

1979 Assembly Bill 977

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CHAPTER 337, Laws of 1979

AN ACT to repeal 441.09, 447.03 (2) (a) 3 and 449.08 (2) (c); to amend 50.39 (3), 158.12 (2) (a), 159.14 (2) (g) and (h), 440.03 (1), 440.09, 440.41 (1) (b), (4) (a) and (d) and (6), 441.04, 441.07, 441.08, 441.10 (1) and (3) (b) and (e), 442.04 (5), 443.01 (8), 446.02 (2) and (6), 447.03 (2) (a) 1 and 2, 447.05 (7), 447.08 (7), 448.04 (1) (f), 453.05 (2) and 456.04 (intro.), (2) and (4); to repeal and recreate 446.04 (5) (e); and to create 449.08 (2) (d) of the statutes, relating to miscellaneous corrections in the statutes affecting the regulatory activities of the department of regulation and licensing and its attached examining boards. (This is remedial legislation suggested by the department of regulation and licensing.)

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 50.39 (3) of the statutes is amended to read:

50.39 (3) Facilities now governed by ss. 45.365, 48.62, 49.14, 49.171, 50.02, 51.08, 51.09, 58.06, 149.01, 149.02, 149.06 and the offices and clinics of persons licensed to treat the sick under chs. 446, 447 and 448 are exempt from ss. 50.32 to 50.39 and nothing in this act shall abridge the rights of the medical examining board, dentistry examining board, pharmacy examining board, chiropractic examining board and board of nursing in carrying out their statutory duties and responsibilities.

SECTION 2. 158.12 (2) (a) of the statutes is amended to read:

158.12 (2) (a) Who holds an unexpired master barber's license, and who has been actively engaged in barbering ~~in this state~~ not less than 40 hours per week for at least one-half of the 2-year period immediately preceding the date of application for a shop manager's license, except that the requirement as to having actively been engaged in barber-

ing shall not apply to one who is in the military service of the United States and for 6 months after the termination of such service.

SECTION 3. 159.14 (2) (g) and (h) of the statutes are amended to read:

159.14 (2) (g) Been an habitual drunkard or been addicted to the use of ~~habit forming~~ drugs; or

(h) ~~Intentionally violated~~ Violated this chapter or any rule adopted thereunder.

SECTION 4. 440.03 (1) of the statutes, as affected by chapter 34, laws of 1979, is amended to read:

440.03 (1) The department may adopt rules defining uniform procedures to be used by the department and all examining boards attached to the department for receiving, filing and investigating complaints, for commencing disciplinary proceedings and for conducting hearings.

SECTION 5. 440.09 of the statutes is amended to read:

440.09 License period. All licenses, permits and certificates issued or renewed under chs. 156, 158, 159 and 440 to 459, except s. 440.41 and except apprentice, student and temporary licenses, permits and certificates, shall be ~~issued or~~ renewed for a 2-year period.

SECTION 6. 440.41 (1) (b), (4) (a) and (d) and (6) of the statutes are amended to read:

440.41 (1) (b) "Contribution" means the promise or grant of any money or property of any kind or value, including net proceeds from sales of tickets or goods.

(4) (a) Every charitable organization registered under sub. (2) which receives in any 12-month period ending December 31 contributions in excess of \$50,000 and every charitable organization whose fund raising functions are ~~not~~ carried on ~~solely~~ by ~~persons~~ any person who are ~~unpaid~~ is paid for such the services shall file a written report with the department upon forms prescribed by the department, on or before June 30 of each year if its books are kept on a calendar basis, or within 6 months after the close of its fiscal year if its books are kept on a fiscal year basis, which shall include a financial statement covering the immediately preceding 12-month period of operation. The financial statement shall fairly represent the financial operations of the organization and contain such information as the department requires in sufficient detail to permit public evaluation of its operations and shall include but not be limited to a balance sheet and statement of income and expense and shall be consistent with forms furnished by the department clearly setting forth the following: gross receipts and gross income from all sources, broken down into total receipts and income from each separate solicitation project or separate special event; cost of administration; cost of solicitation; cost of programs designed to inform or educate the public; funds or properties transferred out of this state, with explanation as to recipient and purpose; total net amount disbursed or dedicated for each major purpose, charitable or otherwise. The report shall also include a statement of any changes in the information required to be contained in the registration form filed on behalf of the organization. The report shall be signed by the president or other authorized officer and the chief fiscal officer of the organization, and shall be accompanied by an opinion signed by an independent certified public accountant that the financial statement fairly represents the financial operations of the organization in sufficient detail to permit public evaluation of its operation.

(d) The department, with the advice and consent of the attorney general, shall cancel the registration of any organization which fails to comply with par. (a), (b), (c) or (e) within the time ~~therein~~ prescribed, or fails to furnish ~~such~~ additional information as is requested by the department or attorney general within the required time; ~~except that the time may be extended by the department for a period not to exceed 3 months.~~ The department may grant an organization a 3-month extension for filing a financial report. Notice

of such cancellation shall be mailed to the registrant at least 15 days before the effective date thereof.

(6) **CONTRACTS TO BE RETAINED.** All contracts entered into by such professional fund raisers and charitable organizations shall be in writing and true and correct copies thereof shall be filed with the department and kept on file in the offices of the charitable organization and the professional fund raiser for a period of 3 years from the date the solicitation of contributions provided for therein actually commences. ~~Such~~ The contracts shall be available for inspection and examination by ~~the department and other~~ any authorized ~~agencies~~ agency.

SECTION 7. 441.04 of the statutes is amended to read:

441.04 Requisites for examination as a registered nurse. Any person ~~who is a citizen or who has legally declared an intention to become a citizen and~~ of good moral professional character, who has graduated from a high school or its equivalent as determined by the board ~~and~~, who holds a diploma of graduation from an accredited school of nursing ~~and~~, if the school is located outside this state, who submits evidence of general and professional educational qualifications comparable to those required in this state at the time of graduation may apply to the department for registration by the board as a registered nurse, and upon payment of the fee specified under s. 440.05 (1) shall be entitled to examination.

SECTION 8. 441.07 of the statutes is amended to read:

441.07 Revocation. (1) The board may, after disciplinary proceedings conducted in accordance with rules promulgated under s. 440.03 (1), revoke, limit, suspend or deny renewal of a certificate of registration of a nurse or license of a trained practical nurse, or may reprimand a nurse or trained practical nurse, ~~upon proof~~ if the board finds that the person ~~was guilty of fraud~~ committed any of the following:

(a) Fraud in the procuring or renewal of the certificate or license, ~~has failed to become a citizen within 7 years after declaring such intent, has wilfully or repeatedly violated.~~

(b) One or more violations of this chapter, ~~or is.~~

(c) Acts which show the nurse or trained practical nurse to be unfit or incompetent by reason of negligence, habitual intemperance drunkenness, addiction to the use of habit-forming drugs, abuse of drugs or alcohol, mental incompetency or moral delinquency, ~~or, in the case of a registered nurse,~~

(d) Misconduct or unprofessional conduct, ~~after a hearing conducted under the rules promulgated under s. 440.03 (1).~~

(e) Violations of one or more rules promulgated by the board.

(2) A certificate or license revoked may, after one year, upon application be reinstated by the board.

SECTION 9. 441.08 of the statutes is amended to read:

441.08 Temporary permit. A nurse who has graduated from an accredited school but is not registered in this state may be granted a temporary permit upon payment of the fee specified in s. 440.05 (6) by the board to practice for compensation until the nurse can qualify for registration. The temporary permit may be granted for a period of 3 months and may be renewed once. Further renewals may be granted in hardship cases. The board may promulgate rules limiting the use and duration of temporary permits and providing for revocation of temporary permits.

SECTION 10. 441.09 of the statutes is repealed.

SECTION 11. 441.10 (1) of the statutes is amended to read:

441.10 (1) PREREQUISITES FOR EXAMINATION AS TRAINED PRACTICAL NURSES. A ~~citizen or an alien who has legally declared an intention to become a citizen,~~ person who is at least 18 years of age and of good moral character, who has completed 2 years of high school or its equivalent as determined by the board and who ~~has completed the work prescribed by~~ holds a diploma of graduation from an accredited school for trained practical nurses approved by that board, which school shall be connected with an institution providing hospital facilities for the care of medical, surgical and obstetrical cases, may apply to the board for licensing as a trained practical nurse, and upon the payment of the examination fee specified in s. 440.05 (1), shall be entitled to take an examination. Any school for trained practical nurses, in order to be accredited, must offer a course of not less than 9 months. ~~The size or average daily census of an institution shall not be a determinative factor in qualifying a school for trained practical nurses. The board may waive the requirement of attendance at a school when it deems the applicant to have had comparable training.~~

SECTION 12. 441.10 (3) (b) of the statutes, as affected by chapter 34, laws of 1979, is amended to read:

441.10 (3) (b) A licensed trained practical nurse practicing for compensation shall submit ~~in July by April 30~~ of odd-numbered years to the board, on blanks furnished by the department, an application for license renewal, together with a statement giving name, residence, nature and extent of practice as a trained practical nurse during the prior year and prior unreported years and other facts bearing upon current competency as the board requires, accompanied by the license renewal fee specified in s. 440.05 (3).

SECTION 13. 441.10 (3) (e) of the statutes is amended to read:

441.10 (3) (e) A temporary ~~license~~ permit may be granted to an applicant who is qualified for examination, to practice as a licensed trained practical nurse and who pays the fee specified in s. 440.05 (6) until a regular license may be had, ~~for a period of 3 months~~ and may be renewed for a like period. Further renewals may be granted in hardship cases. The board may promulgate rules limiting the use and duration of temporary permits and providing for revocation of temporary permits.

SECTION 14. 442.04 (5) of the statutes is amended to read:

442.04 (5) No certificate as a certified public accountant may be granted to any person other than a ~~U.S. citizen, or an individual who has in good faith declared an intention of becoming such a citizen,~~ person who is over the age of 18 years and of good ~~moral~~ professional character, and except as provided in s. 442.05, who has successfully passed a written examination in such subjects affecting accountancy as the examining board deems necessary, and who, if the application was made before July 1, 1968, has had at least 3 years of accounting experience, equivalent to that of a senior in public practice. The examining board may accept evidence of sufficient technical education in accountancy in lieu of 1-1/2 years of public accounting experience. If the application was after that date and the applicant has had at least 1-1/2 years accounting experience equivalent to that of a senior in public practice, the sufficiency of the experience to be judged by the examining board, the examining board may supplement the written examination by an interview and may use the examination service provided by the American institute of certified public accountants.

SECTION 15. 443.01 (8) of the statutes is amended to read:

443.01 (8) CHANGE OF NAME. No person shall may practice the profession of architecture or the profession of professional engineering in this state under any other ~~Christian or~~ given name or any other surname than that under which he or she was originally licensed or registered to practice in this or any other state, in any instance in which the examining board, after a hearing, finds that practicing under ~~such~~ the changed name operates to unfairly compete with another practitioner or to mislead the public as to identity or to

otherwise result in detriment to the profession or the public. This subsection does not apply to a change of name resulting from marriage or divorce.

SECTION 16. 446.02 (2) and (6) of the statutes are amended to read:

446.02 (2) Application for a license to practice chiropractic shall be made to the examining board, accompanied by sufficient and satisfactory evidence of good moral character, ~~preliminary~~ education consisting of ~~the first~~ 2 years of study in a regularly prescribed course for a bachelor of arts or science degree in a college accredited by the north central association of colleges and secondary schools or in an institution whose credits are accepted by the university of Wisconsin, graduation from a reputable school of chiropractic, approved and recognized by the examining board, having a residence course of not less than 36 months, consisting of not less than 3,600 60-minute class periods, and the license fee specified in s. 440.05 (1).

(6) No person ~~shall~~ may practice chiropractic in this state under any other ~~Christian~~ or given name or any other surname than that under which he or she was originally licensed or registered to practice chiropractic in this or any other state in any instance in which the examining board, after a hearing, finds that practicing under ~~such~~ the changed name operates to unfairly compete with another practitioner or to mislead the public as to identity or to otherwise result in detriment to the profession or the public. This subsection does not apply to a change of name resulting from marriage or divorce.

SECTION 17. 446.04 (5) (e) of the statutes is repealed and recreated to read:

446.04 (5) (e) Use of the terms "clinic" or "center" in office signs unless the office meets the requirements for a clinic or center as defined by the examining board;

SECTION 18. 447.03 (2) (a) 1 and 2 of the statutes are amended to read:

447.03 (2) (a) 1. Has the preliminary education set forth in sub. (1); and

2. Is a graduate of a recognized dental school or college approved by the examining board; ~~and.~~

SECTION 19. 447.03 (2) (a) 3 of the statutes is repealed.

SECTION 20. 447.05 (7) of the statutes is amended to read:

447.05 (7) No person may practice dentistry in this state under any other ~~Christian~~ or given name, or any other surname than that under which originally licensed or registered to practice dentistry in this or any other state, in any instance in which the examining board, after a hearing, finds that practicing under a changed name enables the person to compete unfairly with another practitioner, or to mislead the public as to the person's identity, or otherwise to result in a detriment to the public or the profession. This subsection does not apply to a change of name resulting from marriage or divorce. Upon furnishing proof of ~~such~~ a change of name resulting from marriage or divorce and the payment of the fee under s. 440.05 (7) a new license shall be issued to ~~such~~ the person.

SECTION 21. 447.08 (7) of the statutes is amended to read:

447.08 (7) No person may practice as a dental hygienist under any other ~~Christian~~ or given name, or any other surname than that under which originally registered to practice dental hygiene in this or any other state. This subsection does not apply to a change of name resulting from marriage or divorce. Upon furnishing proof of ~~such~~ a change of name resulting from marriage or divorce and the payment of the fee under s. 440.05 (7) a new certificate of registration shall be issued to ~~such~~ the person.

SECTION 22. 448.04 (1) (f) of the statutes is amended to read:

448.04 (1) (f) *Certificate as physician's assistant.* The board may, by rule, adopt certification standards and practice standards for physician's assistants and may certify persons under these rules. The board may, by rule, exempt from certification any technologists whose functions are related to or associated with the practice of medicine or

surgery and who have been certified or registered by a national accrediting organization, the standards of which have been approved by the board. The board may, by rule, provide for various classes of temporary certificates to practice as physician's assistants.

SECTION 23. 449.08 (2) (c) of the statutes is repealed.

SECTION 24. 449.08 (2) (d) of the statutes is created to read:

449.08 (2) (d) Advertising by the use of any name other than the name under which the optometrist is licensed to practice optometry in this state. Nothing in this paragraph precludes the use of a predecessor optometrist's name by his or her successor for a period of 6 months after taking over the predecessor's practice.

SECTION 25. 453.05 (2) of the statutes is amended to read:

453.05 (2) No license is required for artificial insemination, or for continuing the practice of pregnancy examinations of animals when such practice was engaged in prior to February 11, 1968. No license is required for castrating, except for female horses, cats and dogs, or dehorning animals. No license is required for students at a veterinary college approved by the examining board or for a certified animal technician while working under the supervision of a licensed veterinarian; for employes of the state or federal government while engaged in their official duties; or for employes of an educational or research institution while engaged in teaching or research.

SECTION 26. 456.04 (intro.), (2) and (4) of the statutes are amended to read:

456.04 Examination requirements. (intro.) The examining board shall allow any person to take the examination for licensure as a nursing home administrator who satisfies all of the following requirements:

(2) Submits satisfactory evidence of good ~~moral~~ professional character ~~and suitability.~~

(4) ~~If the person has not completed~~ Completes a regular course of study or equivalent specialized courses or a program of study which the examining board considers adequate academic preparation for nursing home administration, ~~submits evidence satisfactory to the examining board that the person has attended specialized courses or a program of study in the area of nursing home administration.~~
