

STATE OF WISCONSIN
BOARD OF NURSING

IN THE MATTER OF RULE-MAKING : ORDER OF THE
PROCEEDINGS BEFORE THE : BOARD OF NURSING
BOARD OF NURSING : ADOPTING RULES
: (CLEARINGHOUSE RULE 00-167)

ORDER

An order of the Board of Nursing to amend N 6.02 (2) (intro.), (3) (intro.) and (4), 6.03 (2) (c) and (d), and 6.04 (1) (intro.), (d), 3., (2) (a) and (b), relating to defining the practice of nursing to include acting under the direction of optometrists.

Analysis prepared by the Department of Regulation and Licensing.

ANALYSIS

Statutes authorizing promulgation: ss. 15.08 (5) (b) and 227.11 (2), Stats., and s. 441.11 (3) and (4), Stats., as amended by 1997 Wisconsin Act 62, and s. 441.11 (3) and (4), Stats., as repealed and recreated by 1997 Wisconsin Act 62.

Statutes interpreted: s. 441.11 (3) and (4), Stats.

1997 Wisconsin Act 62 amended the practice of nursing to include acting under the direction of optometrists. The practice of practical nursing means the performance for compensation of any simple acts in the care of convalescent, subacutely or chronically ill, injured or infirm persons, or of any act or procedure in the care of the more acutely ill, injured or infirm under the specific direction of a nurse, physician, podiatrist or optometrist. A simple act does not require any substantial nursing skill, knowledge or training, or the application of nursing principles based on biological, physical or social sciences, or the understanding of cause and effect in such acts and is one which is of a nature of those approved by the board for the curriculum of schools for licensed practical nursing.

The practice of professional nursing means the performance for compensation of any act in the observation or care of the ill, injured or infirm, or for the maintenance of health or prevention of illness of others, which requires substantial nursing skill, knowledge or training, or application of nursing principles based on biological, physical, and social sciences, such as the observation and recording of symptoms and reactions, the execution of procedures and techniques in the treatment of the sick under the general or special supervision or direction of a physician, podiatrist, dentist, or optometrist, or under an order of a person who is licensed to practice medicine, podiatry or dentistry in another state if that person prepared the order after examining the patient in that other state and directs that the order be carried out in this state, and the execution of general nursing procedures and techniques.

Also, this rule amends provisions of the administrative code in order to reflect the statutory change

that expanded the definition of the practice of nursing to include acting under the direction of an optometrist.

TEXT OF RULE

SECTION 1. N 6.02 (2) (intro.), (3) (intro.) and (4) are amended to read:

N 6.02 (2) (intro.) “Basic patient situation” as determined by an R.N., physician, podiatrist ~~or dentist~~ or optometrist means the following 3 conditions prevail at the same time in a given situation:

(3) (intro.) “Complex patient situation” as determined by an R.N., physician, podiatrist ~~or dentist~~ or optometrist means any one or more of the following conditions exist in a given situation:

(4) “Delegated medical act” means acts delegated to an R.N. or L.P.N. by a physician, ~~dentist or podiatrist,~~ dentist or optometrist.

SECTION 2. N 6.03 (2) (c) and (d) are amended to read:

N 6.03 (2) (c) Consult with a physician, ~~dentist or podiatrist,~~ dentist or optometrist in cases where the R.N. knows or should know a delegated medical act may harm a patient; and,

(d) Perform delegated medical acts under the general supervision or direction of a physician, ~~dentist or podiatrist,~~ dentist or optometrist.

SECTION 3. N 6.04 (1) (intro.), (d), 3. (intro.), (2) (a) and (b) are amended to read:

N 6.04 (1) PERFORMANCE OF ACTS IN BASIC PATIENT SITUATIONS. (intro.) In the performance of acts in basic patient situations, the L.P.N. shall, under the general supervision of an R.N. or the direction of a physician, podiatrist ~~or dentist~~ or optometrist:

(d) Consult with an R.N. ~~or~~ physician, podiatrist, dentist or optometrist in cases where an L.P.N. knows or should know a delegated nursing or medical act may harm a patient; and,

3. (intro.) Reinforce the teaching provided by an R.N., physician, podiatrist ~~or dentist~~ or optometrist and provide basic health care instruction; or,

(2) (a) Meet standards under sub. (1) under the general supervision of an R.N., physician, podiatrist ~~or dentist~~ or optometrist.

(b) Perform delegated nursing or medical acts beyond basic nursing care under the direct supervision of an R.N., physician, podiatrist ~~or dentist~~ or optometrist. An L.P.N. shall, upon request of the board, provide documentation of his or her nursing education, training or experience which prepare the L.P.N. to competently perform these assignments.

(END OF TEXT OF RULE)

The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin administrative register, pursuant to s. 227.22 (2) (intro.), Stats.

Dated _____

Agency _____

Chairperson
Board of Nursing

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6/11/01