

CHAPTER 149.

NURSING.

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149.01 Committee. (1) The state board of health shall appoint a committee on nursing education to consist of the state health officer, the director of nursing education, two from the state nurses' association, two from the state league of nursing education, one from the state hospital association, one from the Wisconsin Conference of the Catholic hospital association, one from the state medical society, and one from the public health nursing bureau of the state board of health. Each of such organizations shall submit a list of five names from which the representatives shall be selected for a term of two years.

(2) The director of nursing education shall act as secretary. Five members shall be a quorum. Special meetings may be called by the chairman or secretary or upon the written request of 2 members. The members shall be reimbursed actual necessary expenses and receive \$8 for each day engaged.

(3) The state board of health shall refer to the committee questions regarding nursing education for investigation, recommendation or other action.

(4) The committee shall maintain standards for and supervise schools for nurses, and place them on the accredited list on application and proof of qualification; make a study of nursing education and initiate rules, regulations and policies to improve it, and make rules and regulations for the administration of this chapter. [1941 c. 132]

Note: Committee on nursing education appointed by state board of health can make rules whereby accredited training schools must require of student nurses that they have high school education or its equivalent. 19 Atty. Gen. 252.

Under (4) committee on nursing education has power to accredit schools for nurses and in proper case may remove school from accredited list after giving school hearing. 26 Atty. Gen. 400.

149.02 Director. The state board of health shall appoint, upon nomination of the committee on nursing education, a state director of nursing education, fix her salary, and prescribe her duties and provide clerical service. Such director shall have at least the following minimum qualifications:

- (1) A citizen of the United States.
- (2) A graduate of a recognized college or university.
- (3) A registered nurse.
- (4) Five years' experience as an executive of a school of nursing of not less than thirty-five nurses. [1941 c. 132]

149.03 Examiners. The state board of health shall appoint, upon nomination of the committee on nursing education, a board of examiners for nurses to consist of the director of nursing education, who shall act as secretary, and 4 registered nurses of not less than 3 years' experience in nursing. The original terms shall be 2 for 2 years, and 2 for 3 years from September 1, 1921. Thereafter the term of each shall be 3 years. Members shall be reimbursed actual and necessary expenses and receive \$8 for each day engaged. [1941 c. 132]

149.04 Application. A nurse who is a citizen or who has legally declared her intention to become a citizen over the age of 21 and of good moral character, who has graduated from a high school or its equivalent as determined by the committee on nursing education, who holds a diploma of graduation from an accredited school of nursing giving a course of not less than 3 years, or who will complete a full course in an accredited school for nurses within four months following the date of application, may apply to the state board of health for registration as a registered nurse, and upon payment of \$10 shall be entitled to examination. [1941 c. 132]

149.05 Examination. The board of examiners for nurses shall prepare written questions and prescribe rules and regulations, subject to the approval of the committee on nursing education, for conducting examinations, and the preservation of the examination papers for two years. Examinations shall be held at least twice a year at times and places designated by the state board of health, and at least thirty days' public notice shall be given.

149.06 Certificate. (1) One complying with this chapter and passing a satisfactory examination shall receive a certificate of registration. The holder of a Wisconsin

certificate as a registered nurse June 17, 1921, and the holder of such a certificate of another state having requirements which the state board of health determines to be at least equivalent to the requirements of this state, is not subject to an examination.

(2) The certificate shall be issued by the secretary of the state board of health and countersigned by the secretary of the board of examiners. The recipient shall, within thirty days, record the certificate with the county clerk of her residence. The holder of such certificate is a "registered nurse" and may append "R. N." to her name.

(3) A registered nurse actually practicing shall annually during January file with the state board of health on furnished blanks a statement giving her name, residence and such other facts as the board require, with a re-registration fee of two dollars.

(4) No person shall practice or attempt to practice, as a registered, trained, certified or graduate nurse without a certificate, nor use the title, letters, or anything else to indicate that she is a registered, trained, certified or graduate nurse. [1941 c. 132]

Note: Subsection (4) and 149.10 do not prohibit any one from practicing as a nurse, but merely from practicing as a registered, trained, certified or graduate nurse without a registration certificate. *Nickley v. Eisenberg*, 206 W 265, 239 NW 426.

Registered nurse of another state may act as practical nurse but may not employ letters "R. N." 24 Atty. Gen. 563.

Chapter 149, which prohibits nurse from holding herself out as registered nurse and

practicing as such without certificate of registration, does not specifically provide any penalty for hospital authorities who knowingly hire nurse who has no such certificate and permit her to practice as registered nurse; but they may nevertheless be guilty of aiding and abetting violation thereof under such facts; they may also be guilty of common law conspiracy to violate chapter 149 under provisions of 348.40. 30 Atty. Gen. 95.

149.07 Revocation. The committee on nursing education may revoke a certificate of registration of any nurse who has been convicted of unprofessional or dishonorable conduct, or shown to be grossly incompetent, or if the certificate was obtained through error or fraud, upon notice in writing, specifying the charges, and time of hearing, not less than five days after service of the notice, and after hearing at which she shall have opportunity to produce testimony. A certificate revoked for gross incompetency, may, after one year, upon application be regranted in the discretion of the committee.

149.08 Permit. Graduate nurses not registered in Wisconsin and who graduated from accredited schools in other states, and who are actually practicing, must have a permit from the state board of health, for which \$2 shall be charged, to practice until she can qualify for registration. [1941 c. 132]

149.09 Public health nurses. (1) The qualifications of all public health nurses or instructors hereafter entering such employment and not under direct supervision of a resident certified public health nurse, shall be determined by a committee of three examiners, one selected by the state board of health, one by the board of examiners for nurses, and one by the state superintendent of public instruction.

(2) Candidates recommended by the committee of examiners shall be certified by the state board of health to the local appointing body upon request, and appointment shall be made from the certified list.

(3) Public health nurses or instructors not working under direct supervision of a resident certified public health nurse shall make a written report monthly in triplicate, one copy to the employing board, one to the local directing committee or officer, and one to the state board of health, showing the work done. The state board of health through its bureau of public health nursing shall examine the report and make recommendations for the improvement and the development of the nursing service.

(4) The state board of health shall prescribe forms or appliances, and notify the nurses where they can be purchased.

(5) This section shall not apply to cities of the first class. [1931 c. 174]

149.10 Exceptions. This chapter shall not be construed to affect nursing by friends, members of the family or person not graduated from an accredited training school, nor be construed to interfere with members of religious communities or orders having charge of hospitals or taking care of the sick in their homes, except that they shall not assume to be registered, trained, certified or graduate nurses.

149.11 Administration. The state board of health shall enforce this chapter and cause the prosecution of persons violating it. It shall keep a register of the names and addresses of registered nurses which shall be open to the public at reasonable times, a record of applications, and a detailed account of money received. The secretary shall make to the governor annual report of its proceedings under this chapter, including an itemized account of money received.

149.12 Penalty. Any person violating this chapter shall be fined for each offense not less than ten nor more than fifty dollars.