

CR 89-172

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CERTIFICATE

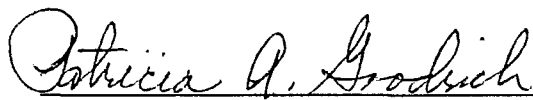
STATE OF WISCONSIN)
) SS
DEPARTMENT OF HEALTH AND SOCIAL SERVICES)

I, Patricia A. Goodrich, Secretary of the Department of Health and Social Services and custodian of the official records of the Department, do hereby certify that the annexed order repealing rules relating to school nurses was duly approved and adopted by this Department on March 21, 1990.

I further certify that this copy has been compared by me with the original on file in the Department and that this copy is a true copy of the original, and of the whole of the original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department at the State Office Building, 1 W. Wilson Street, in the city of Madison, this 21st day of March, 1990.

SEAL:



Patricia A. Goodrich, Secretary
Department of Health and Social Services

CR 89-172

6-1-90

ORDER OF THE
DEPARTMENT OF HEALTH AND SOCIAL SERVICES
REPEALING RULES

To repeal H 111, relating to the activities of public health nurses employed by school boards.

Analysis Prepared by the Department of Health and Social Services

This order repeals ch. H 111, which was promulgated in 1963 by the State Board of Health to implement s. 40.30(10) and (10c), 1961 Stats. Responsibility for administration of ch. HSS 111 was taken over by the newly established Department of Health and Social Services in 1968 when the State Board of Health and two other agencies were transferred to the Department. Section 40.30(1c) and (10c), 1961 Stats., is now numbered s. 120.13(11), Stats. The rules, which have not been updated since they were originally promulgated, are out of date. Section H 111.01 refers to three organizations which no longer exist. Section H 111.02 referring to the geographical area which a school nurse may cover conflicts with the general purview of local boards of health and public health nurses employed by them.

The Department is repealing this chapter because (a) there is no longer a national organization for public health nursing, a State Bureau of Public Health Nursing or a State Board of Health, all three of which are mentioned in the rules; (b) the definition of school nurse and the employment of nurses by school boards are prescribed by ss. 115.001(11), 115.28(7m), 120.13(11) and 121.02(1)(g), Stats., which relate to the authority and responsibility of the State Superintendent of Public Instruction and local school boards; (c) the responsibility to certify school nurses is lodged with the Department of Public Instruction under s. 115.28(7m), Stats.; and (d) s. 120.13(11), Stats., is part of a list of the powers of local school boards, and addresses local school boards.

Section 120.13(11), Stats., is generally interpreted to mean that, outside of Milwaukee County, nurses hired by or under contract to school boards to work in schools are to work as nurses under the supervision of the Department and local boards of public health. In practice, however, many schools employ and supervise their own school nurses. In any case, the Department's public health nursing consultants do not have supervisory responsibilities, so there is no need for implementing rules of the Department of Health and Social Services.

The Department's authority to repeal these rules is found in ss. 120.13(11) and 140.05(3), Stats. The rules interpret s. 120.13(11), Stats.

SECTION 1. H 111 is repealed.

The repeal contained in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register, as provided in s. 227.22(2), Stats.

WISCONSIN DEPARTMENT OF HEALTH
AND SOCIAL SERVICES

Date: March 21, 1990

By: 
Patricia A. Goodrich, Secretary

SEAL:



State of Wisconsin \

DEPARTMENT OF HEALTH AND SOCIAL SERVICES
1 West Wilson Street, Madison, Wisconsin 53702

Tommy G. Thompson
Governor

Patricia A. Goodrich
Secretary

Mailing Address:
Post Office Box 7850
Madison, WI 53707

March 21, 1990

Mr. Bruce E. Munson
Revisor of Statutes
7th Floor - 30 on the Square
Madison, WI 53702

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Dear Mr. Munson:

As provided in s. 227.20, Stats., there is hereby submitted a certified copy of an order to repeal ch. H 111, administrative rules relating to school nurses.

This rules repeal order is also being submitted to the Secretary of State as required by s. 227.20, Stats.

The rules apply to nurses employed by schools. Their repeal will not affect small businesses as defined in s. 227.114(1)(a), Stats.

Sincerely,

Patricia A. Goodrich
Secretary

Enclosure