


Appendix A ... segment IV


STATE OF WISCONSIN
LEGISLATIVE REFERENCE BUREAU
DRAFTING HISTORY RESEARCH APPENDIX

 The drafting file for 2017 LRB-5823/P1 (For: Rep. Rohrkaste)
has been transferred to the drafting file for
2019 LRB-0429 (For: Rep. Rohrkaste)



RESEARCH APPENDIX -
PLEASE KEEP WITH THE DRAFTING FILE

 Request Made By: MED

 Date: 10/11/2018

1 **SECTION 70.** 440.03 (13) (b) 39m. of the statutes is created to read:

2 440.03 (13) (b) 39m. Nurse, advanced practice registered.

3 **SECTION 71.** 440.03 (13) (b) 42. of the statutes is repealed.

4 **SECTION 72.** 440.08 (2) (a) 4m. of the statutes is repealed.

5 **SECTION 73.** 440.08 (2) (a) 47. of the statutes is created to read:

6 440.08 (2) (a) 47. Nurse, advanced practice registered: March 1 of each
7 even-numbered year.

8 **SECTION 74.** 440.08 (2) (a) 50. of the statutes is repealed.

9 **SECTION 75.** 440.981 (1) of the statutes is amended to read:

10 440.981 (1) No person may use the title “licensed midwife,” describe or imply
11 that he or she is a licensed midwife, or represent himself or herself as a licensed
12 midwife unless the person is granted a license under this subchapter or is licensed
13 as ~~a nurse-midwife under s. 441.15~~ an advanced practice registered nurse and
14 possesses a certified nurse-midwife specialty designation under s. 441.09.

15 **SECTION 76.** 440.982 (1) of the statutes is amended to read:

16 440.982 (1) No person may engage in the practice of midwifery unless the
17 person is granted a license under this subchapter, is granted a temporary permit
18 pursuant to a rule promulgated under s. 440.984 (2m), or is licensed as ~~a~~
19 ~~nurse-midwife under s. 441.15~~ an advanced practice registered nurse and possesses
20 a certified nurse-midwife specialty designation under s. 441.09.

21 **SECTION 77.** 440.987 (2) of the statutes is amended to read:

22 440.987 (2) One member who is licensed as ~~a nurse-midwife under s. 441.15~~
23 an advanced practice registered nurse and possesses a certified nurse-midwife
24 specialty designation under s. 441.09 and who practices in an out-of-hospital
25 setting.

as affected by 2017 Wisconsin Act 329

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SECTION 78

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SECTION 78. 441.01 (7) (a) (intro.) and 1. of the statutes are amended to read:

441.01 (7) (a) (intro.) The board shall require each applicant for the renewal of a license, certificate, or permit issued under this chapter to do all of the following as a condition for renewing the license, certificate, or permit:

1. Complete and submit to the department with the application for renewal of the license, certificate, or permit a nursing workforce survey developed by the department of workforce development under s. 106.30 (2).

SECTION 79. 441.01 (7) (b) of the statutes is amended to read:

441.01 (7) (b) The board may not renew a license, certificate, or permit under this chapter unless the renewal applicant has completed the nursing workforce survey to the satisfaction of the board. The board shall establish standards to determine whether the survey has been completed. The board shall, by no later than June 30 of each odd-numbered year, submit all completed nursing workforce survey forms to the department of workforce development.

SECTION 80. 441.06 (3) of the statutes is amended to read:

441.06 (3) ~~A~~ Except as provided in s. 441.09 (3), a registered nurse practicing for compensation shall, on or before the applicable renewal date specified under s. 440.08 (2) (a), submit to the board on furnished forms a statement giving name, residence, and other facts that the board requires, with the applicable renewal fee determined by the department under s. 440.03 (9) (a).

SECTION 81. 441.06 (7) of the statutes is renumbered 441.09 (5) and amended to read:

441.09 (5) CIVIL LIABILITY. No person certified licensed as an advanced practice registered nurse prescriber under s. 441.16 (2) this section is liable for civil damages for any of the following:

registered nurse or licensed practical nurse

registered nurse or licensed practical nurse

as affected by 2017 Wisconsin Act 329

the nursing workforce survey and fee required under s. 441.01

(7) and

1 (a) Reporting in good faith to the department of transportation under s. 146.82
2 (3) a patient's name and other information relevant to a physical or mental condition
3 of the patient that in the advanced practice nurse-prescriber's registered nurse's
4 judgment impairs the patient's ability to exercise reasonable and ordinary control
5 over a motor vehicle.

6 (b) In good faith, not reporting to the department of transportation under s.
7 146.82 (3) a patient's name and other information relevant to a physical or mental
8 condition of the patient that in the advanced practice nurse-prescriber's registered
9 nurse's judgment does not impair the patient's ability to exercise reasonable and
10 ordinary control over a motor vehicle.

11 **SECTION 82.** 441.07 (1g) (intro.), (a), (c) and (e) of the statutes are amended to
12 read:

13 441.07 (1g) (intro.) Subject to the rules promulgated under s. 440.03 (1), the
14 board may deny an initial license or revoke, limit, suspend, or deny the renewal of
15 a license of a registered nurse, ~~nurse-midwife~~ advanced practice registered nurse,
16 or licensed practical nurse; ~~deny an initial certificate or revoke, limit, suspend, or~~
17 ~~deny the renewal of a certificate to prescribe drugs or devices granted under s.~~
18 ~~441.16;~~ or reprimand a registered nurse, ~~nurse-midwife~~ advanced practice
19 registered nurse, or licensed practical nurse, if the board finds that the applicant or
20 licensee committed any of the following:

21 (a) Fraud in the procuring or renewal of the ~~certificate or~~ license.

22 (c) Acts which show the registered nurse, ~~nurse-midwife~~ advanced practice
23 registered nurse, or licensed practical nurse to be unfit or incompetent by reason of
24 negligence, abuse of alcohol or other drugs, or mental incompetency.

1 (e) A violation of any state or federal law that regulates prescribing or
2 dispensing drugs or devices, if the person has a certificate to prescribe drugs or
3 devices under s. 441.16 is authorized to issue prescription orders under s. 441.09 (2)
4 (c).

5 SECTION 83. 441.09 of the statutes is created to read:

6 441.09 Advanced practice registered nurses. (1) DEFINITIONS. In this
7 section:

8 (a) "Advanced practice registered nursing" means practicing in one of the 4
9 recognized roles based on advanced clinical knowledge and skills focusing on direct
10 care of individuals, greater responsibility, autonomy, and accountability for the
11 provision of care, health promotion and maintenance, ^{and} management of patient
12 conditions, and the use and prescription of pharmacological interventions. ✓

13 (b) "Clinical pharmacology or therapeutics" means the identification of
14 individual and classes of drugs, their indications and contraindications, their
15 efficacy, their side effects and their interactions, as well as, clinical judgment skills
16 and decision-making based on thorough interviewing, history-taking, physical
17 assessment, test selection and interpretation, pathophysiology, epidemiology,
18 diagnostic reasoning, differentiation of conditions, treatment decisions, case
19 evaluation, and nonpharmacological interventions.

20 (c) "Practice of nurse-midwifery" means the management of women's health
21 care, pregnancy, childbirth, postpartum care for newborns, family planning, and
22 gynecological services consistent with the standards of practice of the American
23 College of Nurse-Midwives and the education, training, and experience of the
24 nurse-midwife.

25 (d) "Recognized role" means one of the following roles:

- 1 1. Certified nurse-midwife.
- 2 2. Certified registered nurse anesthetist.
- 3 3. Clinical nurse specialist.
- 4 4. Nurse practitioner.

5 (2) INITIAL LICENSE. (a) Any person who satisfies all of the following
6 requirements may apply to the department for initial licensure by the board as an
7 advanced practice registered nurse:

8 1. The person satisfies one of the following criteria:

9 a. The person holds a valid license to practice as a registered nurse issued under
10 s. 441.06 (1), (1c), or (1m).

11 b. The person applies concurrently for a license under s. 441.06 (1), (1c), or (1m)
12 with the application for a license under this paragraph.

13 c. The person is a registered nurse who holds a multistate license, as defined
14 in s. 441.51 (2) (h), issued by a jurisdiction, other than this state, that has adopted
15 the enhanced nurse licensure compact under s. 441.51.

****NOTE: Instead of the requested language, I used this language, which I believe
says the same thing and more closely matches the language in 2017 Wisconsin Act 135
(the enhanced compact bill). OK?

16 2. The person provides evidence satisfactory to the board that he or she satisfies
17 one of the following criteria:

18 a. The person has completed a graduate-level or postgraduate-level education
19 program that is approved by the board and that prepares the person for the practice
20 of advanced practice registered nursing in one of the 4 recognized roles, and the
21 person holds a current certification by a national certifying body approved by the
22 board.

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1 b. On January 1, 2017, the person was licensed as a registered nurse in this
2 state and was practicing in a recognized role, and the person satisfies additional
3 criteria established by the board by rule under this subd. 2. b. relating to practice,
4 education, or certification.

5 3. The person pays the fee specified under s. 440.05 (1).

6 4. The person provides evidence of malpractice liability insurance coverage as
7 provided in sub. (7).

8 5. If the person is applying to receive a certified nurse-midwife specialty
9 designation under par. (b), the person provides evidence satisfactory to the board
10 that the person is currently certified by a national certifying body approved by the
11 board.

12 6. The person meets any other criteria established by the board by rule relating
13 to the education, training, or experience required for each recognized role.

14 (b) The board shall grant an advanced practice registered nurse license to a
15 person the board determines meets the requirements under par. (a). The board shall
16 also grant a person who receives a license under this paragraph one or more specialty
17 designations corresponding to the recognized roles for which the board determines
18 that the person qualifies based on the person's qualifications under par. (a). Each
19 such specialty designation shall appear on the person's advanced practice registered
20 nurse license. The board may not grant a license under this paragraph to a person
21 applying concurrently for a license under s. 441.06 (1), (1c), or (1m), unless the board
22 also grants the person a license to practice as a registered nurse. The board may
23 place specific limitations on a person licensed as an advanced practice registered
24 nurse as a condition of licensure.

1 (c) The board, upon application, shall also grant authority to issue prescription
2 orders to a person who is granted a license under this subsection and who meets the
3 education, training, and examination requirements established by the board for
4 authority to issue prescription orders. The board shall designate the authority to
5 prescribe on the person's advanced practice registered nurse license. The board may
6 grant, deny, or limit the authority to prescribe separate from the advanced practice
7 registered nurse license and shall promulgate rules relating to the exercise of that
8 authority. An advanced practice registered nurse with the authority to issue
9 prescription orders under this paragraph may provide expedited partner therapy in
10 the manner described in s. 448.035.

11 **(3) LICENSE RENEWAL.** On or before the applicable renewal date specified under
12 s. 440.08 (2) (a), a person issued a license under sub. (2) shall submit to the board on
13 a form furnished by the board a statement giving his or her name and residence, the
14 nursing workforce survey and fee required under s. 441.01 (7), evidence of having
15 satisfied the continuing education requirements under sub. (6), evidence of
16 malpractice liability insurance coverage as provided in sub. (7), current evidence
17 that the person satisfies each of the requirements under sub. (2) (a) 1., 2., 5., and 6.
18 that apply with respect to the person, and other information that the board requires
19 by rule, with the applicable renewal fee determined by the department under s.
20 440.03 (9) (a). The board shall grant to a person who satisfies the requirements
21 under this subsection the renewal of his or her advanced practice registered nurse
22 license and specialty designations granted under sub. (2) (b) and shall, if the person
23 holds a license under s. 441.06 (1), (1c), or (1m), also grant the renewal of that license.

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1 (4) PRACTICE; TITLES. (a) 1. The holder of a license issued under this section is
2 an “advanced practice registered nurse” and may append to his or her name the title
3 “A.P.R.N.” and is authorized to practice advanced practice registered nursing.

4 2. The holder of a specialty designation for a recognized role granted under sub.
5 (2) (b) may append to his or her name the title and an abbreviation corresponding to
6 that recognized role.

7 3. The holder of a certified nurse-midwife specialty designation granted under
8 sub. (2) (b) is a certified nurse-midwife and is authorized to engage in the practice
9 of nurse-midwifery.

10 (b) 1. Except as provided in s. 257.03, no person may practice or attempt to
11 practice advanced practice registered nursing, nor use the title “advanced practice
12 registered nurse,” the title “A.P.R.N.,” or anything else to indicate that he or she is
13 an advanced practice registered nurse unless he or she is licensed under this section.

14 2. Except as provided in s. 257.03, no person may do any of the following:

15 a. Use the title “certified nurse-midwife,” the title “C.N.M.,” or anything else
16 to indicate that he or she is a certified nurse-midwife unless he or she has been
17 granted a certified nurse-midwife specialty designation under sub. (2) (b).

18 b. Engage in the practice of nurse-midwifery unless he or she has been granted
19 a certified nurse-midwife specialty designation under sub. (2) (b).

20 c. Use the title “certified registered nurse anesthetist,” the title “C.R.N.A.,” or
21 anything else to indicate that he or she is a certified registered nurse anesthetist
22 unless he or she has been granted a certified registered nurse anesthetist specialty
23 designation under sub. (2) (b).

1 d. Use the title "clinical nurse specialist," the title "C.N.S.," or anything else to
2 indicate that he or she is a clinical nurse specialist unless he or she has been granted
3 a clinical nurse specialist specialty designation under sub. (2) (b).

4 e. Use the title "nurse practitioner," the title "N.P.," or anything else to indicate
5 that he or she is a nurse practitioner unless he or she has been granted a nurse
6 practitioner specialty designation under sub. (2) (b).

7 **(6) CONTINUING EDUCATION.** Every advanced practice registered nurse shall
8 submit to the board evidence of having completed at least 16 contact hours per
9 biennium in clinical pharmacology or therapeutics relevant to the advanced practice
10 registered nurse's area of practice. The board may promulgate rules regarding the
11 continuing education requirements under this subsection.

12 **(7) MALPRACTICE LIABILITY INSURANCE.** Every advanced practice registered
13 nurse shall at all times have in effect malpractice liability insurance coverage in the
14 minimum amounts required by the rules of the board. An advanced practice
15 registered nurse shall submit evidence of that coverage to the board when applying
16 for an initial license under this section or a renewal of a license under this section.
17 Evidence of malpractice liability coverage of the advanced practice registered nurse
18 by his or her employer in the amounts specified under s. 655.23 (4) shall be
19 considered as compliance with the requirement. An advanced practice registered
20 nurse shall also submit such evidence to the board upon request of the board.

21 **(8) DELEGATION.** An advanced practice registered nurse who has authority to
22 issue prescription orders may not delegate the act of issuing a prescription order to
23 any nurse who is not authorized to issue prescription orders. Nothing in this section
24 prohibits a nurse from issuing a prescription order as an act delegated by a physician.

1 **(9) RULES.** The board shall promulgate rules necessary to administer this
2 section, including rules for all of the following:

3 (a) Defining the scope of practice of an advanced practice registered nurse, the
4 scope of practice for each recognized role, and the authorization to issue prescription
5 orders under sub. (2) (c).

6 (b) Determining acceptable national certification for purposes of sub. (2) (a) 2.

7 (c) Establishing the appropriate education, training, or experience
8 requirements that a registered nurse must satisfy to be an advanced practice
9 registered nurse and to qualify to be granted the authority to issue prescription
10 orders under sub. (2) (c).

11 (d) Specifying the classes of drugs, individual drugs, or devices that may not
12 be prescribed by an advanced practice registered nurse authorized to issue
13 prescription orders under sub. (2) (c).

14 (e) Specifying the conditions to be met for registered nurses to do the following:

- 15 1. Administer a drug prescribed by an advanced practice registered nurse.
16 2. Administer a drug at the direction of an advanced practice registered nurse.

17 **SECTION 84.** 441.11 (title) of the statutes is repealed.

18 **SECTION 85.** 441.11 (1) of the statutes is repealed.

19 **SECTION 86.** 441.11 (2) of the statutes is renumbered 441.09 (8m) and amended
20 to read:

21 441.09 **(8m)** NURSE ANESTHETISTS. The provisions of s. 448.04 (1) (g) do not apply
22 to a licensed advanced practice registered nurse who possesses a certified registered
23 nurse anesthetist specialty designation under sub. (2) (b).

24 **SECTION 87.** 441.11 (3) of the statutes is repealed.

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SECTION 88. 441.15^x of the statutes, as affected by 2017 Wisconsin Act^s 135^{and 329}, is

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repealed.

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SECTION 89. 441.16^x of the statutes^{is affected by 2017 Wisconsin Acts 329,} is repealed.

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SECTION 90. 441.18 (2) (a) (intro.) of the statutes is amended to read:

5

441.18 (2) (a) (intro.) An advanced practice registered nurse ~~certified to issue prescription orders under s. 441.16~~ who has prescribing authority under s. 441.09 (2)

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(c) may do any of the following:

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SECTION 91. 441.18 (2) (b) of the statutes is amended to read:

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441.18 (2) (b) An advanced practice registered nurse who prescribes or delivers an opioid antagonist under par. (a) 1. shall ensure that the person to whom the opioid antagonist is prescribed has or has the capacity to provide the knowledge and training necessary to safely administer the opioid antagonist to an individual undergoing an opioid-related overdose and that the person demonstrates the capacity to ensure that any individual to whom the person further delivers the opioid antagonist has or receives that knowledge and training.

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SECTION 92. 441.18 (3) of the statutes is amended to read:

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441.18 (3) An advanced practice registered nurse who, acting in good faith, prescribes or delivers an opioid antagonist in accordance with sub. (2), or who, acting in good faith, otherwise lawfully prescribes or dispenses an opioid antagonist, shall be immune from criminal or civil liability and may not be subject to professional discipline under s. 441.07 for any outcomes resulting from prescribing, delivering, or dispensing the opioid antagonist.

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SECTION 93. 448.03 (2) (a) of the statutes is amended to read:

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448.03 (2) (a) Any person lawfully practicing within the scope of a license, permit, registration, certificate or certification granted to practice midwifery under

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1 subch. XIII of ch. 440, to practice professional ~~or~~, practical, or advanced practice
2 registered nursing ~~or nurse-midwifery~~ under ch. 441, to practice chiropractic under
3 ch. 446, to practice dentistry or dental hygiene under ch. 447, to practice optometry
4 under ch. 449, to practice acupuncture under ch. 451 or under any other statutory
5 provision, or as otherwise provided by statute.

6 **SECTION 94.** 448.035 (1) (a) of the statutes is repealed.

7 **SECTION 95.** 448.035 (2), (3) and (4) of the statutes are amended to read:

8 448.035 (2) Notwithstanding the requirements of s. 448.30, a physician,
9 physician assistant, or ~~certified advanced practice~~ registered nurse prescriber who
10 has prescribing authority under s. 441.09 (2) (c) may provide expedited partner
11 therapy if the patient is diagnosed as infected with a chlamydial infection,
12 gonorrhea, or trichomoniasis and the patient has had sexual contact with a sexual
13 partner during which the chlamydial infection, gonorrhea, or trichomoniasis may
14 have been transmitted to or from the sexual partner. The physician, physician
15 assistant, or ~~certified advanced practice~~ registered nurse prescriber shall attempt to
16 obtain the name of the patient's sexual partner. A prescription order for an
17 antimicrobial drug prepared under this subsection shall include the name and
18 address of the patient's sexual partner, if known. If the physician, physician
19 assistant, or ~~certified advanced practice~~ registered nurse prescriber is unable to
20 obtain the name of the patient's sexual partner, the prescription order shall include,
21 in ordinary bold-faced capital letters, the words, "expedited partner therapy" or the
22 letters "EPT."

23 (3) The physician, physician assistant, or ~~certified advanced practice~~
24 registered nurse prescriber shall provide the patient with a copy of the information
25 sheet prepared by the department of health services under s. 46.03 (44) and shall

1 request that the patient give the information sheet to the person with whom the
2 patient had sexual contact.

3 (4) (a) Except as provided in par. (b), a physician, physician assistant, or
4 certified advanced practice registered nurse prescriber is immune from civil liability
5 for injury to or the death of a person who takes any antimicrobial drug if the
6 antimicrobial drug is prescribed, dispensed, or furnished under this section and if
7 expedited partner therapy is provided as specified under this section.

8 (b) The immunity under par. (a) does not extend to the donation, distribution,
9 furnishing, or dispensing of an antimicrobial drug by a physician, physician
10 assistant, or certified advanced practice registered nurse prescriber whose act or
11 omission involves reckless, wanton, or intentional misconduct.

12 **SECTION 96.** 448.56 (1) and (1m) (b) of the statutes are amended to read:

13 448.56 (1) WRITTEN REFERRAL. Except as provided in this subsection and s.
14 448.52, a person may practice physical therapy only upon the written referral of a
15 physician, physician assistant, chiropractor, dentist, podiatrist, or advanced practice
16 registered nurse prescriber ~~certified under s. 441.16 (2)~~. Written referral is not
17 required if a physical therapist provides services in schools to children with
18 disabilities, as defined in s. 115.76 (5), pursuant to rules promulgated by the
19 department of public instruction; provides services as part of a home health care
20 agency; provides services to a patient in a nursing home pursuant to the patient's
21 plan of care; provides services related to athletic activities, conditioning, or injury
22 prevention; or provides services to an individual for a previously diagnosed medical
23 condition after informing the individual's physician, physician assistant,
24 chiropractor, dentist, podiatrist, or advanced practice registered nurse prescriber
25 ~~certified under s. 441.16 (2)~~ who made the diagnosis. The examining board may

1 promulgate rules establishing additional services that are excepted from the written
2 referral requirements of this subsection.

3 **(1m)** (b) The examining board shall promulgate rules establishing the
4 requirements that a physical therapist must satisfy if a physician, physician
5 assistant, chiropractor, dentist, podiatrist, or advanced practice registered nurse
6 prescriber makes a written referral under sub. (1). The purpose of the rules shall be
7 to ensure continuity of care between the physical therapist and the health care
8 practitioner.

9 **SECTION 97.** 448.67 (2) of the statutes is amended to read:

10 448.67 **(2)** SEPARATE BILLING REQUIRED. Except as provided in sub. (4), a licensee
11 who renders any podiatric service or assistance, or gives any podiatric advice or any
12 similar advice or assistance, to any patient, podiatrist, physician, physician
13 assistant, advanced practice registered nurse prescriber ~~certified under s. 441.16 (2),~~
14 partnership, or corporation, or to any other institution or organization, including a
15 hospital, for which a charge is made to a patient, shall, except as authorized by
16 Title 18 or Title 19 of the federal Social Security Act, render an individual statement
17 or account of the charge directly to the patient, distinct and separate from any
18 statement or account by any other podiatrist, physician, physician assistant,
19 advanced practice registered nurse prescriber, or other person.

20 **SECTION 98.** 448.956 (1m) of the statutes is amended to read:

21 448.956 **(1m)** Subject to sub. (1) (a), a licensee may provide athletic training
22 to an individual without a referral, except that a licensee may not provide athletic
23 training as described under s. 448.95 (5) (d) or (e) in an outpatient rehabilitation
24 setting unless the licensee has obtained a written referral for the individual from a

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1 practitioner licensed or certified under subch. II, III, IV, V, or VII of this chapter;
2 under ch. 446; or under s. ~~441.16 (2)~~ 441.09.

3 **SECTION 99.** 450.01 (1m) of the statutes is repealed.

4 **SECTION 100.** 450.01 (16) (h) 2. of the statutes is amended to read:

5 450.01 (16) (h) 2. The patient's advanced practice registered nurse ~~prescriber~~,
6 if the advanced practice registered nurse ~~prescriber~~ ~~has entered into a written~~
7 ~~agreement to collaborate with a physician~~ has prescribing authority under s. 441.09
8 (2) (c).

9 **SECTION 101.** 450.01 (16) (hr) 2. of the statutes is amended to read:

10 450.01 (16) (hr) 2. An advanced practice registered nurse ~~prescriber~~ who has
11 prescribing authority under s. 441.09 (2) (c).

12 **SECTION 102.** 450.03 (1) (e) of the statutes is amended to read:

13 450.03 (1) (e) Any person lawfully practicing within the scope of a license,
14 permit, registration, certificate, or certification granted to provide home medical
15 oxygen under s. 450.076, to practice professional ~~or, practical, or advanced practice~~
16 registered nursing or nurse-midwifery under ch. 441, to practice dentistry or dental
17 hygiene under ch. 447, to practice medicine and surgery under ch. 448, to practice
18 optometry under ch. 449 or to practice veterinary medicine under ch. 89, or as
19 otherwise provided by statute.

20 **SECTION 103.** 450.11 (1i) (a) 1. of the statutes is amended to read:

21 450.11 (1i) (a) 1. A pharmacist may, upon and in accordance with the
22 prescription order of an advanced practice registered nurse ~~prescriber~~ under s.
23 441.18 (2) (a) 1., or of a physician or physician assistant under s. 448.037 (2) (a) 1.,
24 that complies with the requirements of sub. (1), deliver an opioid antagonist to a
25 person specified in the prescription order and may, upon and in accordance with the

1 standing order of an advanced practice registered nurse ~~prescriber~~ under s. 441.18
2 (2) (a) 2., or of a physician or physician assistant under s. 448.037 (2) (a) 2., that
3 complies with the requirements of sub. (1), deliver an opioid antagonist to an
4 individual in accordance with the order. The pharmacist shall provide a consultation
5 in accordance with rules promulgated by the board for the delivery of a prescription
6 to the person to whom the opioid antagonist is delivered.

7 **SECTION 104.** 450.11 (1i) (b) 2. b. of the statutes is amended to read:

8 450.11 (1i) (b) 2. b. An advanced practice registered nurse ~~prescriber~~ may only
9 deliver or dispense an opioid antagonist in accordance with s. 441.18 (2) or in
10 accordance with his or her other legal authority to dispense prescription drugs.

11 **SECTION 105.** 450.11 (7) (b) of the statutes is amended to read:

12 450.11 (7) (b) Information communicated to a physician, physician assistant,
13 or advanced practice registered nurse ~~prescriber~~ in an effort to procure unlawfully
14 a prescription drug or the administration of a prescription drug is not a privileged
15 communication.

16 **SECTION 106.** 450.11 (8) (e) of the statutes is amended to read:

17 450.11 (8) (e) The board of nursing, insofar as this section applies to advanced
18 practice ~~nurse prescribers~~ registered nurses.

19 **SECTION 107.** 450.13 (5) (b) of the statutes is amended to read:

20 450.13 (5) (b) The patient's advanced practice registered nurse ~~prescriber~~, if the
21 advanced practice registered nurse ~~prescriber~~ ~~has entered into a written agreement~~
22 ~~to collaborate with a physician~~ has prescribing authority under s. 441.09 (2) (c).

23 **SECTION 108.** 462.04 of the statutes is amended to read:

24 **462.04 Prescription or order required.** A person who holds a license or
25 limited X-ray machine operator permit under this chapter may not use diagnostic

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1 X-ray equipment on humans for diagnostic purposes unless authorized to do so by
2 prescription or order of a physician licensed under s. 448.04 (1) (a), a dentist licensed
3 under s. 447.04 (1), a podiatrist licensed under s. 448.63, a chiropractor licensed
4 under s. 446.02, an advanced practice registered nurse certified licensed under s.
5 ~~441.16 (2)~~ 441.09, a physician assistant licensed under s. 448.04 (1) (f), or, subject to
6 s. 448.56 (7) (a), a physical therapist licensed under s. 448.53.

7 **SECTION 109.** 655.001 (7t) of the statutes is amended to read:

8 655.001 (7t) "Health care practitioner" means a health care professional, as
9 defined in s. 180.1901 (1m), who is an employee of a health care provider described
10 in s. 655.002 (1) (d), (e), (em), or (f) and who has the authority to provide health care
11 services that are not ~~in collaboration with a physician under s. 441.15 (2) (b) or under~~
12 the direction and supervision of a physician or nurse anesthetist.

13 **SECTION 110.** 655.001 (9) of the statutes, as affected by 2017 Wisconsin Act 135,
14 is amended to read:

15 655.001 (9) "Nurse anesthetist" means ~~a nurse~~ an individual who is licensed
16 ~~under ch. 441 or who holds a multistate license, as defined in s. 441.51 (2) (h), issued~~
17 ~~in a party state, as defined in s. 441.51 (2) (k), and who is certified as a nurse~~
18 ~~anesthetist by the American association of nurse anesthetists~~ as an advanced
19 practice registered nurse and possesses a certified registered nurse anesthetist
20 specialty designation under s. 441.09.

21 **SECTION 111.** 655.005 (2) (a) of the statutes is amended to read:

22 655.005 (2) (a) An employee of a health care provider if the employee is a
23 physician or a nurse anesthetist or is a health care practitioner who is providing
24 health care services that are not ~~in collaboration with a physician under s. 441.15 (2)~~
25 ~~(b) or~~ under the direction and supervision of a physician or nurse anesthetist.

1 **SECTION 112.** 961.01 (19) (a) of the statutes is amended to read:

2 961.01 (19) (a) A physician, advanced practice registered nurse, dentist,
3 veterinarian, podiatrist, optometrist, scientific investigator or, subject to s. 448.21
4 (3), a physician assistant, or other person licensed, registered, certified or otherwise
5 permitted to distribute, dispense, conduct research with respect to, administer or use
6 in teaching or chemical analysis a controlled substance in the course of professional
7 practice or research in this state.

8 **SECTION 113.** 961.395 of the statutes is amended to read:

9 **961.395 Limitation on advanced practice registered nurses.** (1) An
10 advanced practice registered nurse ~~who is certified under s. 441.16~~ who has
11 prescribing authority under s. 441.09 (2) (c) may prescribe controlled substances only
12 as permitted by the rules promulgated under s. ~~441.16 (3)~~ 441.09 (9).

13 (2) An advanced practice registered nurse ~~certified under s. 441.16~~ shall
14 include with each prescription order the advanced practice registered nurse
15 ~~prescriber certification number~~ identifier issued to him or her by the board of
16 nursing.

17 (3) An advanced practice registered nurse ~~certified under s. 441.16~~ who has
18 prescribing authority under s. 441.09 (2) (c) may dispense a controlled substance only
19 by prescribing or administering the controlled substance or as otherwise permitted
20 by the rules promulgated under s. ~~441.16 (3)~~ 441.09 (9).

21 **SECTION 114. Nonstatutory provisions.**

22 (1) Using the procedure under section 227.24 of the statutes, the board of
23 nursing may promulgate rules under chapter 441 of the statutes that are necessary
24 to implement the changes in this act. Notwithstanding section 227.24 (1) (a) and (3)
25 of the statutes, the board is not required to provide evidence that promulgating a rule

1 under this subsection as an emergency rule is necessary for the preservation of the
2 public peace, health, safety, or welfare and is not required to provide a finding of
3 emergency for a rule promulgated under this subsection. Notwithstanding section
4 227.24 (1) (c) and (2) of the statutes, the effective period of a rule promulgated under
5 this subsection is for 2 years after its promulgation, or until permanent rules take
6 effect, whichever is sooner, and the effective period may not be further extended
7 under section 227.24 (2) of the statutes.

8 **SECTION 115. Effective dates.** This act takes effect on March 1, 2020, except
9 as follows:

10 (1) SECTION 114 (1) of this act takes effect on the day after publication.

11 (END)

D - note
→

**2017-2018 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-5823/P1ins
MED:...

INSERT 38-22

****NOTE: Should loss of the national certification be grounds for discipline (i.e., license revocation) or is that not necessary? Also, I assumed "board approved" here referred to the Wisconsin Board of Nursing, correct? ✓

INSERT 40-10

****NOTE: The instructions said that the board should be able to separately "grant, deny, or limit" prescribing authority. Is what I have in accord with the intent? It is unusual to have the board taking such action without it being an actual credential, though in one place it's referred to as an "additional permit" which suggests it is some type of credential. Can you clarify on this point? Also, what about revoking and suspending? Should I add those in? Without it, it sounds like once you have it, it can only be limited but can't be revoked or suspended. Finally, do you want to specify the reasons for which the board could take action against prescribing authority? For example, you could cross-reference the grounds for discipline under s. 441.07 (1g) (a) to (f). If not, do you want to make clear that the rules would address grounds for exercising that authority? ✓

INSERT 42-11

****NOTE: You may also want to be more detailed about the board's authority here. Can the board require more than 16 hours? Can the board mandate specific topics? Should the board be able to grant exemptions? ✓

INSERT 42-20

****NOTE: I added language here about s. 655.23 (4), but it seems to conflict with the first sentence, which says the board has the authority to determine minimum amounts. Can you confirm you essentially want this new sentence to override the first sentence? If so, I'd suggest adding this as an exception to the first sentence, instead of after the second sentence. Also, would/should this language cover an APRN who is self-employed? ✓

INSERT 43-5

****NOTE: It seems unusual to have the board define a scope of practice when "advanced practice registered nursing" is already defined in s. 441.09 (1) (a). Also, regarding "authority to prescribe," this is already referenced below in pars. (c) and (d). Can you clarify what more you want these rules to be doing with respect to prescribing authority? (I'm not sure what a scope of practice for prescribing authority means "don't you either have the authority to prescribe or not?") ✓

INSERT 44-22

SA ✓

1 **SECTION 1.** 441.19 (2) of the statutes, as created by 2017 Wisconsin Act 262, is
2 amended to read:
3 **441.19 (2)** With respect to the ability of an advanced practice registered nurse
4 who is certified to issue prescription orders to obtain and practice under a waiver, a

1 physician who meets any of the conditions specified in 21 USC 823 (g) (2) (G) (ii) shall
2 be considered eligible to serve as a qualifying physician for purposes of the
3 requirement under 21 USC 823 (g) (2) (G) (iv) (III), regardless of whether the
4 physician himself or herself holds a waiver.

History: 2017 a. 262.

****NOTE: I added this to change the reference here regarding buprenorphine
waivers.

INSERT 47-8

5 **SECTION 2.** 448.62 (2m) of the statutes, as created by 2017 Wisconsin Act 227,
6 is amended to read:

7 448.62 (2m) An advanced practice registered nurse ~~who is certified to issue~~
8 ~~prescription orders under s. 441.16 and~~ who is providing nonsurgical patient services
9 as directed, supervised, and inspected by a podiatrist who has the power to direct,
10 decide, and oversee the implementation of the patient services rendered.

History: 1997 a. 175; 2017 a. 227, 341; s. 35.17 correction in (1m).

****NOTE: I amended this provision that was created this session that allows an
APRN prescriber to practice under the delegation of a podiatrist. Note that this provision
speaks to an APRN who is acting under a podiatrist's authority, and not under an APRN's
general practice authority. Let me know if you think this should be addressed differently.

INSERT 49-22

11 **SECTION 3.** 450.135 (7) (b) of the statutes, as created by 2017 Wisconsin Act 149,
12 is amended to read:

13 450.135 (7) (b) The patient's advanced practice registered nurse prescriber, if
14 the advanced practice registered nurse prescriber ~~has entered into a written~~
15 ~~agreement to collaborate with a physician~~ has prescribing authority under s. 441.09
16 (2) (c).

History: 2017 a. 149.

****NOTE: This is a new provision, which I amended the same way s. ^{e450}441.13 (5) (b)
is amended, as that is what this provision is based on.

*

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-5823/P1dn

MED:...

emw

Date

under which an RN license is granted

Please see the notes in the draft, as well as the following:

1. Act 135 enacted the enhanced nurse licensure compact into law. The new compact, at least as I understood it (and this is how the bill was drafted), more explicitly acknowledged that a state would grant a "multistate license" to someone who applied in that state. However, the law also acknowledged that people who could not satisfy some of the criteria for licensure under the compact might still be able to get a license under the state's existing provisions (i.e., you could get a single-state license). We also have a provision that lets nurses in other states get licensed here, which would presumably be used mostly by nurses coming from non-compact states. So, under s. 441.06, we now have 3 subsections: (1), (1c), and (1m). Subsection (1c) is the new one that refers to the multistate license that would let a nurse licensed here practice in other states. So I am going to add in a reference to (1c) to the bill where we currently reference (1) and (1m), so everyone is covered. Simple change, but I just wanted to explain.

2. In various places, it referred to "specified role" or "defined role" but the bill uses the term "recognized role" which I believe is the nationally used term. So I will use that phrase.

3. Act 329 made some changes/clarifications regarding the nursing workforce survey, which I think were largely intended to limit the number of times that people will have to take the nursing workforce survey. Let me know if you or the department thinks any changes need to be made regarding the survey.

Michael Duchek
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DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-5823/P1dn
MED;emw

July 11, 2018

Please see the notes in the draft, as well as the following:

1. Act 135 enacted the enhanced nurse licensure compact into law. The new compact, at least as I understood it (and this is how the bill was drafted), more explicitly acknowledged that a state would grant a “multistate license” to someone who applied in that state. However, the law also acknowledged that people who could not satisfy some of the criteria for licensure under the compact might still be able to get a license under the state’s existing provisions (i.e., you could get a single-state license). We also have a provision that lets nurses in other states get licensed here, which would presumably be used mostly by nurses coming from non-compact states. So, under s. 441.06, we now have 3 subsections under which an RN license is granted: (1), (1c), and (1m). Subsection (1c) is the new one that refers to the multistate license that would let a nurse licensed here practice in other states. So, I am going to add in a reference to (1c) to the bill where we currently reference (1) and (1m), so everyone is covered. Simple change, but I just wanted to explain.
2. In various places, it referred to “specified role” or “defined role,” but the bill uses the term “recognized role,” which I believe is the nationally used term. So, I will use that phrase.
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