

SECTION 57

1 **SECTION 57.** 450.19 (2) (a) 3. of the statutes is created to read:

2 450.19 (2) (a) 3. The prescription order is for a monitored prescription drug that
3 is a substance listed in the schedule in s. 961.22 and is not a narcotic drug, as defined
4 in s. 961.01 (15), and the prescription order is for a number of doses that is intended
5 to last the patient 7 days or less.

6 **SECTION 58.** 450.19 (2) (b) of the statutes is amended to read:

7 450.19 (2) (b) Identify specific data elements to be contained in a record
8 documenting the dispensing of a monitored prescription drug. In identifying specific
9 data elements, the board shall consider data elements identified by similar programs
10 in other states and shall ensure, to the extent possible, that records generated by the
11 program are easily shared with other states.

12 **SECTION 59.** 450.19 (2) (d) of the statutes is amended to read:

13 450.19 (2) (d) Specify a secure electronic format for delivery of a record
14 generated under the program and authorize the board to grant a pharmacist
15 pharmacy or practitioner a waiver of the specified format.

16 **SECTION 60.** 450.19 (2) (f) of the statutes is amended to read:

17 450.19 (2) (f) Specify ~~a penalty~~ the discipline for failure to comply with rules
18 promulgated under this subsection.

19 **SECTION 61.** 450.19 (3) (a) of the statutes is amended to read:

20 450.19 (3) (a) A pharmacy, pharmacist, or practitioner is immune from civil or
21 criminal liability or professional discipline arising from the pharmacy's,
22 pharmacist's, or practitioner's compliance in good faith with this section or with rules
23 promulgated under this section.

24 **SECTION 62.** 450.19 (3) (b) of the statutes is amended to read:

1 450.19 (3) (b) Nothing in this section may be construed to require a pharmacy,
2 pharmacist, or practitioner to obtain, before prescribing or dispensing a monitored
3 prescription drug to a patient, information about the patient that has been collected
4 pursuant to the program ~~described~~ established under sub. (2).

5 **SECTION 63.** 450.19 (5) of the statutes is repealed.

6 **SECTION 64.** 452.01 (4) of the statutes is amended to read:

7 452.01 (4) "Disciplinary proceeding" means a proceeding against one or more
8 licensees or registrants in which the board may revoke, suspend, or limit a license
9 or registration, reprimand a licensee or registrant, ~~issue a private letter of warning~~
10 ~~to a licensee or registrant~~, or assess a forfeiture or require education or training
11 under s. 452.14 (4m).

12 **SECTION 65.** 452.14 (4m) (intro.) of the statutes is amended to read:

13 452.14 (4m) (intro.) In addition to or in lieu of a reprimand, ~~the issuance of a~~
14 ~~private letter of warning~~ or a revocation, limitation, or suspension of a license or
15 certificate of registration under sub. (3), the board may do any of the following:

16 **SECTION 66. Initial applicability.**

17 (1) SALES. The treatment of section 101.983 (3) (a) and (b) of the statutes (with
18 respect to sales of individual dwelling units) first applies to offers of purchase that
19 are made on the effective date of this subsection.

20 (2) OTHER TRANSFERS. The treatment of section 101.983 (3) (a) and (b) of the
21 statutes (with respect to transfers other than sales of individual dwelling units) first
22 applies to transfers of title that occur on the effective date of this subsection.

SECTION 66

(1) *g*
(1) (3) The treatment of s. 101.985 (5) (b) 1. and 2. b. *of the statutes* first applies to applications
2 for renewals of licenses that are submitted to the department on the effective date
3 of this subsection.

4

(END)

D-N

Section #. 145.01 (5) of the statutes is amended to read:

145.01 (5) GOVERNMENTAL UNIT RESPONSIBLE FOR REGULATION OF PRIVATE ON-SITE WASTE-WATER TREATMENT SYSTEMS. "Governmental unit responsible for the regulation of private on-site wastewater treatment systems" or "governmental unit", unless otherwise qualified, means the county except that in a county with a population of ~~500,000~~^{750,000} or more these terms mean the city, village or town where the private ^e on-site wastewater treatment system is located.

History: 1971 c. 255; 1977 c. 314; 1979 c. 34, 221; 1981 c. 20; 1983 a. 189, 410, 538; 1991 a. 39; 1993 a. 213, 322; 1995 a. 27 ss. 4355 and 9116 (5); 1995 a. 227; 2009 a. 200, 291; 2011 a. 32, 146.

-date-

^{mgs: sac,} the population number in S. 145.01(5)

D-N

Our drafting policy is to increase ~~the~~ ~~number~~ to 750,000 instead of to 675,000.

MBL

LPS: "Statute compare"
won't like that "e" being deleted, but Bruce has okayed it. If you need more info, feel free to ask me. Sarah

**2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2615/1insMGG
MGG:.....

1 **Insert REL**

2 authorizing the construction, installation, alteration, operation, and inspection
3 of elevators and other similar conveyances, and licensing requirements for elevator
4 mechanics, inspectors, and contractors.

5 **Insert ANL**

* This bill contain various changes to current law that governs the construction,
installation, alteration, operation, and inspection of elevators and other lifts that
move people and things. The changes include the following:

1. Authorizes cities and villages to issue permits to construct, install, or alter
elevators and lifts and changes the term used in the statutes for this type of permit
from "permit" to "approval."

2. Authorizes cities and villages to issue and renew operating permits for
elevators and lifts and to conduct inspections for purposes of issuing and renewing
these permits.

3. Changes current law as to when a licensed elevator mechanic or inspector
must satisfy the applicable continuing education requirements and eliminates the
continuing legal education requirements for elevator contractors.

* 4. Eliminates the requirement that an elevator inspector hold a certification
issued by an entity approved by the American Society of Mechanical Engineers.

* (1807) *e*

6 **Insert 3-9**

7 **SECTION 1.** 101.983 (title) of the statutes is amended to read:

8 **101.983 (title) Conveyance Approvals and permits for conveyances**
9 **required.**

**2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2615/lins
MPG&MGG:.....

1 **Insert** 8-9

2 **SECTION 1.** 101.983 (3) of the statutes, as created by 2013 Wisconsin Act 20, is
3 amended to read:

4 101.983 (3) INSPECTIONS; INDIVIDUAL RESIDENTIAL DWELLING UNITS. No owner of
5 a residence may sell or otherwise transfer an individual residential dwelling unit
6 that is served by a dumbwaiter or an elevator unless the owner provides the
7 purchaser or transferee, prior to the sale or transfer of the property, with an
8 inspection report ~~from an elevator inspector licensed under s. 101.985 (3) prepared~~
9 by the department or an independent inspector that indicates that the dumbwaiter
10 or elevator complies with this subchapter and any applicable rules promulgated
11 under this subchapter.

History: 2013 a. 20.

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2615/1dn
MPG:sac:ph

August 5, 2013

Our drafting policy is to increase the population number in s. 145.01 (5) to 750,000 instead of to 675,000.

Mary Gibson-Glass
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Trans



LRB-2615(1)
MPG&MGG:sac:ph

2013 BILL

Insert

12

gen act

1 AN ACT *to renumber* 450.19 (1) (a); *to renumber and amend* 450.19 (1) (b) and
2 450.19 (2) (a); *to amend* 15.405 (2) (a), 101.983 (title), 101.983 (1) (a), 101.983
3 (1) (b), 101.983 (1) (c) (intro.), 101.983 (1) (c) 1., 101.983 (1) (c) 2., 101.983 (1) (c)
4 3., 101.983 (1) (d) (intro.), 101.983 (1) (d) 1., 101.983 (1) (d) 2., 101.983 (2) (a),
5 101.983 (2) (c), 101.983 (3), 101.984 (3), 101.985 (3), 101.985 (5) (b) 1., 101.985
6 (5) (b) 2. b., 145.01 (5), 255.35 (1m) (g), 440.03 (13) (c), 441.01 (4), 441.04, 441.08,
7 441.10 (1), 441.10 (3) (e), 441.115 (1), 441.12 (2), 450.035 (1r), 450.035 (1t),
8 450.035 (2), 450.035 (2g), 450.05, 450.08 (1), 450.08 (2) (a), 450.085 (1), 450.19
9 (2) (intro.), 450.19 (2) (b), 450.19 (2) (d), 450.19 (2) (f), 450.19 (3) (a), 450.19 (3)
10 (b), 452.01 (4) and 452.14 (4m) (intro.); *to repeal and recreate* 101.983 (2)
11 (title); and *to create* 101.983 (4), 440.20 (5), 450.19 (2) (a) 2. and 450.19 (2) (a)
12 3. of the statutes; **relating to:** the authority and responsibilities of the
13 Department of Safety and Professional Services and the various boards under
14 that department, professional licensure of pharmacists, the Pharmacy

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1 Examining Board's operation of the prescription drug monitoring program,
2 authorizing the construction, installation, alteration, operation, and inspection
3 of elevators and other similar conveyances, and licensing requirements for
4 elevator mechanics, inspectors, and contractors.

*Analysis by the Legislative Reference Bureau***PROFESSIONAL REGULATION**

This bill makes a number of changes to the laws related to professional regulation that are administered by the Department of Safety and Professional Services (DSPS) and various boards under DSPS, including the following:

1. Under current law, DSPS is required to take the fingerprints of an applicant for a private detective license or a private security permit, an applicant for a juvenile martial arts instructor permit, and a person for whom DSPS conducts an investigation into the person's criminal history. Current law authorizes DSPS to submit the fingerprints to the federal bureau of investigation.

Under the bill, DSPS must also take the fingerprints of an applicant for a real estate appraiser certification or license, and the bill requires DSPS to submit the fingerprints of an applicant for a real estate appraiser certification or license to the federal bureau of investigation.

2. The bill authorizes DSPS or the appropriate board to reprimand a credential holder, or deny, limit, suspend, or revoke a credential, if the credential holder fails to respond, to the satisfaction of the department or the appropriate board, within 30 days to a request for information from the department or board in connection with an investigation of alleged misconduct of the credential holder.

3. Current law prohibits the Pharmacy Examining Board from issuing a license to practice pharmacy in this state to a person who is licensed in another state if that person has had a license to practice pharmacy in another state voluntarily surrendered, limited, suspended, or revoked. The bill gives the Pharmacy Examining Board discretion to grant or deny a license to practice pharmacy in this state to such a person.

4. Under current law, a pharmacist may renew his or her license by satisfying certain continuing education requirements and paying the required renewal fee on or before the renewal date. If a pharmacist fails to renew his or her license by the renewal date, the pharmacist may not practice pharmacy unless the pharmacist passes an examination to the satisfaction of the Pharmacy Examining Board.

The bill authorizes, but does not require, the board to suspend a pharmacist's license if the pharmacist fails to renew his or her license by the renewal date, and the bill authorizes, but does not require, the Pharmacy Examining Board to require the pharmacist to pass an examination to restore the pharmacist's license.

5. Current law requires the Pharmacy Examining Board to establish a prescription drug monitoring program. Under the program, a pharmacist or other

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practitioner must generate a record documenting the dispensing of each prescription drug that is subject to the program, generally certain controlled substances or other drugs the Pharmacy Examining Board identifies as having a substantial potential for abuse. The pharmacist or practitioner must then deliver that record to the Pharmacy Examining Board.

This bill applies the requirements of the prescription drug monitoring program to pharmacies instead of pharmacists and to any practitioner who dispenses a prescription drug subject to the program outside of a pharmacy. The bill also creates an exemption from the prescription drug monitoring program for a schedule V controlled substance if the substance is not a narcotic and the prescription order is for a number of doses that is intended to last the patient seven days or less.

BUILDINGS AND SAFETY

This bill contains various changes to current law that governs the construction, installation, alteration, operation, and inspection of elevators and other lifts that move people and things. The changes include the following:

1. Authorizes cities and villages to issue permits to construct, install, or alter elevators and lifts and changes the term used in the statutes for this type of permit from “permit” to “approval.”

2. Authorizes cities and villages to issue and renew operating permits for elevators and lifts and to conduct inspections for purposes of issuing and renewing these permits.

3. Changes current law as to when a licensed elevator mechanic or inspector must satisfy the applicable continuing education requirements and eliminates the continuing legal education requirements for elevator contractors.

4. Eliminates the requirement that an elevator inspector hold a certification issued by an entity approved by the American Society of Mechanical Engineers.

For further information see the *state and local* 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.** 15.405 (2) (a) of the statutes is amended to read:
2 15.405 (2) (a) In operation, the examining board shall be divided into an
3 architect section, a landscape architect section, ~~an~~ a professional engineer section,
4 a designer section and a land surveyor section. Each section shall consist of the 3
5 members of the named profession appointed to the examining board and 2 public
6 members appointed to the section. The examining board shall elect its own officers,
7 and shall meet at least twice annually.

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1 **SECTION 2.** 101.983 (title) of the statutes is amended to read:

2 **101.983 (title) Conveyance Approvals and permits for conveyances**
3 **required.**

4 **SECTION 3.** 101.983 (1) (a) of the statutes is amended to read:

5 101.983 (1) (a) *Permit Approval required.* No person may construct, install, or
6 alter a conveyance in this state unless an elevator contractor licensed by the
7 department under s. 101.985 (1) has received ~~a permit~~ an approval for the
8 construction, installation, or alteration from the department.

9 **SECTION 4.** 101.983 (1) (b) of the statutes is amended to read:

10 101.983 (1) (b) *Application.* A person applying for ~~a permit~~ an approval under
11 par. (a) shall include, along with the application, copies of specifications and
12 accurately scaled and fully dimensioned plans showing the location of the
13 construction, installation, or alteration in relation to the plans and elevation of the
14 building; the location of the applicable machinery room, if any, and the equipment
15 to be constructed, installed, or altered; and all structural supporting members
16 relevant to the construction, installation, or alteration, including foundations. The
17 specifications and plans shall be sufficiently complete to illustrate all details of
18 design and construction, installation, or alteration. The application shall specify all
19 materials to be used and all loads to be supported or conveyed. The department may
20 authorize a person to include the application and other information required under
21 this paragraph with any submission required under s. 101.12 (1) to avoid duplicative
22 filing of information.

23 **SECTION 5.** 101.983 (1) (c) (intro.) of the statutes is amended to read:

24 101.983 (1) (c) *Revocation.* (intro.) The department may revoke ~~a permit~~ an
25 approval issued under this subsection if the department finds any of the following:

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1 **SECTION 6.** 101.983 (1) (c) 1. of the statutes is amended to read:

2 101.983 (1) (c) 1. That information submitted under par. (b) by the person
3 obtaining the ~~permit~~ approval contains false statements or misrepresentations of
4 material fact.

5 **SECTION 7.** 101.983 (1) (c) 2. of the statutes is amended to read:

6 101.983 (1) (c) 2. That the ~~permit~~ approval was issued in error.

7 **SECTION 8.** 101.983 (1) (c) 3. of the statutes is amended to read:

8 101.983 (1) (c) 3. That the work performed under the ~~permit~~ approval is not
9 consistent with information submitted under par. (b) by the person obtaining the
10 ~~permit~~ approval or is in violation of this subchapter or rules promulgated under this
11 subchapter.

12 **SECTION 9.** 101.983 (1) (d) (intro.) of the statutes is amended to read:

13 101.983 (1) (d) *Expiration.* (intro.) ~~A permit~~ An approval issued under this
14 subsection expires under any of the following circumstances:

15 **SECTION 10.** 101.983 (1) (d) 1. of the statutes is amended to read:

16 101.983 (1) (d) 1. If the work authorized under the ~~permit~~ approval is not
17 commenced within 6 months after the date on which the ~~permit~~ approval is issued,
18 or within a shorter period of time as specified by the department at the time the
19 ~~permit~~ approval is issued.

20 **SECTION 11.** 101.983 (1) (d) 2. of the statutes is amended to read:

21 101.983 (1) (d) 2. If the work authorized under the ~~permit~~ approval is
22 suspended or abandoned for 60 consecutive days at any time following the
23 commencement of the work, or for a shorter period of time as specified by the
24 department at the time the ~~permit~~ approval is issued.

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1 **SECTION 12.** 101.983 (2) (title) of the statutes, as affected by 2013 Wisconsin
2 Act 20, is repealed and recreated to read:

3 101.983 (2) (title) OPERATING PERMITS; INSPECTIONS.

4 **SECTION 13.** 101.983 (2) (a) of the statutes is amended to read:

5 101.983 (2) (a) *Permit Operating permit required.* No person may allow a
6 conveyance to be operated on property owned by the person unless the person has
7 received a permit ~~for the under this subsection from the department that authorizes~~
8 ~~its operation from the department. The department may not issue a permit required~~
9 ~~under this paragraph until all inspections required under par. (c) are completed.~~

10 **SECTION 14.** 101.983 (2) (c) of the statutes is amended to read:

11 101.983 (2) (c) *Inspections.* The department may not issue or renew a permit
12 for a conveyance under this subsection unless the department has received or an
13 independent inspector has conducted an inspection of the conveyance and has
14 prepared an inspection report for certifying that the conveyance issued by an
15 ~~elevator inspector licensed under s. 101.985 (3) indicating that the conveyance~~
16 complies with this subchapter and any applicable rules promulgated under this
17 subchapter. ~~This inspection by the department does not exempt the owner from the~~
18 ~~requirement to ensure that the department receives an inspection report from a~~
19 ~~licensed elevator inspector. Upon performing this inspection, the Any inspection~~
20 under this subsection or sub. (3) shall be performed by an inspector who is licensed
21 under s. 101.985 (3).

22 (d) *Instruction on operation.* When issuing or renewing a permit under this
23 subsection, the department shall give the owner notice of relevant conveyance safety
24 requirements and shall instruct the owner as to the procedure for obtaining periodic

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1 inspections and renewing the permit under which the ~~lift or equipment~~ conveyance
2 is operated.

3 **SECTION 15.** 101.983 (3) of the statutes, as created by 2013 Wisconsin Act 20,
4 is amended to read:

5 101.983 (3) INSPECTIONS; INDIVIDUAL RESIDENTIAL DWELLING UNITS. No owner of
6 a residence may sell or otherwise transfer an individual residential dwelling unit
7 that is served by a dumbwaiter or an elevator unless the owner provides the
8 purchaser or transferee, prior to the sale or transfer of the property, with an
9 inspection report ~~from an elevator inspector licensed under s. 101.985 (3)~~ prepared
10 by the department or an independent inspector that indicates that the dumbwaiter
11 or elevator complies with this subchapter and any applicable rules promulgated
12 under this subchapter.

13 **SECTION 16.** 101.983 (4) of the statutes is created to read:

14 101.983 (4) MUNICIPALITIES AS AGENTS. The department may appoint a city or
15 village as its agent to do any of the following:

16 (a) Issue approvals under sub. (1) (a).

17 (b) Issue or renew permits under sub. (2) (a).

18 (c) Conduct inspections and prepare inspection reports as provided under sub.
19 (2) (c) and sub. (3).

20 (d) Give notice and provide instruction as required under sub. (2) (d).

21 **SECTION 17.** 101.984 (3) of the statutes is amended to read:

22 101.984 (3) ELEVATOR INSPECTOR. No individual may perform an elevator
23 inspection of a conveyance in this state unless the individual is licensed as an
24 elevator inspector under s. 101.985 (3) ~~and holds a certification as an elevator~~

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1 ~~inspector issued by a person approved by the American Society of Mechanical~~
2 ~~Engineers.~~

3 **SECTION 18.** 101.985 (3) of the statutes is amended to read:

4 101.985 (3) ELEVATOR INSPECTOR. The department shall issue an elevator
5 inspector license to each individual who demonstrates to the satisfaction of the
6 department that the individual is adequately qualified and able to provide elevator
7 inspection services of conveyances as required under s. 101.983 (2). The department
8 shall promulgate rules that establish the qualifications required for issuance of an
9 elevator inspector license.

10 **SECTION 19.** 101.985 (5) (b) 1. of the statutes is amended to read:

11 101.985 (5) (b) 1. ~~Except as otherwise provided in this subdivision, an An~~
12 ~~applicant for renewal of a license under sub. (1), (2) (ab), (ad), or (b), or (3) shall~~
13 ~~provide to the department a certificate indicating that, during the one-year period~~
14 ~~before the date on which the applicant's license expires 2-year term of the license,~~
15 ~~the applicant has satisfactorily met the education requirements established by rule~~
16 ~~under subd. 2. If the applicant is not an individual, the certificate shall indicate that~~
17 ~~the education requirements were satisfactorily met by an individual who, as of the~~
18 ~~date of the application, is an agent of the applicant.~~

19 **SECTION 20.** 101.985 (5) (b) 2. b. of the statutes is amended to read:

20 101.985 (5) (b) 2. b. The number of hours of education required ~~on an annual~~
21 ~~basis.~~

22 **SECTION 21.** 145.01 (5) of the statutes is amended to read:

23 145.01 (5) GOVERNMENTAL UNIT RESPONSIBLE FOR REGULATION OF PRIVATE ON-SITE
24 WASTEWATER TREATMENT SYSTEMS. “Governmental unit responsible for the regulation
25 of private on-site wastewater treatment systems” or “governmental unit”, unless

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1 otherwise qualified, means the county except that in a county with a population of
2 ~~500,000~~ 750,000 or more these terms mean the city, village or town where the private
3 on-site wastewater treatment system is located.

4 **SECTION 22.** 255.35 (1m) (g) of the statutes is amended to read:

5 255.35 **(1m)** (g) “School of pharmacy” means a school of pharmacy that is
6 accredited by the ~~American~~ Accreditation Council on Pharmaceutical Education.

7 **SECTION 23.** 440.03 (13) (c) of the statutes is amended to read:

8 440.03 **(13)** (c) The department shall require an applicant for a private
9 detective license or a private security permit under s. 440.26, an applicant for a
10 juvenile martial arts instructor permit under sub. (17), an applicant for a real estate
11 appraiser certification under s. 458.06 or license under s. 458.08, and a person for
12 whom the department conducts an investigation under par. (b), to be photographed
13 and fingerprinted on 2 fingerprint cards, each bearing a complete set of the person’s
14 fingerprints. The department of justice may submit the fingerprint cards, and the
15 department of justice shall submit the fingerprint cards of all applicants for a real
16 estate appraiser certification under s. 458.06 or license under s. 458.08, to the federal
17 bureau of investigation for the purpose of verifying the identity of the persons
18 fingerprinted and obtaining records of their criminal arrests and convictions.

19 **SECTION 24.** 440.20 (5) of the statutes is created to read:

20 440.20 **(5)** In addition to any grounds for discipline specified in chs. 440 to 480,
21 the department, or the appropriate credentialing board or other board in the
22 department, may reprimand a credential holder, or may deny, limit, suspend, or
23 revoke a credential, if the credential holder fails to respond, to the satisfaction of the
24 department, credentialing board, or other board in the department, within 30 days
25 to a request for information from the department, credentialing board, or other board

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1 in the department in connection with an investigation of alleged misconduct of the
2 credential holder.

Insert 10-2

3 **SECTION 25.** 441.01 (4) of the statutes is amended to read:

4 441.01 (4) The board shall direct that those schools ~~which~~ that qualify be placed
5 on ~~the accredited~~ a list of schools the board has approved for professional nurses or
6 of schools the board has approved for licensed practical nurses on application and
7 proof of qualifications; and shall make a study of nursing education and initiate rules
8 and policies to improve it.

9 **SECTION 26.** 441.04 of the statutes is amended to read:

10 **441.04 Requisites for examination as a registered nurse.** Any person
11 who has graduated from a high school or its equivalent as determined by the board,
12 does not have an arrest or conviction record, subject to ss. 111.321, 111.322 and
13 111.335, holds a diploma of graduation from ~~an accredited~~ a school of nursing
14 approved by the board or that the board has authorized to admit students pending
15 approval, and, if ~~the~~ that school is located outside this state, submits evidence of
16 general and professional educational qualifications comparable to those required in
17 this state at the time of graduation may apply to the department for licensure by the
18 board as a registered nurse; and upon payment of the fee specified under s. 440.05
19 (1), that person shall be entitled to examination.

20 **SECTION 27.** 441.08 of the statutes is amended to read:

21 **441.08 Temporary permit.** A nurse who has graduated from ~~an accredited~~
22 a school approved by the board or that the board has authorized to admit students
23 pending approval but who is not licensed in this state may be granted a temporary
24 permit upon payment of the fee specified in s. 440.05 (6) by the board to practice for
25 compensation until the nurse can qualify for licensure. The temporary permit may

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1 be renewed once. Each applicant for renewal of a temporary permit under this
2 section shall complete the nursing workforce survey and pay the fee required under
3 s. 441.01 (7). Further renewals may be granted in hardship cases. The board may
4 promulgate rules limiting the use and duration of temporary permits and providing
5 for revocation of temporary permits.

6 **SECTION 28.** 441.10 (1) of the statutes is amended to read:

7 441.10 (1) PREREQUISITES FOR EXAMINATION AS LICENSED PRACTICAL NURSES. A
8 person who is 18 years of age or older, does not have an arrest or conviction record,
9 subject to ss. 111.321, 111.322 and 111.335, has completed 2 years of high school or
10 its equivalent as determined by the board, and holds a diploma of graduation from
11 ~~an accredited~~ a school for licensed practical nurses approved by that the board or that
12 the board has authorized to admit students pending approval, may apply to the board
13 for licensing as a licensed practical nurse; and, upon payment of the examination
14 fee specified in s. 440.05 (1), that person shall be entitled to take an examination.
15 Any school for licensed practical nurses, in order to be ~~accredited~~ approved by the
16 board, must offer a course of not less than 9 months.

17 **SECTION 29.** 441.10 (3) (e) of the statutes is amended to read:

18 441.10 (3) (e) The board may grant a temporary permit to a practical nurse who
19 has graduated from ~~an accredited~~ a school approved by the board or that the board
20 has authorized to admit students pending approval but who is not licensed in this
21 state, upon payment of the fee specified in s. 440.05 (6), to practice for compensation
22 until the practical nurse qualifies for licensure. The board may grant further
23 renewals in hardship cases. The board may promulgate rules limiting the use and
24 duration of temporary permits and providing for revocation of temporary permits.

25 **SECTION 30.** 441.115 (1) of the statutes is amended to read:

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1 441.115 (1) This chapter shall may not be construed to affect nursing by
2 friends, members of the family, or undergraduates in ~~an accredited~~ a school approved
3 by the board, nor be construed to interfere with members of religious communities
4 or orders having charge of hospitals or taking care of the sick in their homes, except
5 that none of ~~such excepted~~ those persons ~~while engaged in such activities~~ shall may
6 represent himself or herself as a registered, trained, certified, or graduate nurse
7 unless registered under this subchapter.

8 **SECTION 31.** 441.12 (2) of the statutes is amended to read:

9 441.12 (2) No person shall may operate in this state a school for professional
10 nurses or a school for practical nurses unless the ~~same shall be accredited~~ school is
11 approved by the board. No solicitation shall may be made in this state of the sale of,
12 or registration in, a course by correspondence or conducted ~~without~~ outside of the
13 state for practical nurses unless all written material used in ~~such~~ the solicitation
14 plainly states in type as large as any other type on the material that the course is not
15 ~~accredited in this state~~ approved by the board for training of practical nurses.

16 **SECTION 32.** 450.035 (1r) of the statutes is amended to read:

17 450.035 (1r) A pharmacist may not administer by injection a prescribed drug
18 product or device unless he or she has successfully completed a course of study and
19 training in injection technique conducted by a course provider approved by the
20 ~~American~~ Accreditation Council on Pharmaceutical Education or the board. A
21 pharmacist may administer a prescribed drug product or device under this
22 subsection only in the course of teaching self-administration techniques to a patient.
23 A pharmacist who administers a prescribed drug product or device under this
24 subsection shall comply with the requirements and procedures established in rules
25 promulgated by the board under s. 450.02 (2g) (b).

BILL

1 **SECTION 33.** 450.035 (1t) of the statutes is amended to read:

2 450.035 (1t) A person engaged in the practice of pharmacy under s. 450.03 (1)
3 (f) or (g) may not administer a prescribed drug product or device unless he or she has
4 successfully completed a course of study and training in administration technique
5 conducted by a course provider approved by the ~~American~~ Accreditation Council on
6 Pharmaceutical Education or the board. A person engaged in the practice of
7 pharmacy under s. 450.03 (1) (f) or (g) may administer a prescribed drug product or
8 device under this subsection only under the direct supervision of a pharmacist who
9 has successfully completed a course of study and training in administration
10 technique conducted by a course provider approved by the ~~American~~ Accreditation
11 Council on Pharmaceutical Education or the board, and only in the course of teaching
12 self-administration techniques to a patient. A person engaged in the practice of
13 pharmacy under s. 450.03 (1) (f) or (g) who administers a prescribed drug product or
14 device under this subsection shall comply with the requirements and procedures
15 established in rules promulgated by the board under s. 450.02 (2g) (b).

16 **SECTION 34.** 450.035 (2) of the statutes is amended to read:

17 450.035 (2) A pharmacist may not administer a vaccine unless he or she has
18 successfully completed 12 hours in a course of study and training, approved by the
19 ~~American~~ Accreditation Council on Pharmaceutical Education or the board, in
20 vaccination storage, protocols, administration technique, emergency procedures,
21 and record keeping and has satisfied the requirements specified in sub. (2t). A
22 pharmacist may not administer a vaccine under this subsection to a person who is
23 under the age of 6.

24 **SECTION 35.** 450.035 (2g) of the statutes is amended to read:

BILL**SECTION 35**

1 450.035 (2g) A person engaged in the practice of pharmacy under s. 450.03 (1)
2 (f) or (g) may not administer a vaccine unless he or she acts under the direct
3 supervision of a pharmacist and he or she and the supervising pharmacist have
4 successfully completed 12 hours in a course of study and training, approved by the
5 ~~American~~ Accreditation Council on Pharmaceutical Education or the board, in
6 vaccination storage, protocols, administration technique, emergency procedures,
7 and record keeping and the supervising pharmacist has satisfied the requirements
8 specified in sub. (2t). A person engaged in the practice of pharmacy under s. 450.03
9 (1) (f) or (g) may not administer a vaccine under this subsection to a person who is
10 under the age of 18.

11 **SECTION 36.** 450.05 of the statutes is amended to read:

12 **450.05 Pharmacist licensed in other state; licensure.** The board may,
13 upon application and payment of the fee specified in s. 440.05 (2), license as a
14 pharmacist any person who is licensed in another state if the person produces
15 satisfactory evidence of having met requirements comparable to those that existed
16 in this state at the time the person became licensed in the other state. The board
17 ~~shall not~~ may deny a license as a pharmacist under this section to any person whose
18 license to practice pharmacy in another state has been voluntarily surrendered,
19 limited, suspended, or revoked. The board may require an applicant under this
20 section to pass an equivalency examination administered by the board. If the board
21 requires an equivalency examination, any person licensed as a pharmacist in
22 another state who is engaged in the active practice of pharmacy may only be required
23 to pass an examination on state and federal laws, rules, and regulations.

24 **SECTION 37.** 450.08 (1) of the statutes is amended to read:

BILL

1 450.08 (1) The renewal date for all licenses granted by the board is specified
2 under s. 440.08 (2) (a). ~~Only~~ Except as provided under sub. (2) (a), only a holder of
3 an unexpired license may engage in his or her licensed activity.

4 **SECTION 38.** 450.08 (2) (a) of the statutes is amended to read:

5 450.08 (2) (a) A pharmacist's license may be renewed by complying with
6 continuing education requirements under s. 450.085 and paying the applicable fee
7 determined by the department under s. 440.03 (9) (a) on or before the applicable
8 renewal date specified under s. 440.08 (2) (a). ~~Failure~~ Notwithstanding s. 440.08 (3)
9 (a), if a pharmacist fails to obtain renewal within the time period specified under this
10 paragraph terminates the right of the person to be licensed as a pharmacist by that
11 date, the board may suspend the pharmacist's license, and such right can only be
12 acquired by passing the board may require the pharmacist to pass an examination
13 to the satisfaction of the board to restore that license.

14 **SECTION 39.** 450.085 (1) of the statutes is amended to read:

15 450.085 (1) An applicant for renewal of a license under s. 450.08 (2) (a) shall
16 submit proof that he or she has completed, within the 2-year period immediately
17 preceding the date of his or her application, 30 hours of continuing education in
18 courses conducted by a provider that is approved by the ~~American~~ Accreditation
19 Council on Pharmaceutical Education or in courses approved by the board. Courses
20 specified in s. 450.035 (1r) and (2) are courses in continuing education for purposes
21 of this subsection. This subsection does not apply to an applicant for renewal of a
22 license that expires on the first renewal date after the date on which the board
23 initially granted the license.

24 **SECTION 40.** 450.19 (1) (a) of the statutes, as affected by 2013 Wisconsin Act 3,
25 is renumbered 450.19 (1) (ar).

BILL

1 **SECTION 41.** 450.19 (1) (b) of the statutes, as affected by 2013 Wisconsin Act 3,
2 is renumbered 450.19 (1) (ag) and amended to read:

3 450.19 (1) (ag) “~~Prescription~~ Monitored prescription drug” means a substance
4 identified in s. 961.16 ~~or~~, 961.18, 961.20, or 961.22 or a drug identified by the board
5 by rule as having a substantial potential for abuse.

6 **SECTION 42.** 450.19 (2) (intro.) of the statutes is amended to read:

7 450.19 (2) (intro.) The board shall establish by rule a program for monitoring
8 the dispensing of monitored prescription drugs. The program shall do all of the
9 following:

10 **SECTION 43.** 450.19 (2) (a) of the statutes is renumbered 450.19 (2) (a) (intro.)
11 and amended to read:

12 450.19 (2) (a) (intro.) Require a ~~pharmacist~~ pharmacy or a practitioner to
13 generate a record documenting each dispensing of a monitored prescription drug at
14 the pharmacy or, if the monitored prescription drug is not dispensed at a pharmacy,
15 by the practitioner and to deliver the record to the board, except that the program
16 may not require the generation of a record ~~when a~~ in any of the following
17 circumstances:

18 1. A monitored prescription drug is administered directly to a patient.

19 **SECTION 44.** 450.19 (2) (a) 2. of the statutes is created to read:

20 450.19 (2) (a) 2. A monitored prescription drug is compounded, packaged, or
21 labeled in preparation for delivery but is not delivered.

22 **SECTION 45.** 450.19 (2) (a) 3. of the statutes is created to read:

23 450.19 (2) (a) 3. The prescription order is for a monitored prescription drug that
24 is a substance listed in the schedule in s. 961.22 and is not a narcotic drug, as defined

BILL

1 in s. 961.01 (15), and the prescription order is for a number of doses that is intended
2 to last the patient 7 days or less.

3 **SECTION 46.** 450.19 (2) (b) of the statutes is amended to read:

4 450.19 (2) (b) Identify specific data elements to be contained in a record
5 documenting the dispensing of a monitored prescription drug. In identifying specific
6 data elements, the board shall consider data elements identified by similar programs
7 in other states and shall ensure, to the extent possible, that records generated by the
8 program are easily shared with other states.

9 **SECTION 47.** 450.19 (2) (d) of the statutes is amended to read:

10 450.19 (2) (d) Specify a secure electronic format for delivery of a record
11 generated under the program and authorize the board to grant a ~~pharmacist~~
12 pharmacy or practitioner a waiver of the specified format.

13 **SECTION 48.** 450.19 (2) (f) of the statutes is amended to read:

14 450.19 (2) (f) Specify ~~a penalty~~ the discipline for failure to comply with rules
15 promulgated under this subsection.

16 **SECTION 49.** 450.19 (3) (a) of the statutes is amended to read:

17 450.19 (3) (a) A pharmacy, pharmacist, or practitioner is immune from civil or
18 criminal liability or professional discipline arising from the pharmacy's,
19 pharmacist's, or practitioner's compliance in good faith with this section or with rules
20 promulgated under this section.

21 **SECTION 50.** 450.19 (3) (b) of the statutes is amended to read:

22 450.19 (3) (b) Nothing in this section may be construed to require a pharmacy,
23 pharmacist, or practitioner to obtain, before prescribing or dispensing a monitored
24 prescription drug to a patient, information about the patient that has been collected
25 pursuant to the program ~~described~~ established under sub. (2).

BILL**SECTION 51**

1 **SECTION 51.** 452.01 (4) of the statutes is amended to read:

2 452.01 (4) “Disciplinary proceeding” means a proceeding against one or more
3 licensees or registrants in which the board may revoke, suspend, or limit a license
4 or registration, reprimand a licensee or registrant, issue a private letter of warning
5 to a licensee or registrant, or assess a forfeiture or require education or training
6 under s. 452.14 (4m).

7 **SECTION 52.** 452.14 (4m) (intro.) of the statutes is amended to read:

8 452.14 (4m) (intro.) In addition to or in lieu of a reprimand, ~~the issuance of a~~
9 ~~private letter of warning~~ or a revocation, limitation, or suspension of a license or
10 certificate of registration under sub. (3), the board may do any of the following:

11 **SECTION 53. Initial applicability.**

12 (1) The treatment of s. 101.985 (5) (b) 1. and 2. b. of the statutes first applies
13 to applications for renewals of licenses that are submitted to the department on the
14 effective date of this subsection.

15

(END)



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-2695/P2

MPG:jld:jf

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 AN ACT to amend 440.974 (2) of the statutes, relating to: continuing education
2 requirements for registered home inspectors.

Analysis by the Legislative Reference Bureau

Current law requires the Department of Safety and Professional Services to promulgate rules governing the practice of registered home inspectors in Wisconsin. Under current law, those rules must require a registered home inspector to complete at least 20 hours of continuing education each year. This bill adjusts that requirement to 40 hours of continuing education every two years.

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

3 SECTION 1. 440.974^x (2) of the statutes is amended to read:

4 440.974 (2) The department shall promulgate rules establishing continuing
5 education requirements for individuals registered under this subchapter. The rules
6 promulgated under this subsection shall require the completion of at least 20 40
7 hours of continuing education ~~during each calendar year~~ every 2 years.

8 (END)

This is insert 10 - 2

Parisi, Lori

From: Weigand, Jeffrey - DSPS <Jeffrey.Weigand@wisconsin.gov>
Sent: Monday, August 05, 2013 4:23 PM
To: LRB.Legal
Subject: Draft Review: LRB -2615/2 Topic: Various changes to laws administered by DSPS

Please Jacket LRB -2615/2 for the SENATE.



Thomas



LRB-2615(2)

MPG&MGG:sac:ph

* The changes to this draft
and -2849 should be identical.
2013 BILL

13

Insert

1 AN ACT *to renumber* 450.19 (1) (a); *to renumber and amend* 450.19 (1) (b) and
2 450.19 (2) (a); *to amend* 15.405 (2) (a), 101.983 (title), 101.983 (1) (a), 101.983
3 (1) (b), 101.983 (1) (c) (intro.), 101.983 (1) (c) 1., 101.983 (1) (c) 2., 101.983 (1) (c)
4 3., 101.983 (1) (d) (intro.), 101.983 (1) (d) 1., 101.983 (1) (d) 2., 101.983 (2) (a),
5 101.983 (2) (c), 101.983 (3), 101.984 (3), 101.985 (3), 101.985 (5) (b) 1., 101.985
6 (5) (b) 2. b., 145.01 (5), 255.35 (1m) (g), 440.03 (13) (c), 440.974 (2), 441.01 (4),
7 441.04, 441.08, 441.10 (1), 441.10 (3) (e), 441.115 (1), 441.12 (2), 450.035 (1r),
8 450.035 (1t), 450.035 (2), 450.035 (2g), 450.05, 450.08 (1), 450.08 (2) (a), 450.085
9 (1), 450.19 (2) (intro.), 450.19 (2) (b), 450.19 (2) (d), 450.19 (2) (f), 450.19 (3) (a),
10 450.19 (3) (b), 452.01 (4) and 452.14 (4m) (intro.); *to repeal and recreate*
11 101.983 (2) (title); and *to create* 101.983 (4), 440.20 (5), 450.19 (2) (a) 2. and
12 450.19 (2) (a) 3. of the statutes; **relating to:** the authority and responsibilities
13 of the Department of Safety and Professional Services and the various boards
14 under that department, professional licensure of pharmacists, the Pharmacy

14

the membership of the
Cosmetology Examining Board,

BILL

the Department of Safety and Professional Services

- 1 Examining Board's operation of the prescription drug monitoring program,
- 2 authorizing the construction, installation, alteration, operation, and inspection
- 3 of elevators and other similar conveyances, and licensing requirements for
- 4 elevator mechanics, inspectors, and contractors.

in Wisconsin
Analysis by the Legislative Reference Bureau

governing

PROFESSIONAL REGULATION

This bill makes a number of changes to the laws related to professional regulation that are administered by the Department of Safety and Professional Services (DPS) and various boards under DPS, including the following:

1. Under current law, DPS is required to take the fingerprints of an applicant for a private detective license or a private security permit, an applicant for a juvenile martial arts instructor permit, and a person for whom DPS conducts an investigation into the person's criminal history. Current law authorizes DPS to submit the fingerprints to the federal bureau of investigation.

Under the bill, DPS must also take the fingerprints of an applicant for a real estate appraiser certification or license, and the bill requires DPS to submit the fingerprints of an applicant for a real estate appraiser certification or license to the federal bureau of investigation.

2. The bill authorizes DPS or the appropriate board to reprimand a credential holder, or deny, limit, suspend, or revoke a credential, if the credential holder fails to respond, to the satisfaction of the department or the appropriate board, within 30 days to a request for information from the department or board in connection with an investigation of alleged misconduct of the credential holder.

3. Current law prohibits the Pharmacy Examining Board from issuing a license to practice pharmacy in this state to a person who is licensed in another state if that person has had a license to practice pharmacy in another state voluntarily surrendered, limited, suspended, or revoked. The bill gives the Pharmacy Examining Board discretion to grant or deny a license to practice pharmacy in this state to such a person.

4. Under current law, a pharmacist may renew his or her license by satisfying certain continuing education requirements and paying the required renewal fee on or before the renewal date. If a pharmacist fails to renew his or her license by the renewal date, the pharmacist may not practice pharmacy unless the pharmacist passes an examination to the satisfaction of the Pharmacy Examining Board.

The bill authorizes, but does not require, the board to suspend a pharmacist's license if the pharmacist fails to renew his or her license by the renewal date, and the bill authorizes, but does not require, the Pharmacy Examining Board to require the pharmacist to pass an examination to restore the pharmacist's license.

5. Current law requires the Pharmacy Examining Board to establish a prescription drug monitoring program. Under the program, a pharmacist or other

6. **3.** Under current law, no more than ^{two} members of the Cosmetology Examining Board may be affiliated with ^{four} a cosmetology school. The bill increases that number to **4**.

BILL

practitioner must generate a record documenting the dispensing of each prescription drug that is subject to the program, generally certain controlled substances or other drugs the Pharmacy Examining Board identifies as having a substantial potential for abuse. The pharmacist or practitioner must then deliver that record to the Pharmacy Examining Board.

This bill applies the requirements of the prescription drug monitoring program to pharmacies instead of pharmacists and to any practitioner who dispenses a prescription drug subject to the program outside of a pharmacy. The bill also creates an exemption from the prescription drug monitoring program for a schedule V controlled substance if the substance is not a narcotic and the prescription order is for a number of doses that is intended to last the patient seven days or less.

BUILDINGS AND SAFETY

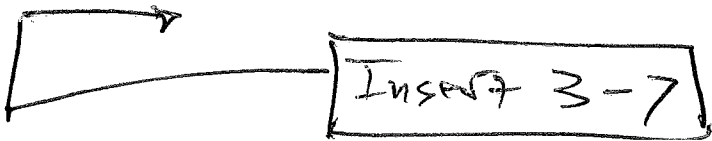
This bill contains various changes to current law that governs the construction, installation, alteration, operation, and inspection of elevators and other lifts that move people and things. The changes include the following:

1. Authorizes cities and villages to issue permits to construct, install, or alter elevators and lifts and changes the term used in the statutes for this type of permit from "permit" to "approval."
2. Authorizes cities and villages to issue and renew operating permits for elevators and lifts and to conduct inspections for purposes of issuing and renewing these permits.
3. Changes current law as to when a licensed elevator mechanic or inspector must satisfy the applicable continuing education requirements and eliminates the continuing legal education requirements for elevator contractors.
4. Eliminates the requirement that an elevator inspector hold a certification issued by an entity approved by the American Society of Mechanical Engineers.

For further information see the *state and local* 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.** 15.405 (2) (a) of the statutes is amended to read:
- 2 15.405 (2) (a) In operation, the examining board shall be divided into an
- 3 architect section, a landscape architect section, ~~an~~ a professional engineer section,
- 4 a designer section and a land surveyor section. Each section shall consist of the 3
- 5 members of the named profession appointed to the examining board and 2 public
- 6 members appointed to the section. The examining board shall elect its own officers,
- 7 and shall meet at least twice annually.

Insert 3-7

BILL

SECTION 2

1 **SECTION 2.** 101.983 (title) of the statutes is amended to read:

2 **101.983 (title) Conveyance Approvals and permits for conveyances**
3 **required.**

4 **SECTION 3.** 101.983 (1) (a) of the statutes is amended to read:

5 101.983 (1) (a) *Permit Approval required.* No person may construct, install, or
6 alter a conveyance in this state unless an elevator contractor licensed by the
7 department under s. 101.985 (1) has received ~~a~~ permit an approval for the
8 construction, installation, or alteration from the department.

LPS: check # of spaces ✓

9 **SECTION 4.** 101.983 (1) (b) of the statutes is amended to read:

10 101.983 (1) (b) *Application.* A person applying for ~~a~~ permit an approval under
11 par. (a) shall include, along with the application, copies of specifications and
12 accurately scaled and fully dimensioned plans showing the location of the
13 construction, installation, or alteration in relation to the plans and elevation of the
14 building; the location of the applicable machinery room, if any, and the equipment
15 to be constructed, installed, or altered; and all structural supporting members
16 relevant to the construction, installation, or alteration, including foundations. The
17 specifications and plans shall be sufficiently complete to illustrate all details of
18 design and construction, installation, or alteration. The application shall specify all
19 materials to be used and all loads to be supported or conveyed. The department may
20 authorize a person to include the application and other information required under
21 this paragraph with any submission required under s. 101.12 (1) to avoid duplicative
22 filing of information.

23 **SECTION 5.** 101.983 (1) (c) (intro.) of the statutes is amended to read:

24 101.983 (1) (c) *Revocation.* (intro.) The department may revoke ~~a~~ permit an
25 approval issued under this subsection if the department finds any of the following:

BILL

1 **SECTION 6.** 101.983 (1) (c) 1. of the statutes is amended to read:

2 101.983 (1) (c) 1. That information submitted under par. (b) by the person
3 obtaining the ~~permit~~ approval contains false statements or misrepresentations of
4 material fact.

5 **SECTION 7.** 101.983 (1) (c) 2. of the statutes is amended to read:

6 101.983 (1) (c) 2. That the ~~permit~~ approval was issued in error.

7 **SECTION 8.** 101.983 (1) (c) 3. of the statutes is amended to read:

8 101.983 (1) (c) 3. That the work performed under the ~~permit~~ approval is not
9 consistent with information submitted under par. (b) by the person obtaining the
10 ~~permit~~ approval or is in violation of this subchapter or rules promulgated under this
11 subchapter.

12 **SECTION 9.** 101.983 (1) (d) (intro.) of the statutes is amended to read:

13 101.983 (1) (d) *Expiration.* (intro.) ~~A~~ permit An approval issued under this
14 subsection expires under any of the following circumstances:

15 **SECTION 10.** 101.983 (1) (d) 1. of the statutes is amended to read:

16 101.983 (1) (d) 1. If the work authorized under the ~~permit~~ approval is not
17 commenced within 6 months after the date on which the ~~permit~~ approval is issued,
18 or within a shorter period of time as specified by the department at the time the
19 ~~permit~~ approval is issued.

20 **SECTION 11.** 101.983 (1) (d) 2. of the statutes is amended to read:

21 101.983 (1) (d) 2. If the work authorized under the ~~permit~~ approval is
22 suspended or abandoned for 60 consecutive days at any time following the
23 commencement of the work, or for a shorter period of time as specified by the
24 department at the time the ~~permit~~ approval is issued.

BILL**SECTION 12**

1 **SECTION 12.** 101.983 (2) (title) of the statutes, as affected by 2013 Wisconsin
2 Act 20, is repealed and recreated to read:

3 101.983 (2) (title) OPERATING PERMITS; INSPECTIONS.

4 **SECTION 13.** 101.983 (2) (a) of the statutes is amended to read:

5 101.983 (2) (a) *Permit Operating permit required.* No person may allow a
6 conveyance to be operated on property owned by the person unless the person has
7 received a permit ~~for the under this subsection from the department that authorizes~~
8 ~~its operation from the department. The department may not issue a permit required~~
9 ~~under this paragraph until all inspections required under par. (c) are completed.~~

10 **SECTION 14.** 101.983 (2) (c) of the statutes is amended to read:

11 101.983 (2) (c) *Inspections.* The department may not issue or renew a permit
12 ~~for a conveyance~~ under this subsection unless the department has ~~received~~ or an
13 ~~independent inspector has conducted an inspection of the conveyance and has~~
14 ~~prepared an inspection report for certifying that the conveyance issued by an~~
15 ~~elevator inspector licensed under s. 101.985 (3) indicating that the conveyance~~
16 ~~complies with this subchapter and any applicable rules promulgated under this~~
17 ~~subchapter. This inspection by the department does not exempt the owner from the~~
18 ~~requirement to ensure that the department receives an inspection report from a~~
19 ~~licensed elevator inspector. Upon performing this inspection, the~~ Any inspection
20 ~~under this subsection or sub. (3) shall be performed by an inspector who is licensed~~
21 ~~under s. 101.985 (3).~~

22 (d) *Instruction on operation.* When issuing or renewing a permit under this
23 ~~subsection, the~~ department shall give the owner notice of relevant conveyance safety
24 requirements and shall instruct the owner as to the procedure for obtaining periodic

BILL

1 inspections and renewing the permit under which the ~~lift or equipment~~ conveyance
2 is operated.

3 **SECTION 15.** 101.983 (3) of the statutes, as created by 2013 Wisconsin Act 20,
4 is amended to read:

5 101.983 (3) INSPECTIONS; INDIVIDUAL RESIDENTIAL DWELLING UNITS. No owner of
6 a residence may sell or otherwise transfer an individual residential dwelling unit
7 that is served by a dumbwaiter or an elevator unless the owner provides the
8 purchaser or transferee, prior to the sale or transfer of the property, with an
9 inspection report ~~from an elevator inspector licensed under s. 101.985 (3)~~ prepared
10 by the department or an independent inspector that indicates that the dumbwaiter
11 or elevator complies with this subchapter and any applicable rules promulgated
12 under this subchapter.

13 **SECTION 16.** 101.983 (4) of the statutes is created to read:

14 101.983 (4) MUNICIPALITIES AS AGENTS. The department may appoint a city or
15 village as its agent to do any of the following:

16 (a) Issue approvals under sub. (1) (a).

17 (b) Issue or renew permits under sub. (2) (a).

18 (c) Conduct inspections and prepare inspection reports as provided under sub.
19 (2) (c) and sub. (3).

20 (d) Give notice and provide instruction as required under sub. (2) (d).

21 **SECTION 17.** 101.984 (3) of the statutes is amended to read:

22 101.984 (3) ELEVATOR INSPECTOR. No individual may perform an elevator
23 inspection of a conveyance in this state unless the individual is licensed as an
24 elevator inspector under s. 101.985 (3) ~~and holds a certification as an elevator~~

BILL**SECTION 17**

1 ~~inspector issued by a person approved by the American Society of Mechanical~~
2 ~~Engineers.~~

3 **SECTION 18.** 101.985 (3) of the statutes is amended to read:

4 101.985 (3) ELEVATOR INSPECTOR. The department shall issue an elevator
5 inspector license to each individual who demonstrates to the satisfaction of the
6 department that the individual is adequately qualified and able to provide elevator
7 inspection services of conveyances as required under s. 101.983 (2). The department
8 shall promulgate rules that establish the qualifications required for issuance of an
9 elevator inspector license.

10 **SECTION 19.** 101.985 (5) (b) 1. of the statutes is amended to read:

11 101.985 (5) (b) 1. ~~Except as otherwise provided in this subdivision, an An~~
12 ~~applicant for renewal of a license under sub. (1), (2) (ab), (ad), or (b), or (3) shall~~
13 ~~provide to the department a certificate indicating that, during the one-year period~~
14 ~~before the date on which the applicant's license expires 2-year term of the license,~~
15 ~~the applicant has satisfactorily met the education requirements established by rule~~
16 ~~under subd. 2. If the applicant is not an individual, the certificate shall indicate that~~
17 ~~the education requirements were satisfactorily met by an individual who, as of the~~
18 ~~date of the application, is an agent of the applicant.~~

19 **SECTION 20.** 101.985 (5) (b) 2. b. of the statutes is amended to read:

20 101.985 (5) (b) 2. b. The number of hours of education required ~~on an annual~~
21 ~~basis.~~

22 **SECTION 21.** 145.01 (5) of the statutes is amended to read:

23 145.01 (5) GOVERNMENTAL UNIT RESPONSIBLE FOR REGULATION OF PRIVATE ON-SITE
24 WASTEWATER TREATMENT SYSTEMS. “Governmental unit responsible for the regulation
25 of private on-site wastewater treatment systems” or “governmental unit”, unless

BILL

1 otherwise qualified, means the county except that in a county with a population of
2 ~~500,000~~ 750,000 or more these terms mean the city, village or town where the private
3 on-site wastewater treatment system is located.

4 **SECTION 22.** 255.35 (1m) (g) of the statutes is amended to read:

5 255.35 (1m) (g) “School of pharmacy” means a school of pharmacy that is
6 accredited by the ~~American~~ Accreditation Council on Pharmaceutical Education.

7 **SECTION 23.** 440.03 (13) (c) of the statutes is amended to read:

8 440.03 (13) (c) The department shall require an applicant for a private
9 detective license or a private security permit under s. 440.26, an applicant for a
10 juvenile martial arts instructor permit under sub. (17), an applicant for a real estate
11 appraiser certification under s. 458.06 or license under s. 458.08, and a person for
12 whom the department conducts an investigation under par. (b), to be photographed
13 and fingerprinted on 2 fingerprint cards, each bearing a complete set of the person’s
14 fingerprints. The department of justice may submit the fingerprint cards, and the
15 department of justice shall submit the fingerprint cards of all applicants for a real
16 estate appraiser certification under s. 458.06 or license under s. 458.08, to the federal
17 bureau of investigation for the purpose of verifying the identity of the persons
18 fingerprinted and obtaining records of their criminal arrests and convictions.

19 **SECTION 24.** 440.20 (5) of the statutes is created to read:

20 440.20 (5) In addition to any grounds for discipline specified in chs. 440 to 480,
21 the department, or the appropriate credentialing board or other board in the
22 department, may reprimand a credential holder, or may deny, limit, suspend, or
23 revoke a credential, if the credential holder fails to respond, to the satisfaction of the
24 department, credentialing board, or other board in the department, within 30 days
25 to a request for information from the department, credentialing board, or other board

BILL**SECTION 24**

1 in the department in connection with an investigation of alleged misconduct of the
2 credential holder.

3 **SECTION 25.** 440.974 (2) of the statutes is amended to read:

4 440.974 (2) The department shall promulgate rules establishing continuing
5 education requirements for individuals registered under this subchapter. The rules
6 promulgated under this subsection shall require the completion of at least ~~20~~ 40
7 hours of continuing education ~~during each calendar year~~ every 2 years.

8 **SECTION 26.** 441.01 (4) of the statutes is amended to read:

9 441.01 (4) The board shall direct that those schools ~~which~~ that qualify be placed
10 on ~~the accredited~~ a list of schools the board has approved for professional nurses or
11 of schools the board has approved for licensed practical nurses on application and
12 proof of qualifications; and shall make a study of nursing education and initiate rules
13 and policies to improve it.

14 **SECTION 27.** 441.04 of the statutes is amended to read:

15 **441.04 Requisites for examination as a registered nurse.** Any person
16 who has graduated from a high school or its equivalent as determined by the board,
17 does not have an arrest or conviction record, subject to ss. 111.321, 111.322 and
18 111.335, holds a diploma of graduation from ~~an accredited~~ a school of nursing
19 approved by the board or that the board has authorized to admit students pending
20 approval, and, if ~~the~~ that school is located outside this state, submits evidence of
21 general and professional educational qualifications comparable to those required in
22 this state at the time of graduation may apply to the department for licensure by the
23 board as a registered nurse; and upon payment of the fee specified under s. 440.05
24 (1), that person shall be entitled to examination.

25 **SECTION 28.** 441.08 of the statutes is amended to read:

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1 **441.08 Temporary permit.** A nurse who has graduated from ~~an accredited~~
2 a school approved by the board or that the board has authorized to admit students
3 pending approval but who is not licensed in this state may be granted a temporary
4 permit upon payment of the fee specified in s. 440.05 (6) by the board to practice for
5 compensation until the nurse can qualify for licensure. The temporary permit may
6 be renewed once. Each applicant for renewal of a temporary permit under this
7 section shall complete the nursing workforce survey and pay the fee required under
8 s. 441.01 (7). Further renewals may be granted in hardship cases. The board may
9 promulgate rules limiting the use and duration of temporary permits and providing
10 for revocation of temporary permits.

11 **SECTION 29.** 441.10 (1) of the statutes is amended to read:

12 **441.10 (1) PREREQUISITES FOR EXAMINATION AS LICENSED PRACTICAL NURSES.** A
13 person who is 18 years of age or older, does not have an arrest or conviction record,
14 subject to ss. 111.321, 111.322 and 111.335, has completed 2 years of high school or
15 its equivalent as determined by the board, and holds a diploma of graduation from
16 ~~an accredited~~ a school for licensed practical nurses approved by that the board or that
17 the board has authorized to admit students pending approval, may apply to the board
18 for licensing as a licensed practical nurse,; and, upon payment of the examination
19 fee specified in s. 440.05 (1), that person shall be entitled to take an examination.
20 Any school for licensed practical nurses, in order to be ~~accredited~~ approved by the
21 board, must offer a course of not less than 9 months.

22 **SECTION 30.** 441.10 (3) (e) of the statutes is amended to read:

23 **441.10 (3) (e)** The board may grant a temporary permit to a practical nurse who
24 has graduated from ~~an accredited~~ a school approved by the board or that the board
25 has authorized to admit students pending approval but who is not licensed in this

BILL**SECTION 30**

1 state, upon payment of the fee specified in s. 440.05 (6), to practice for compensation
2 until the practical nurse qualifies for licensure. The board may grant further
3 renewals in hardship cases. The board may promulgate rules limiting the use and
4 duration of temporary permits and providing for revocation of temporary permits.

5 **SECTION 31.** 441.115 (1) of the statutes is amended to read:

6 441.115 (1) This chapter shall may not be construed to affect nursing by
7 friends, members of the family, or undergraduates in ~~an accredited~~ a school approved
8 by the board, nor be construed to interfere with members of religious communities
9 or orders having charge of hospitals or taking care of the sick in their homes, except
10 that none of ~~such excepted~~ those persons while engaged in such activities shall may
11 represent himself or herself as a registered, trained, certified, or graduate nurse
12 unless registered under this subchapter.

13 **SECTION 32.** 441.12 (2) of the statutes is amended to read:

14 441.12 (2) No person shall may operate in this state a school for professional
15 nurses or a school for practical nurses unless the ~~same shall be accredited~~ school is
16 approved by the board. No solicitation shall may be made in this state of the sale of,
17 or registration in, a course by correspondence or conducted ~~without~~ outside of the
18 state for practical nurses unless all written material used in ~~such~~ the solicitation
19 plainly states in type as large as any other type on the material that the course is not
20 ~~accredited in this state~~ approved by the board for training of practical nurses.

21 **SECTION 33.** 450.035 (1r) of the statutes is amended to read:

22 450.035 (1r) A pharmacist may not administer by injection a prescribed drug
23 product or device unless he or she has successfully completed a course of study and
24 training in injection technique conducted by a course provider approved by the
25 ~~American~~ Accreditation Council on Pharmaceutical Education or the board. A

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1 pharmacist may administer a prescribed drug product or device under this
2 subsection only in the course of teaching self-administration techniques to a patient.
3 A pharmacist who administers a prescribed drug product or device under this
4 subsection shall comply with the requirements and procedures established in rules
5 promulgated by the board under s. 450.02 (2g) (b).

6 **SECTION 34.** 450.035 (1t) of the statutes is amended to read:

7 450.035 (1t) A person engaged in the practice of pharmacy under s. 450.03 (1)
8 (f) or (g) may not administer a prescribed drug product or device unless he or she has
9 successfully completed a course of study and training in administration technique
10 conducted by a course provider approved by the American Accreditation Council on
11 Pharmaceutical Education or the board. A person engaged in the practice of
12 pharmacy under s. 450.03 (1) (f) or (g) may administer a prescribed drug product or
13 device under this subsection only under the direct supervision of a pharmacist who
14 has successfully completed a course of study and training in administration
15 technique conducted by a course provider approved by the American Accreditation
16 Council on Pharmaceutical Education or the board, and only in the course of teaching
17 self-administration techniques to a patient. A person engaged in the practice of
18 pharmacy under s. 450.03 (1) (f) or (g) who administers a prescribed drug product or
19 device under this subsection shall comply with the requirements and procedures
20 established in rules promulgated by the board under s. 450.02 (2g) (b).

21 **SECTION 35.** 450.035 (2) of the statutes is amended to read:

22 450.035 (2) A pharmacist may not administer a vaccine unless he or she has
23 successfully completed 12 hours in a course of study and training, approved by the
24 American Accreditation Council on Pharmaceutical Education or the board, in
25 vaccination storage, protocols, administration technique, emergency procedures,

BILL**SECTION 35**

1 and record keeping and has satisfied the requirements specified in sub. (2t). A
2 pharmacist may not administer a vaccine under this subsection to a person who is
3 under the age of 6.

4 **SECTION 36.** 450.035 (2g) of the statutes is amended to read:

5 450.035 (2g) A person engaged in the practice of pharmacy under s. 450.03 (1)
6 (f) or (g) may not administer a vaccine unless he or she acts under the direct
7 supervision of a pharmacist and he or she and the supervising pharmacist have
8 successfully completed 12 hours in a course of study and training, approved by the
9 American Accreditation Council on Pharmaceutical Education or the board, in
10 vaccination storage, protocols, administration technique, emergency procedures,
11 and record keeping and the supervising pharmacist has satisfied the requirements
12 specified in sub. (2t). A person engaged in the practice of pharmacy under s. 450.03
13 (1) (f) or (g) may not administer a vaccine under this subsection to a person who is
14 under the age of 18.

15 **SECTION 37.** 450.05 of the statutes is amended to read:

16 **450.05 Pharmacist licensed in other state; licensure.** The board may,
17 upon application and payment of the fee specified in s. 440.05 (2), license as a
18 pharmacist any person who is licensed in another state if the person produces
19 satisfactory evidence of having met requirements comparable to those that existed
20 in this state at the time the person became licensed in the other state. The board
21 ~~shall not~~ may deny a license as a pharmacist under this section to any person whose
22 license to practice pharmacy in another state has been voluntarily surrendered,
23 limited, suspended, or revoked. The board may require an applicant under this
24 section to pass an equivalency examination administered by the board. If the board
25 requires an equivalency examination, any person licensed as a pharmacist in

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1 another state who is engaged in the active practice of pharmacy may only be required
2 to pass an examination on state and federal laws, rules, and regulations.

3 **SECTION 38.** 450.08 (1) of the statutes is amended to read:

4 450.08 (1) The renewal date for all licenses granted by the board is specified
5 under s. 440.08 (2) (a). Only Except as provided under sub. (2) (a), only a holder of
6 an unexpired license may engage in his or her licensed activity.

7 **SECTION 39.** 450.08 (2) (a) of the statutes is amended to read:

8 450.08 (2) (a) A pharmacist's license may be renewed by complying with
9 continuing education requirements under s. 450.085 and paying the applicable fee
10 determined by the department under s. 440.03 (9) (a) on or before the applicable
11 renewal date specified under s. 440.08 (2) (a). Failure Notwithstanding s. 440.08 (3)
12 (a), if a pharmacist fails to obtain renewal within the time period specified under this
13 paragraph terminates the right of the person to be licensed as a pharmacist by that
14 date, the board may suspend the pharmacist's license, and such right can only be
15 acquired by passing the board may require the pharmacist to pass an examination
16 to the satisfaction of the board to restore that license.

17 **SECTION 40.** 450.085 (1) of the statutes is amended to read:

18 450.085 (1) An applicant for renewal of a license under s. 450.08 (2) (a) shall
19 submit proof that he or she has completed, within the 2-year period immediately
20 preceding the date of his or her application, 30 hours of continuing education in
21 courses conducted by a provider that is approved by the American Accreditation
22 Council on Pharmaceutical Education or in courses approved by the board. Courses
23 specified in s. 450.035 (1r) and (2) are courses in continuing education for purposes
24 of this subsection. This subsection does not apply to an applicant for renewal of a

BILL**SECTION 40**

1 license that expires on the first renewal date after the date on which the board
2 initially granted the license.

3 **SECTION 41.** 450.19 (1) (a) of the statutes, as affected by 2013 Wisconsin Act 3,
4 is renumbered 450.19 (1) (ar).

5 **SECTION 42.** 450.19 (1) (b) of the statutes, as affected by 2013 Wisconsin Act 3,
6 is renumbered 450.19 (1) (ag) and amended to read:

7 450.19 (1) (ag) “Prescription Monitored prescription drug” means a substance
8 identified in s. 961.16 ~~or~~, 961.18, 961.20, or 961.22 or a drug identified by the board
9 by rule as having a substantial potential for abuse.

10 **SECTION 43.** 450.19 (2) (intro.) of the statutes is amended to read:

11 450.19 (2) (intro.) The board shall establish by rule a program for monitoring
12 the dispensing of monitored prescription drugs. The program shall do all of the
13 following:

14 **SECTION 44.** 450.19 (2) (a) of the statutes is renumbered 450.19 (2) (a) (intro.)
15 and amended to read:

16 450.19 (2) (a) (intro.) Require a ~~pharmacist~~ pharmacy or a practitioner to
17 generate a record documenting each dispensing of a monitored prescription drug at
18 the pharmacy or, if the monitored prescription drug is not dispensed at a pharmacy,
19 by the practitioner and to deliver the record to the board, except that the program
20 may not require the generation of a record ~~when a~~ in any of the following
21 circumstances:

22 1. A monitored prescription drug is administered directly to a patient.

23 **SECTION 45.** 450.19 (2) (a) 2. of the statutes is created to read:

24 450.19 (2) (a) 2. A monitored prescription drug is compounded, packaged, or
25 labeled in preparation for delivery but is not delivered.

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1 **SECTION 46.** 450.19 (2) (a) 3. of the statutes is created to read:

2 450.19 (2) (a) 3. The prescription order is for a monitored prescription drug that
3 is a substance listed in the schedule in s. 961.22 and is not a narcotic drug, as defined
4 in s. 961.01 (15), and the prescription order is for a number of doses that is intended
5 to last the patient 7 days or less.

6 **SECTION 47.** 450.19 (2) (b) of the statutes is amended to read:

7 450.19 (2) (b) Identify specific data elements to be contained in a record
8 documenting the dispensing of a monitored prescription drug. In identifying specific
9 data elements, the board shall consider data elements identified by similar programs
10 in other states and shall ensure, to the extent possible, that records generated by the
11 program are easily shared with other states.

12 **SECTION 48.** 450.19 (2) (d) of the statutes is amended to read:

13 450.19 (2) (d) Specify a secure electronic format for delivery of a record
14 generated under the program and authorize the board to grant a pharmacist
15 pharmacy or practitioner a waiver of the specified format.

16 **SECTION 49.** 450.19 (2) (f) of the statutes is amended to read:

17 450.19 (2) (f) Specify ~~a penalty~~ the discipline for failure to comply with rules
18 promulgated under this subsection.

19 **SECTION 50.** 450.19 (3) (a) of the statutes is amended to read:

20 450.19 (3) (a) A pharmacy, pharmacist, or practitioner is immune from civil or
21 criminal liability or professional discipline arising from the pharmacy's,
22 pharmacist's, or practitioner's compliance in good faith with this section or with rules
23 promulgated under this section.

24 **SECTION 51.** 450.19 (3) (b) of the statutes is amended to read:



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 **AN ACT to amend** 15.405 (17) of the statutes; **relating to:** Cosmetology
2 Examining Board.

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a subsequent version of this draft.

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

3 **SECTION 1.** 15.405 (17) of the statutes is amended to read:

4 15.405 (17) COSMETOLOGY EXAMINING BOARD. There is created a cosmetology
5 examining board in the department of safety and professional services. The
6 cosmetology examining board shall consist of 9 members appointed for 4-year terms.
7 Four members shall be licensed aestheticians or cosmetologists, 2 members shall be
8 public members, one member shall be a representative of a private school of
9 cosmetology, one member shall be a representative of a public school of cosmetology

This is insert 3-7

1 and one member shall be a licensed electrologist. ~~Except for the 2-~~ No more than 4
2 ~~members representing schools, no member~~ may be connected with or have any
3 financial interest in a cosmetology school.

4 (END)

Insert 3-7 End

Rose, Stefanie

From: Hanaman, Cathlene
Sent: Tuesday, October 01, 2013 1:11 PM
To: Parisi, Lori; Barman, Mike; Rose, Stefanie; Basford, Sarah
Subject: FW: Update requests

I made the changes (new requests printed on editor printer). Could the new request sheets be added to the file?

From: Gallagher, Michael
Sent: Tuesday, October 01, 2013 12:09 PM
To: Hanaman, Cathlene
Subject: Update requests

Cathlene: I need to change the requester on a couple of drafts, but the system won't let me update—not authorized, or some such thing. Should I be authorized? Here's what I need:

-2849: Change requester from DSPS to Kooyenga. Add this e-mail as a cc: Jeffrey.Weigand@wisconsin.gov.

-2615: Change requester from DSPS to Lasee. Add this e-mail as a cc: Jeffrey.Weigand@wisconsin.gov.

Thanks for your help.

Mike