

1983 Assembly Bill 615

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1983 Wisconsin Act 273

AN ACT to repeal 449.17 (6) and (7); and to amend 440.26 (6), 441.01 (3), 441.10 (3) (a) to (c), 441.15 (3) (c), 452.09 (2) and 452.10 (1) of the statutes, relating to discipline of licensed private detectives by the department of regulation and licensing, use of the term licensed practical nurse, temporary permits to practice nurse-midwifery, reports on topical ocular diagnostic pharmaceutical agents, approval of real estate educational programs by the department of regulation and licensing, application requirements for real estate brokers and salespersons and granting rule-making authority (suggested as remedial legislation by the department of regulation and licensing).

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

LAW REVISION COMMITTEE PREFATORY NOTE: This bill is a remedial legislation proposal, requested by the department of regulation and licensing, and introduced by the law revision committee under s. 13.83 (1) (c) 4 of the statutes. After careful consideration of the various provisions of this bill, the law revision committee has determined that this bill makes minor substantive changes in the statutes, and that these changes are desirable as a matter of public policy.

SECTION 1. 440.26 (6) of the statutes is amended to read:

440.26 (6) (title) DISCIPLINE. ~~If at any time a petition is presented to the department signed by 6 residents of this state requesting the revocation of a license or permit issued under this section, the department, after due notice, shall conduct a hearing and based upon the evidence presented take such action as is appropriate. If at any time such licensee or holder of a permit is~~ Subject to the rules adopted under s. 440.03 (1), the department may reprimand the holder of a license or permit issued under this section or revoke, suspend or limit the license or permit of any person who has been convicted of a felony crime, subject to ss. 111.321, 111.322 and 111.335, or if he or she engages has engaged in conduct reflecting adversely on his or her professional qualification, or makes has made a false statement in connection with any application for a license or permit, the department after notice, hearing and proof thereof, shall revoke such license under this section.

NOTE: Current s. 440.26 (6) of the statutes provides that if a petition signed by 6 residents of this state requesting the revocation of a private detective or private detective agency license or a private security permit is presented to the department of regulation and licensing, the department must conduct a hearing and determine whether to revoke the license or permit. The practice of the department is to investigate all complaints against private detectives and private detective agencies. Therefore, this bill eliminates this statutory provision, making it clear that the department of regulation and licensing has authority to revoke, suspend or limit licenses even though no hearing is requested.

SECTION 2. 441.01 (3) of the statutes is amended to read:

441.01 (3) The board may establish minimum standards for schools for professional nurses and schools for trained licensed practical nurses licensed under this chapter, including all related clinical units and facilities, and make and provide periodic surveys and consultations to such schools. It may also establish rules to prevent unauthorized per-

sons from practicing professional nursing. It shall approve all rules for the administration of this chapter in accordance with ch. 227.

SECTION 3. 441.10 (3) (a) to (c) of the statutes are amended to read:

441.10 (3) (a) On complying with this chapter relating to applicants for licensure as ~~trained~~ licensed practical nurses, and passing a satisfactory examination, the applicant shall receive a license as a ~~trained~~ licensed practical nurse, signed by the chairperson of the board and countersigned by the secretary of the examining council on licensed practical nurses. The holder of the license is a "licensed ~~trained~~ practical nurse" and may append the letters "~~T.P.N.~~" "L.P.N." to his or her name. The board may reprimand or may limit, suspend or revoke the license of a licensed ~~trained~~ practical nurse under s. 441.07.

(b) A licensed ~~trained~~ practical nurse practicing for compensation shall submit 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~~ licensed 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).

(c) No license is required for practical nursing, but no person without a license may hold himself or herself out as a ~~trained~~ licensed practical nurse or licensed attendant, use the title or letters "Trained Practical Nurse" or "T.P.N.", "Licensed Practical Nurse" or "L.P.N.", "Licensed Attendant" or "L.A.", "Trained Attendant" or "T.A.", or otherwise seek to indicate that he or she is a ~~trained~~ licensed practical nurse or licensed attendant. No ~~trained~~ licensed practical nurse or licensed attendant may use the title, or otherwise seek to act as a registered, ~~trained~~ licensed, certified, graduate or professional nurse. Anyone violating this subsection shall be subject to the penalties prescribed by s. 441.13. The board shall grant without examination a license as a ~~trained~~ licensed practical nurse to any person who was on July 1, 1949, a licensed attendant.

NOTE: Current law uses the terms "licensed practical nurse", "licensed trained practical nurse" and "trained practical nurse" to refer to persons who are licensed for practical nursing. This bill eliminates the confusion of multiple terminology by substituting the term "licensed practical nurse".

SECTION 4. 441.15 (3) (c) of the statutes is amended to read:

441.15 (3) (c) The board shall promulgate rules necessary to administer this section, including the establishment of appropriate limitations on the scope of the practice of nurse-midwifery ~~and~~, the facilities in which such practice may occur and the granting of temporary permits to practice nurse-midwifery pending qualification for certification.

NOTE: The board of nursing licenses registered nurses, licensed practical nurses and nurse-midwives. Current statutes authorize the board of nursing to issue temporary practice permits to applicants for registered nurse and licensed practical nurse licenses. A temporary practice permit allows applicants to practice from the time they graduate from school until a license has been issued. This bill permits the board of nursing to issue temporary practice permits to candidates for nurse-midwife licenses.

SECTION 5. 449.17 (6) and (7) of the statutes are repealed.

NOTE: Optometrists were permitted to use diagnostic pharmaceutical agents by chapter 280, laws of 1977, which created s. 449.17 of the statutes. As originally adopted, the statute was effective until July 1, 1982. Optometrists using diagnostic pharmaceutical agents were required to report on the use of such agents to the secretary of the department of regulation and licensing and to the optometry examining board. The department of regulation and licensing was

required to report to the legislature on the use of ocular diagnostic pharmaceutical agents on January 1, 1982.

The July 1, 1982, sunset date for s. 449.17 of the statutes was repealed by chapter 15, laws of 1981. The department of regulation and licensing has submitted its report. This bill repeals the requirement that optometrists using diagnostic pharmaceutical agents must report on the use of such agents, and it repeals the requirement that the department of regulation and licensing submit a report to the legislature.

SECTION 6. 452.09 (2) of the statutes is amended to read:

452.09 (2) **ADDITIONAL REQUIREMENTS FOR BROKER'S LICENSE.** Each applicant for an original broker's license shall submit to the department proof of attendance at 60 classroom hours of educational programs approved by the ~~board~~ department. The department shall waive the educational requirement upon proof that the applicant has received 20 academic credits in real estate or real estate related law courses at an accredited institution of higher education or upon proof that the applicant is licensed to practice law in this state.

NOTE: The department of regulation and licensing is responsible for licensing real estate brokers and salespersons, promulgating administrative rules, developing and administering real estate examinations and approving real estate educational programs. These responsibilities were transferred from the real estate examining board to the department of regulation and licensing by chapter 94, laws of 1981. This bill changes "board" to "department" in s. 452.09 (2) of the statutes.

SECTION 7. 452.10 (1) of the statutes is amended to read:

452.10 (1) An application shall be verified by the applicant. If made by a partnership it shall be verified by at least 2 members. If made by a corporation it shall be verified by the president and secretary. ~~An application for license as a broker or salesperson shall be accompanied by the affidavit of 2 persons who are residents in the county in which the applicant resides or has a place of business, certifying that the applicant is competent.~~

NOTE: Current s. 452.10 (1) of the statutes requires the applicant for a license as a real estate broker or salesperson to submit the affidavit of 2 persons who are residents of the county in which the applicant resides or has a place of business, certifying that the applicant is competent. This bill eliminates this requirement.

SECTION 8. **Terminology changes.** Wherever the term "trained practical" appears in the following sections of the statutes, the term "licensed practical" is substituted: 146.301 (3) (b), 441.01 (4) and (5), 441.07 (1) (intro.) and (c), 441.10 (title), (1), (2) and (3) (d) and (e) and 441.11 (1) and (2).
