

Chapter N 11

RULES OF CONDUCT

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N 11.01 Authority and intent. (1) The rules in this chapter are adopted pursuant to authority of ss. 15.08, 15.403, 227.014 and ch. 441, Stats.

(2) The intent of the board of nursing in adopting the rules in this chapter is to establish minimum standards of conduct for registrants and licensees and to specify reasons for limiting, suspending or revoking certificate of registration or license or for reprimanding a registrant or licensee.

History: Cr. Register, January, 1980, No. 289, eff. 2-1-80.

N 11.02 Definitions. (1) A licensee is unfit or incompetent by reason of negligence, habitual intemperance, addiction to the use of habit-forming drugs, mental incompetency or moral delinquency as those terms are used in s. 441.07, Stats., if a licensee engages in any conduct described in N 11.03.

(2) A registrant is unfit or incompetent by reason of unprofessional conduct as those terms are used in s. 441.07, Stats., if a registrant engages in any conduct described in N 11.04.

(3) As used in this chapter,

(a) "Drug" has the meaning defined in s. 450.06, Stats.

(b) "Licensee" means a person licensed as a trained practical nurse pursuant to s. 441.10, Stats.

(c) "Patient" means any person receiving nursing care including any client or resident.

(d) "Registrant" means a person who holds a certificate of registration as a registered nurse issued pursuant to ss. 441.04 and 441.06, Stats.

History: Cr. Register, January, 1980, No. 289, eff. 2-1-80.

N 11.03 Negligence, mental incompetency, moral delinquency, habitual intemperance, addiction. (1) "Negligence" is a substantial departure from the standard of care ordinarily exercised by a competent registrant or licensee which harmed or might have harmed a patient. "Negligence" includes but is not limited to the following conduct:

(a) Failing to maintain competency in practice and methods of nursing care;

(b) Failing to observe the conditions, signs and symptoms of a patient, record them or report significant changes to the appropriate person;

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(c) An intentional, repeated or gross failure to execute a medical order for medication or treatment unless the order is inappropriate and the registrant or licensee reports the inappropriate order to a nursing supervisor or other appropriate official;

(d) Failing to report to a nursing supervisor or appropriate official the existence of a medical order which the registrant or licensee knew or should have known would harm a patient;

(e) Executing an order which the registrant or licensee knew or should have known would harm a patient;

(f) Abusing a patient, physically or mentally, by conduct such as striking a patient, improperly restraining or confining a patient, or withholding food or drink from a patient;

(g) Practicing beyond the scope of practice permitted by law; and,

(h) Offering or performing services as a trained practical nurse or registered nurse for which the licensee or registrant is not qualified by education, training or experience.

(2) "Mental incompetency" is conduct which evidences a mental or emotional disorder or drug or alcohol abuse and which impairs the ability of the registrant or licensee to competently perform duties. "Mental incompetency" also includes, but is not limited to, adjudication of incompetence by a court of law.

(3) "Moral delinquency" is failure to maintain principles of right and ethical conduct in the practice of professional or practical nursing necessary to protect the public interest. "Moral delinquency" includes, but is not limited to, the following:

(a) Violating or aiding and abetting a violation of any law substantially related to the practice of professional or practical nursing;

(b) Administering, supplying, or obtaining any drug other than in the course of legitimate practice or as otherwise prohibited by law;

(c) Falsifying patient or client records;

(d) Having one's nursing certificate of registration or license revoked or suspended in another United States jurisdiction;

(e) Violating or attempting to violate any formal disciplinary order of the board;

(f) Impersonating another registrant or licensee; and,

(g) Engaging in grossly immoral conduct in the practice of professional or practical nursing.

(4) "Habitual intemperance" is the repeated consumption of alcoholic beverages to an extent that such use impairs the ability to safely conduct practice.

(5) "Addiction to the use of habit forming drug" is the use of any drug to an extent that such use impairs the ability to safely conduct practice.

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N 11.04 Unprofessional conduct. "Unprofessional conduct" is conduct that violates those standards of professional behavior which through professional experience have become established to protect the public. "Unprofessional conduct" includes, but is not limited to, the following:

(1) Engaging in negligence, mental incompetency, moral delinquency, habitual intemperance or addiction to the use of habit-forming drugs as described in N 11.03.

(2) Failure or refusal to render nursing services to a patient because of that patient's race, color, sex, religion, age, beliefs or national origin or handicap.

(3) Failure to exercise supervision over subordinate employees if supervision is required by terms of employment or law.

(4) Failure to report to supervisory personnel through established institutional channels or to the board of nursing any incompetent practice by a registrant or licensee or any unsafe, illegal or unprofessional practice of any person providing health care.

(5) Obtaining or attempting to obtain any compensation by fraud or deceit.

(6) Revealing to the public information concerning a patient without the consent of the patient unless the information is requested by the board or its authorized representatives or unless release is otherwise required by law.

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