

CR 84-162

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Revisor of Statutes  
Bureau

CERTIFICATE

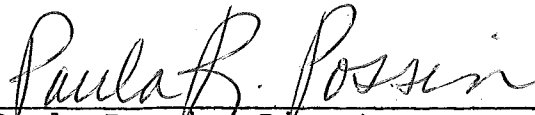
STATE OF WISCONSIN )  
                          ) SS  
BOARD OF NURSING )

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Paula Possin, director of the Bureau of Nursing in the Department of Regulation and Licensing, and custodian of the official records of the Board of Nursing, do hereby certify that the annexed rules, relating to supervision, scholarship funds, temporary permits, rules of conduct and renewal of registration, license or certificate, were duly approved and adopted on July 19, 1985.

I further certify that the copy attached has been compared by me with the original on file in the board office and that the same is a true copy thereof, and of the whole of the original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the board at 1400 East Washington Avenue, Madison, Wisconsin, this 2nd day of August, 1985.



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Paula Possin, Director  
Bureau of Nursing  
Department of Regulation and Licensing

STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

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IN THE MATTER OF RULEMAKING : ORDER OF THE BOARD OF  
PROCEEDINGS BEFORE THE : NURSING REPEALING, AMENDING  
BOARD OF NURSING : OR ADOPTING RULES  
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ORDER

Pursuant to authority vested in the Board of Nursing in ss. 15.08(5)(b), 227.014(2)(a), 441.06, 441.07, 441.10, and 441.15, Stats., the Board of Nursing hereby repeals or adopts rules, interpreting ss. 20.165(2)(h), 441.06, 441.07, 441.10, and s. 441.15, Stats., as follows:

SECTION 1. N 4.02(8) is created to read:

N 4.02(8) "Supervision" means to coordinate, direct and inspect continually and at firsthand the practice of another.

SECTION 2. N 4.05 is created to read:

N 4.05 TEMPORARY PERMITS. (1) ELIGIBILITY. An applicant for certification as a nurse-midwife who has completed an educational program in nurse-midwifery approved by the American college of nurse-midwives, who is currently registered to practice as a professional nurse in Wisconsin and who has paid the fee specified in s. 440.05(6), Stats., may be eligible for a temporary permit to practice nurse-midwifery.

(2) ISSUING A TEMPORARY PERMIT. The bureau of nursing shall issue a temporary permit to an eligible applicant within one week of the determination of eligibility.

(3) SUPERVISION REQUIRED. The holder of a temporary permit shall practice under the supervision of a nurse-midwife certified under s. 441.15, Stats., or a physician. The holder may not practice beyond the scope of practice of a nurse-midwife as set forth in s. N 4.06.

(4) TITLE. The holder of a valid temporary permit under this section may use the title "graduate nurse-midwife" or the letters "G.N.M.".

(5) DURATION. (a) Except as provided in pars. (b) to (e), the duration of temporary permits granted by the board is for a period of six months.

(b) The temporary permit of a candidate who is unsuccessful on the examination administered by the American college of nurse-midwives is void upon receipt of the examination results by the holder and shall be returned by the holder to the board immediately. Failure to return the permit promptly shall, without further notice or process, result in a board order to revoke the permit.

(c) A temporary permit may be renewed once for a period of 3 months.

(d) A second renewal for a 3-month period may be granted in hardship cases if an affidavit is filed with the board identifying the hardship. "Hardship cases", as used in this paragraph, includes the inability to take or complete a scheduled examination because of illness, family illness or death, accident or natural disaster or because the person is awaiting examination results.

(e) Practice under temporary permits, including renewals under pars. (c) and (d), may not exceed 12 months total duration.

(6) DENIAL. A temporary permit may be denied an applicant for any of the reasons in sub. (6) for which the board may revoke a temporary permit or for the misrepresentation of being a nurse-midwife or a graduate nurse-midwife before the granting of a permit under this section.

(7) REVOCATION. A temporary permit may, after notice and hearing, be revoked by the board for any of the following reasons:

(a) Violation of any of the rules of conduct for registered nurses in ch. N 7 or for violation of the rules governing nurse-midwives under ch. N 4.

(b) Failure to pay the required fees under s. 440.05(6), Stats.

(c) Provision of fraudulent information on an application for licensure.

SECTION 3. Ch. N 5 is created to read:

#### Chapter N 5

#### RENEWAL OF REGISTRATION, LICENSE OR CERTIFICATE

N 5.01 AUTHORITY AND INTENT. (1) The rules in this chapter are adopted pursuant to authority of ss. 15.08, 15.403, 227.014, and 441.01(3), Stats., and interpret ss. 441.06(3), (4), 441.10(3)(b), (c) and 441.15(3)(b), Stats.

(2) The intent of the board of nursing in adopting rules in this chapter is to specify the requirements and procedures for renewal of the registration of a registered nurse, license of a licensed practical nurse and certificate of a nurse-midwife, for obtaining a duplicate renewal card, and for notifying the bureau of nursing of name or address changes.

N 5.02 DEFINITIONS. As used in this chapter, (1) "Bureau" means bureau of nursing within the department of regulation and licensing.

(2) "Certificate" means a certificate of a nurse-midwife.

(3) "Certificate holder" means a registered nurse certified as a nurse-midwife under s. 441.15, Stats.

(4) "Department" means the department of regulation and licensing.

(5) "License" means a license of a licensed practical nurse.

(6) "Licensee" means a person licensed as a licensed practical nurse under s. 441.10, Stats.

(7) "Registrant" means a person who holds a certificate of registration as a registered nurse granted under s. 441.06, Stats.

(8) "Registration" means a certificate of registration of a registered nurse.

NOTE: The bureau and department are located at 1400 East Washington Avenue, Madison, Wisconsin. The mailing address for the bureau and department is P.O. Box 8936, Madison, Wisconsin 53708-8936.

N 5.03 CURRENT REGISTRATION, LICENSE OR CERTIFICATE REQUIRED FOR PRACTICE. (1) REGISTERED NURSES. Except as provided for in s. N 3.05(4)(c), no person may practice or attempt to practice professional nursing, nor use the title, letters or anything else to indicate that he or she is a registered or professional nurse unless he or she has been granted registration under s. 441.06(1), Stats., and holds current registration as set forth in the provisions for biennial renewal under ss. N 5.04(1) or N 5.05.

(2) LICENSED PRACTICAL NURSES. Except as provided for in s. N 3.05(4)(d), no person may hold himself or herself out as a licensed practical nurse nor use the title or letters "Licensed Practical Nurse" or "L.P.N.", "Trained Practical Nurse" or "T.P.N.", unless he or she has been granted a license under s. 441.10(3)(a) or (d), Stats., and holds a current license as set forth in the provisions for biennial renewal under ss. N 5.04(2) or N 5.05.

(3) NURSE-MIDWIVES. No person may practice or attempt to practice nurse-midwifery, nor use the title or letters "Certified Nurse-Midwife" or "C.N.M.", "Nurse-Midwife" or "N.M.", or anything else to indicate that he or she is a nurse-midwife unless he or she has been granted a certificate under s. 441.15(3)(a), Stats., and holds a current certificate as set forth in provisions for biennial renewal under ss. N 5.04(3) or N 5.05.

N 5.04 BIENNIAL RENEWAL DURING ESTABLISHED RENEWAL PERIOD.

(1) REGISTERED NURSES. (a) The department shall mail an application for renewal of registration on or before January 1 of even-numbered years to every registered nurse on record holding current registration. Applicants desiring to renew their registration shall file with the department the completed application and the fee specified in s. 440.05(3), Stats.

(b) The expiration date of the registration of a registered nurse is January 31 of every even-numbered year. The department shall assess a penalty fee if the envelope containing the returning renewal application with fee is not received by the department by January 31 of every even-numbered year.

(2) LICENSED PRACTICAL NURSES. (a) The department shall mail an application for renewal of a license on or before April 1 of odd-numbered years to every licensed practical nurse on record holding a current license. Applicants desiring to renew their licenses shall file with the department the completed application and the fee specified in s. 440.05(3), Stats.

(b) The expiration date of a license of a licensed practical nurse is April 30 of every odd-numbered year. The department shall assess a penalty fee if the envelope containing the returning renewal application with fee is not received by the department by April 30 of every odd-numbered year.

(3) NURSE-MIDWIVES. (a) The department shall mail an application for renewal of a certificate on or before January 1 of even-numbered years to every nurse-midwife on record holding a current certificate. Applicants desiring to renew their certificates shall file with the department the completed application and the fee specified in s. 440.05(3) and shall also have renewed their registration as a registered nurse as set forth in the provisions for biennial renewal under ss. N 5.04(1) or N 5.05.

(b) The expiration date of a certificate of a nurse-midwife is January 31 of every even-numbered year. The department shall assess a penalty fee if the envelope containing the returning renewal application with fee is not received by the department by January 31 of every even-numbered year.

N 5.05 BIENNIAL RENEWAL OUTSIDE OF ESTABLISHED RENEWAL PERIOD. Registered nurses, licensed practical nurses and nurse-midwives may renew their registration, license or certificate outside of the renewal periods set forth in s. N 5.04 by making application for renewal, paying the renewal fee specified in s. 440.05(3), Stats., and the penalty for late renewal specified in s. 440.05(4) or (5), Stats. This may not be construed to authorize practice contrary to the requirements of s. N 5.03.

N 5.06 CHANGE OF NAME OR ADDRESS. (1) A registered nurse, licensed practical nurse and nurse-midwife shall notify the bureau within 30 days by means of a statement on a form provided by the bureau when the registrant, licensee or certificate holder changes his or her name.

(2) A registered nurse, licensed practical nurse and nurse-midwife shall notify the bureau within 30 days of a change in the registrant's, licensee's or certificate holder's mailing address.

N 5.07 DUPLICATE RENEWAL CARD. (1) A duplicate renewal card may be issued to a registered nurse, licensed practical nurse or nurse-midwife whose card has been lost, stolen, or destroyed, or whose name or address has been changed, upon the filing with the bureau of an application for duplicate renewal card. The application shall include:

(a) A completed identification statement supplied by the bureau, which includes the reason for requesting the duplicate card;

(b) Fee specified in s. 440.05(7), Stats.; and

(c) Returned current renewal card if the duplicate card is requested due to name or address change.

(2) A duplicate renewal card issued for lost, stolen or destroyed cards shall be marked "duplicate".

SECTION 4. Ch. N 6 is renumbered ch. N 4.

SECTION 5. N 4.05 to 4.08 are renumbered 4.06 to 4.09.

SECTION 6. Ch. N 7 is repealed.

SECTION 7. Ch. N 10 is renumbered N 6.

SECTION 8. Chapter N 11 is renumbered N 7 and repealed and recreated to read:

### Chapter N 7

#### RULES OF CONDUCT

N 7.01 AUTHORITY AND INTENT. (1) The rules in this chapter are adopted pursuant to authority of ss. 15.08 and 227.014 and interpret s. 441.07, Stats.

(2) The intent of the board of nursing in adopting this chapter is to specify grounds for limiting, suspending, revoking or denying renewal of a registration, license or certificate or for reprimanding a registrant, licensee or certificate holder.

N 7.02 DEFINITIONS. As used in this chapter, (1) "Acts which show the nurse, nurse-midwife or licensed practical nurse to be unfit or incompetent by reason of negligence, abuse of alcohol or other drugs or mental incompetency" means those acts proscribed by s. N 7.03.

(2) "Board" means board of nursing.

(3) "Certificate holder" means a registered nurse certified as a nurse-midwife under s. 441.15, Stats.

(4) "Drug" has the meaning contained in s. 450.06, Stats.

(5) "License" means a license of a licensed practical nurse.

(6) "Licensee" means a person licensed as a licensed practical nurse under s. 441.10, Stats.

(7) "Misconduct or unprofessional conduct" means those acts proscribed by s. N 7.04.

(8) "Patient" means any person receiving nursing care for which the nurse is compensated.

(9) "Registrant" means a person who holds a certificate of registration as a registered nurse granted under s. 441.06, Stats.

(10) "Registration" means a certificate of registration of a registered nurse.

NOTE: The board office is located at 1400 East Washington Avenue, Madison, Wisconsin. The board's mailing address is P.O. Box 8936, Madison, Wisconsin 53708-8936.

N 7.03 NEGLIGENCE, ABUSE OF ALCOHOL OR OTHER DRUGS OR MENTAL INCOMPETENCY. (1) As used in s. 441.07(1)(c), Stats., "negligence" means a substantial departure from the standard of care ordinarily exercised by a competent registrant or licensee. "Negligence" includes but is not limited to the following conduct:

(a) Violating any of the standards of practice set forth in ch. N 6;

(b) An act or omission demonstrating a failure to maintain competency in practice and methods of nursing care;

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

(d) Failing to execute a medical order unless the order is inappropriate and the registrant or licensee reports the inappropriate order to a nursing supervisor or other appropriate person;

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

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

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

(2) "Abuse of alcohol or other drugs" is the use of alcohol or any drug to an extent that such use impairs the ability of the registrant or licensee to safely or reliably practice.

(3) "Mental incompetency" is evidenced by conduct which reflects an impaired ability of the registrant or licensee to safely or reliably perform duties. "Mental incompetency" also includes, but is not limited to, adjudication of incompetence by a court of law.

N 7.04 MISCONDUCT OR UNPROFESSIONAL CONDUCT. As used in s. 441.07(1)(d), Stats., "misconduct or unprofessional conduct" means any practice or behavior

which violates the minimum standards of the profession necessary for the protection of the health, safety, or welfare of a patient or the public. "Misconduct or unprofessional conduct" includes, but is not limited to, the following:

(1) Violating, or aiding and abetting a violation of any law substantially related to the practice of professional or practical nursing. A certified copy of a judgment of conviction is prima facie evidence of a violation;

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

(3) Failing to report to the board or to institutional supervisory personnel any violation of the rules of this chapter by a registrant or licensee. This provision does not require a nurse to report treatment information which would fall within the nurse-patient privilege set forth in s. 905.04(1)(b), Stats.;

(4) Abusing a patient by any single or repeated act of force, violence, harassment, deprivation, neglect, or mental pressure which reasonably could cause physical pain or injury, or mental anguish or fear.

(5) Practicing beyond the scope of practice permitted by law;

(6) Falsifying or inappropriately altering patient records;

(7) Having disciplinary action through final board adjudication taken against one's certificate or license in another jurisdiction;

(8) Impersonating another registrant or licensee;

(9) Failing or refusing to render nursing services to a patient because of the patient's race, color, sex, age, beliefs, national origin or handicap;

(10) Revealing to other personnel not engaged in the care of the patient or to members of the public information which concerns a patient's medical condition unless release of the information is authorized by the patient or required or authorized by law. This provision shall not be construed to prevent a licensee or registrant from cooperating with the Board or the Department of Regulation and Licensing in the investigation of complaints;

(11) Engaging in inappropriate sexual contact, exposure, gratification, or other sexual behavior with or in the presence of a patient;

(12) Obtaining or attempting to obtain anything of value from a patient without the patient's consent;

(13) Obtaining or attempting to obtain any compensation by fraud, misrepresentation, deceit or undue influence in the course of nursing practice;




(14) Violating any term, provision or condition of any order of the board; or,

(15) Violating any rule of the board.

The rules contained in this order shall take effect on the first day of the month following publication in the Wisconsin administrative register, pursuant to s. 227.026, Stats.

Dated this \_\_\_\_ day of July, 1985.

By   
John Bartkowski, Chair  
Board of Nursing

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7/23/85