:



**BILL**

1           441.07 (1c) Subject to the rules promulgated under s. 440.03 (1), the board may  
2           conduct investigations and hearings to determine whether a person has violated this  
3           chapter or a rule promulgated under this chapter.

4           **SECTION 9.** 441.10 (1) of the statutes is renumbered 441.10 (3) (a) 1. and  
5           amended to read:

6           441.10 (3) (a) 1. ~~Prerequisites for examination as licensed practical nurses.~~  
7           ~~A person who~~ The applicant is 18 years of age or older, ~~does.~~

8           2. The applicant does not have an arrest or conviction record, subject to ss.  
9           111.321, 111.322 and 111.335, ~~has.~~

10          3. The applicant has completed 2 years of high school or its equivalent as  
11          determined by the board ~~and holds.~~

12          4. The applicant holds a diploma of graduation from an accredited school for  
13          licensed practical nurses approved by ~~that the~~ board, ~~may apply to the board for~~  
14          licensing as a licensed practical nurse, ~~and, upon payment of the examination.~~

15          5. The applicant pays the fee specified in s. 440.05 (1), ~~shall be entitled to take~~  
16          ~~an examination.~~

17          (ag) Any school for licensed practical nurses, in order to be accredited, must  
18          offer a course of not less than 9 months.

19          **SECTION 10.** 441.10 (3) (a) of the statutes is renumbered 441.10 (3) (a) (intro.)  
20          and amended to read:

21          441.10 (3) (a) (intro.) ~~On complying with this subchapter relating to applicants~~  
22          Subject to s. 441.07 (1g), the board shall grant a license as a licensed practical nurse  
23          to an applicant for licensure as licensed practical nurses, ~~and passing an~~  
24          ~~examination, the applicant shall receive a license as a licensed practical nurse. who~~  
25          satisfies all of the following conditions:

**BILL****SECTION 10**

1           (ar) The holder of ~~the~~ a license under this subsection is a “licensed practical  
2 nurse” and may append the letters “L.P.N.” to his or her name. The board may  
3 reprimand or may limit, suspend, or revoke the license of a licensed practical nurse  
4 under s. 441.07.

5           **SECTION 11.** 441.10 (3) (a) 6. of the statutes is created to read:

6           441.10 (3) (a) 6. The applicant passes the examination under sub. (2) for  
7 licensure as a licensed practical nurse in this state.

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

9           441.15 (3) (a) (intro.) The Subject to s. 441.07 (1g), the board shall grant a  
10 license to engage in the practice of nurse–midwifery to any person licensed as a  
11 registered nurse under this subchapter or in a party state, as defined in s. 441.50 (2)  
12 (j), who does all of the following:

13           **SECTION 13.** 441.16 (2) of the statutes is amended to read:

14           441.16 (2) The Subject to s. 441.07 (1g), the board shall grant a certificate to  
15 issue prescription orders to an advanced practice nurse who meets the education,  
16 training, and examination requirements established by the board for a certificate to  
17 issue prescription orders, and who pays the fee specified under s. 440.05 (1). An  
18 advanced practice nurse certified under this section may provide expedited partner  
19 therapy in the manner described in s. 448.035.

20           **SECTION 14.** 442.04 (4) (a) of the statutes, as affected by 2013 Wisconsin Act 21,  
21 is renumbered 442.04 (5) (a).

22           **SECTION 15.** 442.04 (4) (bm) of the statutes is renumbered 442.04 (5) (b) 3. and  
23 amended to read:

24           442.04 (5) (b) 3. ~~A person may not take the examination leading to the~~  
25 ~~certificate to practice as a certified public accountant unless the~~ The person has

**BILL**

1 completed at least 150 semester hours of education with an accounting concentration  
2 at an institution, and has received a bachelor's or higher degree with an accounting  
3 concentration from an institution, except as provided in par. (c).

4 **SECTION 16.** 442.04 (4) (c) of the statutes is renumbered 442.04 (5) (c) and  
5 amended to read:

6 442.04 (5) (c) If an applicant has a bachelor's or higher degree from an  
7 institution, and satisfies the other conditions under par. (b), but does not have an  
8 accounting concentration required in par. ~~(b)~~ (b) 3., the examining board may  
9 review such other educational experience from an institution as the applicant  
10 presents and, if the examining board determines that such other experience provides  
11 the reasonable equivalence of an accounting concentration required in par. ~~(b)~~ (b)  
12 3., the examining board shall ~~approve~~ grant a certificate as a certified public  
13 accountant to the applicant for examination.

14 **SECTION 17.** 442.04 (5) of the statutes is renumbered 442.04 (5) (b) (intro.) and  
15 amended to read:

16 442.04 (5) (b) (intro.) The examining board may not grant a certificate as a  
17 certified public accountant to any person other than a person who is satisfies all of  
18 the following conditions:

19 1. The person is 18 years of age or older, ~~does.~~  
20 2. The person does not have an arrest or conviction record, subject to ss.  
21 111.321, 111.322, and 111.335, ~~and, except.~~

22 4. Except as provided in s. 442.05, the person has successfully passed an  
23 examination in such subjects affecting accountancy as the examining board  
24 considers necessary. The examining board may not grant the certificate unless the  
25 applicant has

**BILL****SECTION 17**

1           5. The person has at least one year of public accounting experience or its  
2 equivalent, the sufficiency of the experience or the equivalency to be judged by the  
3 examining board.

4           (d) The examining board shall ensure that evaluation procedures and  
5 examinations under this subsection are nondiscriminatory, relate directly to  
6 accountancy, and are designed to measure only the ability to perform competently  
7 as an accountant. The examining board may use the examination service provided  
8 by the American Institute of Certified Public Accountants.

9           **SECTION 18.** 445.045 (1) (g) of the statutes is amended to read:

10           445.045 (1) (g) The person must have successfully passed a comprehensive  
11 examination conducted by the examining board as required by s. 445.04. ~~The~~  
12 ~~examination may be taken at any time after completion of the college and mortuary~~  
13 ~~school instruction and regardless of the age of the applicant.~~

14           **SECTION 19.** 449.04 (title) of the statutes is amended to read:

15           **449.04 (title) Examination and licensure.**

16           **SECTION 20.** 449.04 (1) of the statutes is renumbered 449.04 (1) (intro.) and  
17 amended to read:

18           449.04 (1) (intro.) ~~Licenses~~ The examining board may grant a license to engage  
19 in the practice of optometry ~~shall be issued only to persons~~ a person who pass  
20 satisfies all of the following conditions:

21           (c) The person passes an examination approved or conducted by the examining  
22 board. ~~An applicant who qualifies under s. 449.05 may take any examination~~  
23 ~~approved or administered by the examining board upon payment of~~

24           (d) The person pays the fee specified in s. 440.05 (1).

25           **SECTION 21.** 449.05 (intro.) of the statutes is repealed.

**BILL**

1           **SECTION 22.** 449.05 (1m) of the statutes is renumbered 449.04 (1) (a).

2           **SECTION 23.** 449.05 (2m) of the statutes is renumbered 449.04 (1) (b).

3           **SECTION 24.** 449.055 (5) of the statutes is amended to read:

4           449.055 (5) The person satisfies the requirements under s. ~~449.05~~ 449.04 (1)  
5           (a) and (b).

6           **SECTION 25.** 450.03 (2) of the statutes is renumbered 450.03 (2) (intro.) and  
7           amended to read:

8           450.03 (2) (intro.) The ~~Except as provided in s. 450.10,~~ the board shall issue a  
9           license as a pharmacist to any person who ~~files satisfactory proof of qualifications~~  
10          ~~under s. 450.04 (3),~~ passes does all of the following:

11           (c) Passes the examination under s. 450.04 ~~and pays.~~

12           (d) Pays the fee specified in s. 440.05 (1), ~~except as provided under s. 450.10.~~

13          **SECTION 26.** 450.04 (3) (intro.) of the statutes is renumbered 450.04 (3) and  
14          amended to read:

15          450.04 (3) Every candidate for examination for licensure as a pharmacist shall  
16          submit an application on a form provided by the department and pay the fee specified  
17          in s. 440.05 (1) at least 30 days before the date of examination. ~~Every candidate shall~~  
18          ~~also submit proof to the board that he or she:~~

19          **SECTION 27.** 450.04 (3) (a) of the statutes is renumbered 450.03 (2) (a) and  
20          amended to read:

21          450.03 (2) (a) Has received a professional degree from a pharmacy program  
22          approved by the board; ~~and.~~

23          **SECTION 28.** 450.04 (3) (b) of the statutes is renumbered 450.03 (2) (b) and  
24          amended to read:

**BILL****SECTION 28**

1           450.03 (2) (b) Has completed an internship in the practice of pharmacy or has  
2 practical experience acquired in another state ~~which~~ that is comparable to that  
3 included in an internship and ~~which~~ that is approved and verified by the board or by  
4 the agency ~~which~~ that is the equivalent of the board in the state in which the practical  
5 experience was acquired.

6           **SECTION 29.** 451.06 (1) of the statutes is renumbered 451.06.

7           **SECTION 30.** 451.06 (2) of the statutes is repealed.

8           **SECTION 31.** 452.09 (3) (e) of the statutes is repealed.

9           **SECTION 32.** 454.07 (3) of the statutes is repealed.

10          **SECTION 33.** 454.24 (3) of the statutes is repealed.

11          **SECTION 34.** 456.03 of the statutes is renumbered 456.03 (intro.) and amended  
12 to read:

13           **456.03 Licenses.** (intro.) An applicant for a license as a nursing home  
14 administrator who does all of the following and has successfully complied with the  
15 any other requirements for licensure under this chapter ~~and passed the examination~~  
16 shall be granted a license by the examining board, certifying that the applicant has  
17 met the requirements of the laws and rules entitling the applicant to serve, act,  
18 practice, and otherwise hold himself or herself out as a duly licensed nursing home  
19 administrator.;

20          **SECTION 35.** 456.03 (5) of the statutes is created to read:

21          456.03 (5) Passes the examination under s. 456.05.

22          **SECTION 36.** 456.04 (intro.) of the statutes is repealed.

23          **SECTION 37.** 456.04 (1) of the statutes is renumbered 456.03 (1).

24          **SECTION 38.** 456.04 (2) of the statutes is renumbered 456.03 (2).

25          **SECTION 39.** 456.04 (3) of the statutes is renumbered 456.03 (3).



## Barman, Mike

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**From:** Gallagher, Michael  
**Sent:** Wednesday, September 25, 2013 10:10 AM  
**To:** LRB.Legal  
**Subject:** FW: LRB-1866

Just an FYI. Not sure what happened yesterday, but I'm waiting for the jacket on this. Thanks.

**Mike Gallagher**  
Attorney  
Wisconsin Legislative Reference Bureau  
(608) 267-7511

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**From:** Kovach, Robert  
**Sent:** Wednesday, September 25, 2013 10:07 AM  
**To:** Gallagher, Michael  
**Subject:** RE: LRB-1866

I sent it and got it back yesterday. It was weird because it came back without an envelope.....is the updated version /2?

I'm guessing the pages screwed up.....I'll send it again.

**Rob Kovach**  
Policy Advisor/Committee Clerk  
Office of Senator Frank Lasee  
(608) 266-3512

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**From:** Gallagher, Michael  
**Sent:** Wednesday, September 25, 2013 8:27 AM  
**To:** Kovach, Robert  
**Subject:** RE: LRB-1866

Rob: Did you send this? Just checking to make sure I didn't miss it for some reason. Thanks.

**Mike Gallagher**  
Attorney  
Wisconsin Legislative Reference Bureau  
(608) 267-7511

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**From:** Kovach, Robert  
**Sent:** Tuesday, September 24, 2013 12:46 PM  
**To:** Weigand, Jeffrey - DSPS  
**Cc:** Gallagher, Michael; Vebber, Lucas; Jenkins, Kevin  
**Subject:** RE: LRB-1866

Dear Michael,

A page will be bringing LRB 1866 to you shortly.

Sorry for the delay.



# Rob Kovach

Policy Advisor/Committee Clerk  
Office of Senator Frank Lasee  
(608) 266-3512

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**From:** Weigand, Jeffrey - DSPS [<mailto:Jeffrey.Weigand@wisconsin.gov>]  
**Sent:** Tuesday, September 24, 2013 8:52 AM  
**To:** Kovach, Robert  
**Subject:** FW:

Hi Rob –

Were you able to send the jacket of our licensure streamlining bill back to the LRB? I can't remember if 1866 was the Senate version or the Assembly version.

Thanks!

Jeff

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**From:** Gallagher, Michael [<mailto:Michael.Gallagher@legis.wisconsin.gov>]  
**Sent:** Tuesday, September 24, 2013 8:50 AM  
**To:** Weigand, Jeffrey - DSPS  
**Subject:** RE:

We have 2848; waiting for 1866.

**Mike Gallagher**  
Attorney  
Wisconsin Legislative Reference Bureau  
(608) 267-7511

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**From:** Weigand, Jeffrey - DSPS [<mailto:Jeffrey.Weigand@wisconsin.gov>]  
**Sent:** Tuesday, September 24, 2013 8:48 AM  
**To:** Gallagher, Michael  
**Subject:** RE:

Thanks. What LRB # have you received?

---

**From:** Gallagher, Michael [<mailto:Michael.Gallagher@legis.wisconsin.gov>]  
**Sent:** Tuesday, September 24, 2013 8:27 AM  
**To:** Weigand, Jeffrey - DSPS  
**Subject:**

FYI: I'm still waiting on that jacket. Once it's here, I can get the redrafts out right away.

Mike

**Barman, Mike**

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**From:** LRB.Legal  
**Sent:** Wednesday, September 25, 2013 2:03 PM  
**To:** Sen.Lasee  
**Cc:** LRB.Legal  
**Subject:** Draft review: LRB -1866/3 Topic: Allow applicants for licensure to sit for exam prior to degree completion  
**Attachments:** 13-1866/3.pdf

**State of Wisconsin - Legislative Reference Bureau**  
**One East Main Street - Suite 200 - Madison**

**The attached draft was prepared at your request. Please review it carefully to ensure that it satisfies your intent.** If you have any questions concerning the draft or would like to have it redrafted, please contact Michael Gallagher, Legislative Attorney, at (608) 267-7511, at [michael.gallagher@legis.wisconsin.gov](mailto:michael.gallagher@legis.wisconsin.gov), or at One East Main Street, Suite 200.

**We will re-jacket this draft for the Senate and send it (by page) to your office later this afternoon.**

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will submit a request to DOA when the draft is introduced. You may obtain a fiscal estimate on the draft prior to introduction by contacting our program assistants at [LRB.Legal@legis.wisconsin.gov](mailto:LRB.Legal@legis.wisconsin.gov) or at (608) 266-3561. If you requested a fiscal estimate on an earlier version of this draft and would like to obtain a fiscal estimate on the current version before it is introduced, you will need to request a revised fiscal estimate from our program assistants.

**Please call our program assistants at (608) 266-3561 if you have any questions regarding this email.**

## Gallagher, Michael

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**From:** Weigand, Jeffrey - DSPS <Jeffrey.Weigand@wisconsin.gov>  
**Sent:** Thursday, September 26, 2013 5:07 PM  
**To:** Kovach, Robert; Geary, Rachel; Gallagher, Michael  
**Subject:** RE: Proposed redraft language (-1866 and -2848)

Just one thing.

The certificate should be sent to the Nursing Board not the examining council on registered nurses.

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**From:** Kovach, Robert [<mailto:Robert.Kovach@legis.wisconsin.gov>]  
**Sent:** Thursday, September 26, 2013 4:16 PM  
**To:** Geary, Rachel - LEGIS; Gallagher, Michael - LEGIS; Weigand, Jeffrey - DSPS  
**Subject:** RE: Proposed redraft language (-1866 and -2848)

Green light from me. I approve of moving forward with the new language.

## Rob Kovach

Policy Advisor/Committee Clerk  
Office of Senator Frank Lasee  
(608) 266-3512

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**From:** Geary, Rachel  
**Sent:** Thursday, September 26, 2013 3:50 PM  
**To:** Gallagher, Michael; Weigand, Jeffrey - DSPS; Kovach, Robert  
**Subject:** RE: Proposed redraft language (-1866 and -2848)

That looks like what we were looking for! As long as the Lasee office is okay with it, we are as well!

Rachel Geary  
Legislative Assisant  
State Representative Dale Kooyenga  
14<sup>th</sup> Assembly District  
608.266.9181  
[Rachel.Geary@legis.wi.gov](mailto:Rachel.Geary@legis.wi.gov)

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**From:** Gallagher, Michael  
**Sent:** Thursday, September 26, 2013 3:48 PM  
**To:** Weigand, Jeffrey - DSPS; Kovach, Robert; Geary, Rachel  
**Subject:** RE: Proposed redraft language (-1866 and -2848)

Attached this time. Sorry about that. See below.

<< File: Draft language mpg.docx >>

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**From:** Gallagher, Michael

**Sent:** Thursday, September 26, 2013 3:47 PM

**To:** Weigand, Jeffrey - DSPS ([Jeffrey.Weigand@wisconsin.gov](mailto:Jeffrey.Weigand@wisconsin.gov)); Kovach, Robert; Geary, Rachel

**Subject:** Proposed redraft language (-1866 and -2848)

Attached is what I came up with for a redraft based on our conversation this afternoon. This language would replace lines 1 to 3 on page 4 of the bill draft.

Keep in mind that any redraft will go through editing, but there shouldn't be any substantive changes to this language in that process. I used track changes to represent the striking and scoring that appear in a bill.

Let me know what you think.

Thanks.

Mike

**Michael P. Gallagher**

Legislative Attorney

Wisconsin Legislative Reference Bureau

1 East Main Street, Suite 200

P.O. Box 2037

Madison, WI 53701-2037

(608) 267-7511

[michael.gallagher@legis.wisconsin.gov](mailto:michael.gallagher@legis.wisconsin.gov)

(e) The applicant passes the examination shall under s. 441.05 to receive a license as a registered nurse in this state. The applicant may not take the examination before receiving a diploma under par. (c) unless the applicant obtains a certificate of approval to take the examination from the accredited school of nursing the applicant attends and submits that certificate to the examining council on registered nurses prior to examination.



## 2013 BILL

Insect

14

Stays

Regen

1 AN ACT *to repeal* 449.05 (intro.), 451.06 (2), 452.09 (3) (e), 454.07 (3), 454.24 (3)  
2 and 456.04 (intro.); *to renumber* 442.04 (4) (a), 449.05 (1m), 449.05 (2m),  
3 451.06 (1), 456.04 (1), 456.04 (2), 456.04 (3) and 456.04 (4); *to renumber and*  
4 *amend* 441.04, 441.06 (1), 441.07 (1), 441.10 (1), 441.10 (3) (a), 442.04 (4) (bm),  
5 442.04 (4) (c), 442.04 (5), 449.04 (1), 450.03 (2), 450.04 (3) (intro.), 450.04 (3) (a),  
6 450.04 (3) (b) and 456.03; *to amend* 39.393 (1) (c), 253.10 (7), 441.15 (3) (a)  
7 (intro.), 441.16 (2), 445.045 (1) (g), 449.04 (title), 449.055 (5) and 459.26 (3); *to*  
8 *repeal and recreate* 441.07 (title); and *to create* 440.071, 441.07 (1c), 441.10  
9 (3) (a) 6. and 456.03 (5) of the statutes; **relating to:** examination requirements  
10 for various professional credentials and powers of the Board of Nursing.

### *Analysis by the Legislative Reference Bureau*

Under current law, the Department of Safety and Professional Services (DSPS) and various boards under DSPS administer Wisconsin's professional credentialing laws. For many credentials, DSPS or the relevant board requires that a candidate for a credential complete postsecondary education or other training to be eligible to sit for the examination for the credential.

**BILL**

Under this bill, DSPS or a board may not require a person to complete any postsecondary education or other program before the person is eligible to take an examination for a credential. The bill creates an exception from that prohibition for the examination for a real estate appraiser certification or license issued by the Real Estate Appraisers Board.

Also under current law, the Board of Nursing (board) has the authority to conduct disciplinary proceedings and to revoke, limit, suspend, or deny the renewal of a license or certificate granted by the board. Under this bill, the board may also deny an initial license or certificate subject to certain rules.

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

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

1           **SECTION 1.** 39.393 (1) (c) of the statutes is amended to read:

2           39.393 (1) (c) A program in this state that confers a 2nd degree that will make  
3 the person eligible to sit for examination licensure under s. 441.04 441.06 or 441.10.

4           **SECTION 2.** 253.10 (7) of the statutes is amended to read:

5           253.10 (7) **AFFIRMATIVE DEFENSE.** No person is liable under sub. (5) or (6) or  
6 under s. 441.07 (1) (1g) (f), 448.02 (3) (a), or 457.26 (2) (gm) for failure under sub. (3)  
7 (c) 2. d. to provide the printed materials described in sub. (3) (d) to a woman or for  
8 failure under sub. (3) (c) 2. d., e., f., fm., or g. to describe the contents of the printed  
9 materials if the person has made a reasonably diligent effort to obtain the printed  
10 materials under sub. (3) (e) and s. 46.245 and the department and the county  
11 department under s. 46.215, 46.22, or 46.23 have not made the printed materials  
12 available at the time that the person is required to give them to the woman.

13           **SECTION 3.** 440.071 of the statutes is created to read:

14           **440.071 No degree completion requirement to sit for examination. (1)**  
15 Except as provided under sub. (2), the department or a credentialing board or other  
16 board in the department may not require a person to complete any postsecondary

**BILL**

1 education or other program before the person is eligible to take an examination for  
2 a credential the department or credentialing board or other board in the department  
3 grants or issues.

4 (2) This section does not apply to an examination for a real estate appraiser  
5 certification under s. 458.06 or license under s. 458.08.

6 **SECTION 4.** 441.04 of the statutes is renumbered 441.06 (1) (a) and amended  
7 to read:

8 441.06 (1) (a) ~~Requisites for examination as a registered nurse. Any person who~~  
9 ~~has graduated~~ The applicant graduates from a high school or its equivalent as  
10 determined by the board, ~~does.~~

11 (b) The applicant does not have an arrest or conviction record, subject to ss.  
12 111.321, 111.322 and 111.335, ~~holds.~~

13 (c) The applicant holds a diploma of graduation from an accredited school of  
14 nursing and, if the school is located outside this state, submits evidence of general  
15 and professional educational qualifications comparable to those required in this  
16 state at the time of graduation ~~may apply to the department for licensure by the~~  
17 ~~board as a registered nurse, and upon payment of.~~

18 (d) The applicant pays the fee specified ~~under in~~ s. 440.05 (1) ~~shall be entitled~~  
19 ~~to examination.~~

20 **SECTION 5.** 441.06 (1) of the statutes is renumbered 441.06 (1) (intro.) and  
21 amended to read:

22 441.06 (1) (intro.) ~~An~~ Subject to s. 441.07 (1g), the board shall grant a license  
23 as a registered nurse to an applicant for licensure ~~as a registered nurse who complies~~  
24 ~~with all of the following requirements of this subchapter and satisfactorily passes an;~~



BILL

Insert 6 + 4 - 1

1 (e) Not more than 30 days prior to the date the applicant is granted a diploma  
2 under par. (c), the applicant takes and passes the examination shall under s. 441.05  
3 to receive a license as a registered nurse in this state.

4 (1m) The holder of such a license as a registered nurse under the laws of  
5 another state or territory or province of Canada may be granted a license as a  
6 registered nurse in this state without examination if the holder's credentials of  
7 general and professional educational qualifications and other qualifications are  
8 comparable to those required in this state during the same period and if the board  
9 is satisfied from the holder's employment and professional record that the holder is  
10 currently competent to practice the profession. The board shall evaluate the  
11 credentials and determine the equivalency and competency in each case. The  
12 application for licensure without examination shall be accompanied by the fee  
13 prescribed in s. 440.05 (2).

14 **SECTION 6.** 441.07 (title) of the statutes is repealed and recreated to read:

15 **441.07 (title) Disciplinary proceedings and actions.**

16 **SECTION 7.** 441.07 (1) of the statutes is renumbered 441.07 (1g), and 441.07 (1g)  
17 (intro.), as renumbered, is amended to read:

18 441.07 (1g) (intro.) ~~The board may, after disciplinary proceedings conducted~~  
19 ~~in accordance with~~ Subject to the rules promulgated under s. 440.03 (1), the board  
20 may deny an initial license or revoke, limit, suspend, or deny the renewal of a license  
21 of a registered nurse, ~~a nurse-midwife, or a licensed practical nurse, may; deny~~  
22 an initial certificate or revoke, limit, suspend, or deny the renewal of a certificate to  
23 prescribe drugs or devices granted under s. 441.16; ~~or may reprimand a registered~~  
24 nurse, nurse-midwife, or licensed practical nurse, if the board finds that the ~~person~~  
25 applicant or licensee committed any of the following:

**BILL**

1           **SECTION 8.** 441.07 (1c) of the statutes is created to read:

2           441.07 (1c) Subject to the rules promulgated under s. 440.03 (1), the board may  
3           conduct investigations and hearings to determine whether a person has violated this  
4           chapter or a rule promulgated under this chapter.

5           **SECTION 9.** 441.10 (1) of the statutes is renumbered 441.10 (3) (a) 1. and  
6           amended to read:

7           441.10 (3) (a) 1. ~~‘Prerequisites for examination as licensed practical nurses.’~~  
8           ~~A person who~~ The applicant is 18 years of age or older, ~~does.~~

9           2. The applicant does not have an arrest or conviction record, subject to ss.  
10          111.321, 111.322 and 111.335, ~~has.~~

11          3. The applicant has completed 2 years of high school or its equivalent as  
12          determined by the board and ~~holds.~~

13          4. The applicant holds a diploma of graduation from an accredited school for  
14          licensed practical nurses approved by ~~that~~ the board, ~~may apply to the board for~~  
15          ~~licensing as a licensed practical nurse, and, upon payment of the examination.~~

16          5. The applicant pays the fee specified in s. 440.05 (1), ~~shall be entitled to take~~  
17          ~~an examination.~~

18          (ag) Any school for licensed practical nurses, in order to be accredited, must  
19          offer a course of not less than 9 months.

20          **SECTION 10.** 441.10 (3) (a) of the statutes is renumbered 441.10 (3) (a) (intro.)  
21          and amended to read:

22          441.10 (3) (a) (intro.) ~~On complying with this subchapter relating to applicants~~  
23          Subject to s. 441.07 (1g), the board shall grant a license as a licensed practical nurse  
24          to an applicant for licensure ~~as licensed practical nurses, and passing an~~

**BILL****SECTION 10**

1 ~~examination, the applicant shall receive a license as a licensed practical nurse, who~~  
2 satisfies all of the following conditions:

3 (ar) The holder of the a license under this subsection is a “licensed practical  
4 nurse” and may append the letters “L.P.N.” to his or her name. The board may  
5 reprimand or may limit, suspend, or revoke the license of a licensed practical nurse  
6 under s. 441.07.

7 **SECTION 11.** 441.10 (3) (a) 6. of the statutes is created to read:

8 441.10 (3) (a) 6. The applicant passes the examination under sub. (2) for  
9 licensure as a licensed practical nurse in this state.

10 **SECTION 12.** 441.15 (3) (a) (intro.) of the statutes is amended to read:

11 441.15 (3) (a) (intro.) The Subject to s. 441.07 (1g), the board shall grant a  
12 license to engage in the practice of nurse–midwifery to any person licensed as a  
13 registered nurse under this subchapter or in a party state, as defined in s. 441.50 (2)  
14 (j), who does all of the following:

15 **SECTION 13.** 441.16 (2) of the statutes is amended to read:

16 441.16 (2) The Subject to s. 441.07 (1g), the board shall grant a certificate to  
17 issue prescription orders to an advanced practice nurse who meets the education,  
18 training, and examination requirements established by the board for a certificate to  
19 issue prescription orders, and who pays the fee specified under s. 440.05 (1). An  
20 advanced practice nurse certified under this section may provide expedited partner  
21 therapy in the manner described in s. 448.035.

22 **SECTION 14.** 442.04 (4) (a) of the statutes, as affected by 2013 Wisconsin Act 21,  
23 is renumbered 442.04 (5) (a).

24 **SECTION 15.** 442.04 (4) (bm) of the statutes is renumbered 442.04 (5) (b) 3. and  
25 amended to read:

**BILL**

1           442.04 (5) (b) 3. ~~A person may not take the examination leading to the~~  
2           ~~certificate to practice as a certified public accountant unless the~~ The person has  
3           completed at least 150 semester hours of education with an accounting concentration  
4           at an institution, and has received a bachelor's or higher degree with an accounting  
5           concentration from an institution, except as provided in par. (c).

6           **SECTION 16.** 442.04 (4) (c) of the statutes is renumbered 442.04 (5) (c) and  
7           amended to read:

8           442.04 (5) (c) If an applicant has a bachelor's or higher degree from an  
9           institution, ~~and satisfies the other conditions under par. (b),~~ but does not have an  
10          accounting concentration required in par. ~~(bm) (b) 3.,~~ the examining board may  
11          review such other educational experience from an institution as the applicant  
12          presents and, if the examining board determines that such other experience provides  
13          the reasonable equivalence of an accounting concentration required in par. ~~(bm) (b)~~  
14          3., the examining board shall ~~approve~~ grant a certificate as a certified public  
15          accountant to the applicant for examination.

16          **SECTION 17.** 442.04 (5) of the statutes is renumbered 442.04 (5) (b) (intro.) and  
17          amended to read:

18          442.04 (5) (b) (intro.) The examining board may not grant a certificate as a  
19          certified public accountant to any person other than a person who ~~is~~ satisfies all of  
20          the following conditions:

- 21           1. The person is 18 years of age or older, ~~does.~~
- 22           2. The person does not have an arrest or conviction record, subject to ss.  
23          111.321, 111.322, and 111.335, ~~and, except.~~
- 24           4. Except as provided in s. 442.05, the person has successfully passed an  
25          examination in such subjects affecting accountancy as the examining board

**BILL**

1 considers necessary. ~~The examining board may not grant the certificate unless the~~  
2 applicant has

3 5. The person has at least one year of public accounting experience or its  
4 equivalent, the sufficiency of the experience or the equivalency to be judged by the  
5 examining board.

6 (d) The examining board shall ensure that evaluation procedures and  
7 examinations under this subsection are nondiscriminatory, relate directly to  
8 accountancy, and are designed to measure only the ability to perform competently  
9 as an accountant. The examining board may use the examination service provided  
10 by the American Institute of Certified Public Accountants.

11 **SECTION 18.** 445.045 (1) (g) of the statutes is amended to read:

12 445.045 (1) (g) The person must have successfully passed a comprehensive  
13 examination conducted by the examining board as required by s. 445.04. ~~The~~  
14 ~~examination may be taken at any time after completion of the college and mortuary~~  
15 ~~school instruction and regardless of the age of the applicant.~~

16 **SECTION 19.** 449.04 (title) of the statutes is amended to read:

17 **449.04 (title) Examination and licensure.**

18 **SECTION 20.** 449.04 (1) of the statutes is renumbered 449.04 (1) (intro.) and  
19 amended to read:

20 449.04 (1) (intro.) ~~Licenses~~ The examining board may grant a license to engage  
21 in the practice of optometry ~~shall be issued only to persons~~ a person who pass  
22 satisfies all of the following conditions:

23 (c) The person passes an examination approved or conducted by the examining  
24 board. ~~An applicant who qualifies under s. 449.05 may take any examination~~  
25 ~~approved or administered by the examining board upon payment of~~

**BILL**

1           (d) The person pays the fee specified in s. 440.05 (1).

2           **SECTION 21.** 449.05 (intro.) of the statutes is repealed.

3           **SECTION 22.** 449.05 (1m) of the statutes is renumbered 449.04 (1) (a).

4           **SECTION 23.** 449.05 (2m) of the statutes is renumbered 449.04 (1) (b).

5           **SECTION 24.** 449.055 (5) of the statutes is amended to read:

6           449.055 (5) The person satisfies the requirements under s. 449.05 449.04 (1)  
7           (a) and (b).

8           **SECTION 25.** 450.03 (2) of the statutes is renumbered 450.03 (2) (intro.) and  
9           amended to read:

10           450.03 (2) (intro.) The Except as provided in s. 450.10, the board shall issue a  
11           license as a pharmacist to any person who files ~~satisfactory proof of qualifications~~  
12           under s. 450.04 (3), passes does all of the following:

13           (c) Passes the examination under s. 450.04 and pays.

14           (d) Pays the fee specified in s. 440.05 (1), except as provided under s. 450.10.

15           **SECTION 26.** 450.04 (3) (intro.) of the statutes is renumbered 450.04 (3) and  
16           amended to read:

17           450.04 (3) Every candidate for examination for licensure as a pharmacist shall  
18           submit an application on a form provided by the department and pay the fee specified  
19           in s. 440.05 (1) at least 30 days before the date of examination. ~~Every candidate shall~~  
20           ~~also submit proof to the board that he or she:~~

21           **SECTION 27.** 450.04 (3) (a) of the statutes is renumbered 450.03 (2) (a) and  
22           amended to read:

23           450.03 (2) (a) Has received a professional degree from a pharmacy program  
24           approved by the board; ~~and.~~

**BILL**

1           **SECTION 28.** 450.04 (3) (b) of the statutes is renumbered 450.03 (2) (b) and  
2 amended to read:

3           450.03 (2) (b) Has completed an internship in the practice of pharmacy or has  
4 practical experience acquired in another state ~~which~~ that is comparable to that  
5 included in an internship and ~~which~~ that is approved and verified by the board or by  
6 the agency ~~which~~ that is the equivalent of the board in the state in which the practical  
7 experience was acquired.

8           **SECTION 29.** 451.06 (1) of the statutes is renumbered 451.06.

9           **SECTION 30.** 451.06 (2) of the statutes is repealed.

10          **SECTION 31.** 452.09 (3) (e) of the statutes is repealed.

11          **SECTION 32.** 454.07 (3) of the statutes is repealed.

12          **SECTION 33.** 454.24 (3) of the statutes is repealed.

13          **SECTION 34.** 456.03 of the statutes is renumbered 456.03 (intro.) and amended  
14 to read:

15          **456.03 Licenses.** (intro.) An applicant for a license as a nursing home  
16 administrator who does all of the following and has successfully complied with the  
17 any other requirements for licensure under this chapter ~~and passed the examination~~  
18 shall be granted a license by the examining board, certifying that the applicant has  
19 met the requirements of the laws and rules entitling the applicant to serve, act,  
20 practice, and otherwise hold himself or herself out as a duly licensed nursing home  
21 administrator.;

22          **SECTION 35.** 456.03 (5) of the statutes is created to read:

23          456.03 (5) Passes the examination under s. 456.05.

24          **SECTION 36.** 456.04 (intro.) of the statutes is repealed.

25          **SECTION 37.** 456.04 (1) of the statutes is renumbered 456.03 (1).

**BILL**

1           **SECTION 38.** 456.04 (2) of the statutes is renumbered 456.03 (2).

2           **SECTION 39.** 456.04 (3) of the statutes is renumbered 456.03 (3).

3           **SECTION 40.** 456.04 (4) of the statutes is renumbered 456.03 (4).

4           **SECTION 41.** 459.26 (3) of the statutes is amended to read:

5           459.26 (3) An individual is not eligible for examination unless he or she has  
6           ~~satisfied the requirements for licensure under s. 459.24 (2) (a) to (d) or (3) (a) to (d)~~  
7           ~~and~~, at least 30 days before the date of examination, submits an application for  
8           examination to the department on a form provided by the department and pays the  
9           fee specified in s. 440.05 (1).

10

(END)



2013-2014 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-1866/4ins  
MPG:wlj:jm

1           INSERT 4-1

2           (e) The applicant applicant passes the examination shall under s. 441.05 to  
3           receive a license as a registered nurse in this state. The applicant may not take the  
4           examination before receiving a diploma under par. (c) unless the applicant obtains  
5           a certificate of approval to take the examination from the school of nursing the  
6           applicant attends and submits that certificate to the board prior to examination.

7           END INSERT 4-1



stays  
15

## 2013 BILL

Regen

1 **AN ACT** *to repeal* 449.05 (intro.), 451.06 (2), 452.09 (3) (e), 454.07 (3), 454.24 (3)  
2 and 456.04 (intro.); **to renumber** 442.04 (4) (a), 449.05 (1m), 449.05 (2m),  
3 451.06 (1), 456.04 (1), 456.04 (2), 456.04 (3) and 456.04 (4); **to renumber and**  
4 **amend** 441.04, 441.06 (1), 441.07 (1), 441.10 (1), 441.10 (3) (a), 442.04 (4) (bm),  
5 442.04 (4) (c), 442.04 (5), 449.04 (1), 450.03 (2), 450.04 (3) (intro.), 450.04 (3) (a),  
6 450.04 (3) (b) and 456.03; **to amend** 39.393 (1) (c), 253.10 (7), 441.15 (3) (a)  
7 (intro.), 441.16 (2), 445.045 (1) (g), 449.04 (title), 449.055 (5) and 459.26 (3); **to**  
8 **repeal and recreate** 441.07 (title); and **to create** 440.071, 441.07 (1c), 441.10  
9 (3) (a) 6. and 456.03 (5) of the statutes; **relating to:** examination requirements  
10 for various professional credentials and powers of the Board of Nursing.

### *Analysis by the Legislative Reference Bureau*

Under current law, the Department of Safety and Professional Services (DSPS) and various boards under DSPS administer Wisconsin's professional credentialing laws. For many credentials, DSPS or the relevant board requires that a candidate for a credential complete postsecondary education or other training to be eligible to sit for the examination for the credential.

**BILL**

<sup>34</sup> *except that an applicant for licensure as a registered nurse or licensed practical nurse must receive approval from the applicant's school of nursing in order to*  
 Under this bill, DSPS or a board may not require a person to complete any ~~take~~ postsecondary education or other program before the person is eligible to take an ~~the~~ examination for a credential. The bill creates an exception from that prohibition for the examination for a real estate appraiser certification or license issued by the Real Estate Appraisers Board. *licensure*

Also under current law, the Board of Nursing (board) has the authority to conduct disciplinary proceedings and to revoke, limit, suspend, or deny the renewal of a license or certificate granted by the board. Under this bill, the board may also deny an initial license or certificate subject to certain rules. *examination before graduation*

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

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

1           **SECTION 1.** 39.393 (1) (c) of the statutes is amended to read:

2           39.393 (1) (c) A program in this state that confers a 2nd degree that will make  
 3 the person eligible to sit for ~~examination~~ licensure under s. 441.04 441.06 or 441.10.

4           **SECTION 2.** 253.10 (7) of the statutes is amended to read:

5           253.10 (7) AFFIRMATIVE DEFENSE. No person is liable under sub. (5) or (6) or  
 6 under s. 441.07 ~~(1)~~ (1g) (f), 448.02 (3) (a), or 457.26 (2) (gm) for failure under sub. (3)  
 7 (c) 2. d. to provide the printed materials described in sub. (3) (d) to a woman or for  
 8 failure under sub. (3) (c) 2. d., e., f., fm., or g. to describe the contents of the printed  
 9 materials if the person has made a reasonably diligent effort to obtain the printed  
 10 materials under sub. (3) (e) and s. 46.245 and the department and the county  
 11 department under s. 46.215, 46.22, or 46.23 have not made the printed materials  
 12 available at the time that the person is required to give them to the woman.

13           **SECTION 3.** 440.071 of the statutes is created to read:

14           **440.071 No degree completion requirement to sit for examination. (1)**  
 15 Except as provided under sub. (2), the department or a credentialing board or other  
 16 board in the department may not require a person to complete any postsecondary

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1 education or other program before the person is eligible to take an examination for  
2 a credential the department or credentialing board or other board in the department  
3 grants or issues.

4 (2) This section does not apply to an examination for a real estate appraiser  
5 certification under s. 458.06 or license under s. 458.08.

6 **SECTION 4.** 441.04 of the statutes is renumbered 441.06 (1) (a) and amended  
7 to read:

8 441.06 (1) (a) ~~Requisites for examination as a registered nurse. Any person who~~  
9 ~~has graduated~~ The applicant graduates from a high school or its equivalent as  
10 determined by the board, ~~does.~~

11 (b) The applicant does not have an arrest or conviction record, subject to ss.  
12 111.321, 111.322 and 111.335, ~~holds.~~

13 (c) The applicant holds a diploma of graduation from an accredited school of  
14 nursing and, if the school is located outside this state, submits evidence of general  
15 and professional educational qualifications comparable to those required in this  
16 state at the time of graduation ~~may apply to the department for licensure by the~~  
17 ~~board as a registered nurse, and upon payment of.~~

18 (d) The applicant pays the fee specified under in s. 440.05 (1) ~~shall be entitled~~  
19 ~~to examination.~~

20 **SECTION 5.** 441.06 (1) of the statutes is renumbered 441.06 (1) (intro.) and  
21 amended to read:

22 441.06 (1) (intro.) An Subject to s. 441.07 (1g), the board shall grant a license  
23 as a registered nurse to an applicant for licensure as a registered nurse who complies  
24 with all of the following requirements of this subchapter and satisfactorily passes an:

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1 (e) The applicant passes the examination shall under s. 441.05 to receive a  
2 license as a registered nurse in this state. The applicant may not take the  
3 examination before receiving a diploma under par. (c) unless the applicant obtains  
4 a certificate of approval to take the examination from the school of nursing the  
5 applicant attends and submits that certificate to the board prior to examination.

6 **(1m)** The holder of such a license as a registered nurse under the laws of  
7 another state or territory or province of Canada may be granted a license as a  
8 registered nurse in this state without examination if the holder's credentials of  
9 general and professional educational qualifications and other qualifications are  
10 comparable to those required in this state during the same period and if the board  
11 is satisfied from the holder's employment and professional record that the holder is  
12 currently competent to practice the profession. The board shall evaluate the  
13 credentials and determine the equivalency and competency in each case. The  
14 application for licensure without examination shall be accompanied by the fee  
15 prescribed in s. 440.05 (2).

16 **SECTION 6.** 441.07 (title) of the statutes is repealed and recreated to read:

17 **441.07 (title) Disciplinary proceedings and actions.**

18 **SECTION 7.** 441.07 (1) of the statutes is renumbered 441.07 (1g), and 441.07 (1g)  
19 (intro.), as renumbered, is amended to read:

20 441.07 (1g) (intro.) ~~The board may, after disciplinary proceedings conducted~~  
21 ~~in accordance with~~ Subject to the rules promulgated under s. 440.03 (1), the board  
22 may deny an initial license or revoke, limit, suspend, or deny the renewal of a license  
23 of a registered nurse, a nurse-midwife, or a licensed practical nurse, may deny  
24 an initial certificate or revoke, limit, suspend, or deny the renewal of a certificate to  
25 prescribe drugs or devices granted under s. 441.16; ~~or may reprimand a registered~~

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1 nurse, nurse-midwife, or licensed practical nurse, if the board finds that the person  
2 applicant or licensee committed any of the following:

3 **SECTION 8.** 441.07 (1c) of the statutes is created to read:

4 441.07 (1c) Subject to the rules promulgated under s. 440.03 (1), the board may  
5 conduct investigations and hearings to determine whether a person has violated this  
6 chapter or a rule promulgated under this chapter.

7 **SECTION 9.** 441.10 (1) of the statutes is renumbered 441.10 (3) (a) 1. and  
8 amended to read:

9 441.10 (3) (a) 1. ~~‘Prerequisites for examination as licensed practical nurses.’~~  
10 ~~A person who~~ The applicant is 18 years of age or older, ~~does.~~

11 2. The applicant does not have an arrest or conviction record, subject to ss.  
12 111.321, 111.322 and 111.335, ~~has.~~

13 3. The applicant has completed 2 years of high school or its equivalent as  
14 determined by the board ~~and holds.~~

15 4. The applicant holds a diploma of graduation from an accredited school for  
16 licensed practical nurses approved by ~~that the board,~~ may apply to the board for  
17 ~~licensing as a licensed practical nurse, and, upon payment of the examination.~~

18 5. The applicant pays the fee specified in s. 440.05 (1), ~~shall be entitled to take~~  
19 ~~an examination.~~

20 (ag) Any school for licensed practical nurses, in order to be accredited, must  
21 offer a course of not less than 9 months.

22 **SECTION 10.** 441.10 (3) (a) of the statutes is renumbered 441.10 (3) (a) (intro.)  
23 and amended to read:

24 441.10 (3) (a) (intro.) ~~On complying with this subchapter relating to applicants~~  
25 Subject to s. 441.07 (1g), the board shall grant a license as a licensed practical nurse

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1 ~~to an applicant for licensure as licensed practical nurses, and passing an~~  
2 ~~examination, the applicant shall receive a license as a licensed practical nurse. who~~  
3 ~~satisfies all of the following conditions:~~

4 (ar) The holder of the a license under this subsection is a "licensed practical  
5 nurse" and may append the letters "L.P.N." to his or her name. The board may  
6 reprimand or may limit, suspend, or revoke the license of a licensed practical nurse  
7 under s. 441.07.

8 SECTION 11. 441.10 (3) (a) 6. of the statutes is created to read:

9 441.10 (3) (a) 6. The applicant passes the examination under sub. (2) for  
10 licensure as a licensed practical nurse in this state.

11 SECTION 12. 441.15 (3) (a) (intro.) of the statutes is amended to read:

12 441.15 (3) (a) (intro.) The Subject to s. 441.07 (1g), the board shall grant a  
13 license to engage in the practice of nurse-midwifery to any person licensed as a  
14 registered nurse under this subchapter or in a party state, as defined in s. 441.50 (2)  
15 (j), who does all of the following:

16 SECTION 13. 441.16 (2) of the statutes is amended to read:

17 441.16 (2) The Subject to s. 441.07 (1g), the board shall grant a certificate to  
18 issue prescription orders to an advanced practice nurse who meets the education,  
19 training, and examination requirements established by the board for a certificate to  
20 issue prescription orders, and who pays the fee specified under s. 440.05 (1). An  
21 advanced practice nurse certified under this section may provide expedited partner  
22 therapy in the manner described in s. 448.035.

23 SECTION 14. 442.04 (4) (a) of the statutes, as affected by 2013 Wisconsin Act 21,  
24 is renumbered 442.04 (5) (a).

9/6  
The applicant may not take the examination before receiving a diploma under subd. 4. unless the applicant obtains a certificate of approval to take the examination from the school of nursing the applicant attends and submits that certificate to the board prior to examination.

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1           **SECTION 15.** 442.04 (4) (bm) of the statutes is renumbered 442.04 (5) (b) 3. and  
2 amended to read:

3           442.04 (5) (b) 3. ~~A person may not take the examination leading to the~~  
4 ~~certificate to practice as a certified public accountant unless the~~ The person has  
5 completed at least 150 semester hours of education with an accounting concentration  
6 at an institution, and has received a bachelor's or higher degree with an accounting  
7 concentration from an institution, except as provided in par. (c).

8           **SECTION 16.** 442.04 (4) (c) of the statutes is renumbered 442.04 (5) (c) and  
9 amended to read:

10           442.04 (5) (c) If an applicant has a bachelor's or higher degree from an  
11 institution, and satisfies the other conditions under par. (b), but does not have an  
12 accounting concentration required in par. ~~(bm)~~ (b) 3., the examining board may  
13 review such other educational experience from an institution as the applicant  
14 presents and, if the examining board determines that such other experience provides  
15 the reasonable equivalence of an accounting concentration required in par. ~~(bm)~~ (b)  
16 3., the examining board shall ~~approve grant a certificate as a certified public~~  
17 accountant to the applicant for examination.

18           **SECTION 17.** 442.04 (5) of the statutes is renumbered 442.04 (5) (b) (intro.) and  
19 amended to read:

20           442.04 (5) (b) (intro.) The examining board may not grant a certificate as a  
21 certified public accountant to any person other than a person who is satisfies all of  
22 the following conditions:

23           1. The person is 18 years of age or older, does,

24           2. The person does not have an arrest or conviction record, subject to ss.  
25 111.321, 111.322, and 111.335, ~~and, except,~~



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1       ~~4. Except as provided in s. 442.05, the person has successfully passed an~~  
2       examination in such subjects affecting accountancy as the examining board  
3       considers necessary. ~~The examining board may not grant the certificate unless the~~  
4       applicant has

5       5. The person has at least one year of public accounting experience or its  
6       equivalent, the sufficiency of the experience or the equivalency to be judged by the  
7       examining board.

8       (d) The examining board shall ensure that evaluation procedures and  
9       examinations under this subsection are nondiscriminatory, relate directly to  
10      accountancy, and are designed to measure only the ability to perform competently  
11      as an accountant. The examining board may use the examination service provided  
12      by the American Institute of Certified Public Accountants.

13      **SECTION 18.** 445.045 (1) (g) of the statutes is amended to read:

14      445.045 (1) (g) The person must have successfully passed a comprehensive  
15      examination conducted by the examining board as required by s. 445.04. ~~The~~  
16      ~~examination may be taken at any time after completion of the college and mortuary~~  
17      ~~school instruction and regardless of the age of the applicant.~~

18      **SECTION 19.** 449.04 (title) of the statutes is amended to read:

19      **449.04 (title) Examination and licensure.**

20      **SECTION 20.** 449.04 (1) of the statutes is renumbered 449.04 (1) (intro.) and  
21      amended to read:

22      449.04 (1) (intro.) ~~Licenses~~ The examining board may grant a license to engage  
23      in the practice of optometry ~~shall be issued only to persons~~ a person who pass  
24      satisfies all of the following conditions:

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1 ~~(c) The person passes an examination approved or conducted by the examining~~  
2 ~~board. An applicant who qualifies under s. 449.05 may take any examination~~  
3 ~~approved or administered by the examining board upon payment of~~

4 ~~(d) The person pays the fee specified in s. 440.05 (1).~~

5 **SECTION 21.** 449.05 (intro.) of the statutes is repealed.

6 **SECTION 22.** 449.05 (1m) of the statutes is renumbered 449.04 (1) (a).

7 **SECTION 23.** 449.05 (2m) of the statutes is renumbered 449.04 (1) (b).

8 **SECTION 24.** 449.055 (5) of the statutes is amended to read:

9 449.055 (5) The person satisfies the requirements under s. ~~449.05~~ 449.04 (1)  
10 (a) and (b).

11 **SECTION 25.** 450.03 (2) of the statutes is renumbered 450.03 (2) (intro.) and  
12 amended to read:

13 450.03 (2) (intro.) ~~The~~ Except as provided in s. 450.10, the board shall issue a  
14 license as a pharmacist to any person who ~~files satisfactory proof of qualifications~~  
15 ~~under s. 450.04 (3),~~ passes does all of the following:

16 ~~(c) Passes the examination under s. 450.04 and pays.~~

17 ~~(d) Pays the fee specified in s. 440.05 (1), except as provided under s. 450.10.~~

18 **SECTION 26.** 450.04 (3) (intro.) of the statutes is renumbered 450.04 (3) and  
19 amended to read:

20 450.04 (3) Every candidate for examination for licensure as a pharmacist shall  
21 submit an application on a form provided by the department and pay the fee specified  
22 in s. 440.05 (1) at least 30 days before the date of examination. ~~Every candidate shall~~  
23 ~~also submit proof to the board that he or she:~~

24 **SECTION 27.** 450.04 (3) (a) of the statutes is renumbered 450.03 (2) (a) and  
25 amended to read:

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1           450.03 (2) (a) Has received a professional degree from a pharmacy program  
2 approved by the board; ~~and~~.

3           **SECTION 28.** 450.04 (3) (b) of the statutes is renumbered 450.03 (2) (b) and  
4 amended to read:

5           450.03 (2) (b) Has completed an internship in the practice of pharmacy or has  
6 practical experience acquired in another state ~~which~~ that is comparable to that  
7 included in an internship and ~~which~~ that is approved and verified by the board or by  
8 the agency ~~which~~ that is the equivalent of the board in the state in which the practical  
9 experience was acquired.

10           **SECTION 29.** 451.06 (1) of the statutes is renumbered 451.06.

11           **SECTION 30.** 451.06 (2) of the statutes is repealed.

12           **SECTION 31.** 452.09 (3) (e) of the statutes is repealed.

13           **SECTION 32.** 454.07 (3) of the statutes is repealed.

14           **SECTION 33.** 454.24 (3) of the statutes is repealed.

15           **SECTION 34.** 456.03 of the statutes is renumbered 456.03 (intro.) and amended  
16 to read:

17           **456.03 Licenses.** (intro.) An applicant for a license as a nursing home  
18 administrator who does all of the following and has successfully complied with the  
19 any other requirements for licensure under this chapter ~~and passed the examination~~  
20 shall be granted a license by the examining board, certifying that the applicant has  
21 met the requirements of the laws and rules entitling the applicant to serve, act,  
22 practice, and otherwise hold himself or herself out as a duly licensed nursing home  
23 administrator.:

24           **SECTION 35.** 456.03 (5) of the statutes is created to read:

25           456.03 (5) Passes the examination under s. 456.05.

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1           **SECTION 36.** 456.04 (intro.) of the statutes is repealed.

2           **SECTION 37.** 456.04 (1) of the statutes is renumbered 456.03 (1).

3           **SECTION 38.** 456.04 (2) of the statutes is renumbered 456.03 (2).

4           **SECTION 39.** 456.04 (3) of the statutes is renumbered 456.03 (3).

5           **SECTION 40.** 456.04 (4) of the statutes is renumbered 456.03 (4).

6           **SECTION 41.** 459.26 (3) of the statutes is amended to read:

7           459.26 (3) An individual is not eligible for examination unless he or she has  
8 ~~satisfied the requirements for licensure under s. 459.24 (2) (a) to (d) or (3) (a) to (d)~~  
9 ~~and~~, at least 30 days before the date of examination, submits an application for  
10 examination to the department on a form provided by the department and pays the  
11 fee specified in s. 440.05 (1).

12

(END)