

CR 92-4

**CERTIFICATE**

**STATE OF WISCONSIN**

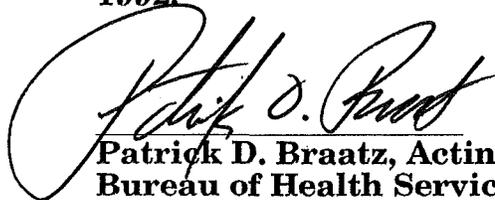
**DEPARTMENT OF REGULATION AND LICENSING**

**TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:**

**I, Patrick D. Braatz, Acting Director, Bureau of Health Service Professions in the Wisconsin Department of Regulation and Licensing and custodian of the official records of the Board of Nursing, do hereby certify that the annexed rules were duly approved and adopted by the Board of Nursing on the 27th day of August, 1992.**

**I further certify that said copy has been compared by me with the original on file in this office and that the same is a true copy thereof, and of the whole of such 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 27th day of August, 1992.**



**Patrick D. Braatz, Acting Director  
Bureau of Health Service Professions  
Department of Regulation and  
Licensing**

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Revisor of Statutes  
Bureau

SEP 1 1992

STATE OF WISCONSIN  
BOARD OF NURSING

Revisor of Statutes  
Bureau

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IN THE MATTER OF RULE-MAKING	:	ORDER OF THE
PROCEEDINGS BEFORE THE	:	BOARD OF NURSING
BOARD OF NURSING	:	ADOPTING RULES
	:	(CLEARINGHOUSE RULE 92-4)

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ORDER

An order of the Board of Nursing to amend N 7.04 (11) of the administrative code relating to misconduct or unprofessional conduct by nursing credential holders.

Analysis prepared by the Department of Regulation and Licensing.

ANALYSIS

Statutes authorizing promulgation: ss. 15.08 (5) (b), 227.11 (2) (a), and 441.01 (3), Stats.

Statutes interpreted: s. 441.07 (1), Stats.

In this proposed order the Board of Nursing is amending s. N 7.04 (11) concerning sexual contact with a patient as being unprofessional conduct. The board clarifies its position that, for the purposes of prohibiting sexual acts involving the nurse and patient, a person is presumed to continue to be a "patient" for one year after the termination of psychiatric nursing services, or longer if the patient is a minor. The board believes this clarification provides better regulation over potential sexual abuse problems where a patient relationship exists in the context of psychiatric nursing.

TEXT OF RULE

SECTION 1. N 7.04 (11) is amended to read:

N 7.04 (11) Engaging in inappropriate sexual contact, exposure, gratification, or other sexual behavior with or in the presence of a patient. For the purposes of this subsection, an adult receiving psychiatric nursing services shall continue to be a patient for one year after the termination of professional services. If the person receiving psychiatric nursing services is a minor, the person shall continue to be a patient for the purposes of this subsection for one year after termination of services, or for one year after the patient reaches the age of majority, whichever is longer;

(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 8/27/92

Agency Jacqueline Johnson RN/M  
Chairperson  
Board of Nursing

**CORRESPONDENCE/MEMORANDUM**

**STATE OF WISCONSIN**

**DATE:** September 1, 1992

**TO:** Gary Poulson  
Assistant Revisor of Statutes

**FROM:** Pamela Haack, Administrative Assistant  
Department of Regulation and Licensing

**SUBJECT:** Final Rulemaking Order

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**Agency: BOARD OF NURSING**

**Clearinghouse Rule: 92-4**

Attached is a copy and a certified copy of a final order adopting rules.  
Would you please publish these rules in the code.

Please stamp or sign a copy of this letter to acknowledge receipt.

Thank you.