

CHAPTER 149.

NURSING.

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149.01 Board of nursing. (1) (a) The state board of nursing shall consist of the state health officer or his representative, the director of nursing education, and 8 members to be appointed by the governor with the consent of the senate, 2 from the state nurses' association, 2 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 may submit a list of 5 names from which the representatives may be selected to serve for a term of 4 years and until their successors have been appointed.

(b) The members of the committee on nursing education before the effective date of this amendment (1949) shall be members of the board of nursing until March 1, 1951, or until their successors are appointed; any vacancy before March 1, 1951, by an appointive member shall be filled by the governor as provided in paragraph (a) and to serve until March 1, 1951; on and after March 1, 1951, the board shall be constituted and made up of persons appointed and confirmed, as provided in paragraph (a).

(2) The director of nursing education shall act as secretary. Five members shall be a quorum. A regular meeting shall be held at least annually at a time and place fixed by the board and 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 powers and duties of the board shall be regulatory, advisory, and policy-forming and not administrative. It shall have authority to establish minimum standards for schools for nurses and schools for trained practical nurses licensed under this chapter. It shall approve all rules and regulations for the administration of this chapter before they become effective.

(4) The board shall direct that those schools which qualify be placed on the accredited list on application and proof of qualifications; and shall make a study of nursing education and initiate rules, regulations and policies to improve it.

(5) The board in its discretion may promote the professional education of graduate nurses registered in Wisconsin, through creation of scholarships available to such graduate nurses, by foundation of professorships in nursing courses in Wisconsin colleges and universities, by conducting educational meetings, seminars, lectures, demonstrations and the like open to registered nurses, by publication and dissemination of technical information, or by other similar activities designed to improve the standards of the nursing profession in this state. For the execution of its functions under this subsection the board may recommend the use of such portion of the fund created by section 20.445 (2) as it deems necessary.

149.015 State department of nurses. The state department of nurses shall consist of the director of nursing education and department employes. The department shall be provided with office rooms and with necessary furniture, stationery, blanks, books, periodicals, printing, and other supplies, and such properties and supplies of the present bureau of nursing education shall become the property of the department of nurses. The director and other personnel necessary to carry on the department shall be transferred to it from the personnel now attached to the committee on nursing education in the state board of health, such personnel to have the same classification, status and salary as before transfer. The director may select additional personnel from civil service eligibility lists.

149.02 Director. (1) The board shall appoint, upon certification of the bureau of personnel, 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:

- (a) A citizen of the United States.
- (b) A graduate of a recognized college or university.
- (c) A registered nurse.
- (d) Five years' experience as an executive of a school of nursing of not less than 35 nurses.

(2) The administrative powers and duties of the department shall be vested in the director to be administered under the statutes and subject to the policies and in accordance with the principles established by the board.

(3) The director, with prior approval of the board, shall establish rules and regulations for administering the department and performing the duties assigned to it.

149.03 Examiners for nurses. The board shall appoint a committee 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 term of each shall be 3 years and until their successors have been appointed. Members shall be reimbursed actual and necessary expenses and receive \$8 for each day engaged. The board of examiners for nurses is abolished.

149.04 Application. A nurse who is a citizen or who has legally declared her intention to become a citizen and of good moral character, who has graduated from a high school or its equivalent as determined by the board, who holds a diploma of graduation from an accredited school of nursing, or who will complete a full course in an accredited school for nurses within 4 months following the date of application, may apply to the department for registration as a registered nurse, and upon payment of \$25 shall be entitled to examination.

Board may not retain examination fee and refuse to examine the applicant upon grounds of inadequacy of qualifications. 39 Atty. Gen. 12. nurses pursuant to 149.04 and 149.03, Stats. 1943, are public records within the meaning of 18.01 (1) and must be preserved unless disposal is authorized in manner provided by 44.03. 39 Atty. Gen. 603.

149.041 Examiners for trained practical nurses. The board shall appoint a committee of examiners for trained practical nurses to consist of one registered nurse, 3 licensed trained practical nurses, one faculty member of an accredited school for practical nurses who is a registered nurse, the director of the department who shall act as secretary, and a person licensed to practice medicine and surgery in this state. With the exception of the director, none of those appointed shall be members of the committee of examiners for nurses created under section 149.03. Of the original appointments 3 shall be for one year, 2 for 2 years, and 2 for 3 years so that approximately one-third of the terms will expire June 30 of each year beginning in 1950. Thereafter, each term shall be for 3 years and until a successor has been appointed and qualified. Committee members shall be reimbursed for the actual and necessary expenses and shall receive \$8 for each day engaged.

149.045 Prerequisites for examination as trained practical nurses. A citizen or an alien who has legally declared her intention to become a citizen, who is at least 18 years of age, 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 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 registration as a trained practical nurse, and upon the payment of \$15 shall be entitled to take an examination for such purpose. Any school for trained practical nurses, in order to be accredited, must offer a course of not less than 9 nor more than 12 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, in its discretion, waive the requirement of attendance at such a school when it deems the applicant to have had comparable training.

149.05 Examination for nurses. The committee of examiners for nurses shall prepare written questions and prescribe rules and regulations, subject to the approval of the board, for conducting examinations and the preservation of the examination papers for 2 years. Examinations shall be held at least twice a year at times and places designated by the board, and at least 30 days' public notice shall be given.

149.055 Examination for trained practical nurses. The committee of examiners for trained practical nurses shall prepare written questions and prescribe rules and regulations, subject to the approval of the board, for the examination of those desirous

of becoming trained practical nurses, and the examination papers of all such applicants shall be preserved for 2 years. Examinations shall be held at least twice annually at times and places designated by the board, and at least 30 days' public notice shall be given of each such examination.

149.06 Certificate. (1) One complying with the provisions of this chapter relating to applicants for registration as nurses and passing a satisfactory examination shall receive a certificate of registration. The holder of such a certificate of another state shall be granted a certificate without examination if her credentials of general and professional educational qualifications are comparable to those required in Wisconsin during the same period. The board shall evaluate the credentials and determine the equivalency in each such case.

(2) The certificate shall be issued by the chairman of the board and countersigned by the secretary of the committee of examiners. 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 department on furnished blanks a statement giving her name, residence and such other facts as the board requires, with a reregistration fee of \$2.

(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 unless entitled so to do.

Credentials of certificate holder of another state discussed. 39 Atty. Gen. 224.

149.065 License of trained practical nurse. (1) On complying with the provisions of this chapter relating to applicants for licensure as trained practical nurses, and passing a satisfactory examination, the applicant shall receive a license as a trained practical nurse, which license shall be issued by the chairman of the board and countersigned by the secretary of the committee of examiners for trained practical nurses. The holder of such license is a "licensed trained practical nurse", and may append the letters "T.P.N." to her name. The board may revoke the license of a licensed trained practical nurse pursuant to section 149.07.

(2) A licensed trained practical nurse actually practicing shall file each July with the department, on blanks furnished by that department, a statement giving her name, residence and such other facts as the board may require, accompanied by a reregistration fee of \$1.

(3) No person shall practice or attempt to practice as a trained practical nurse or licensed attendant without a license, nor use the title or letters "Trained Practical Nurse" or "T.P.N.", "Licensed Attendant" or "L.A.", "Trained Attendant" or "T.A.", nor otherwise seek to indicate that she is a trained practical nurse or licensed attendant; nor shall a trained practical nurse or a licensed attendant use the title, or otherwise seek to act as a registered, trained, certified or graduate nurse. Anyone violating any provision of this section shall be subject to the penalties prescribed by section 149.12. The board shall grant without examination a license as a trained practical nurse to any person who was on the effective date of this law a licensed attendant.

(4) A trained practical nurse licensed under the provisions of this section may perform simple procedures in the physical care of the patient, and may perform only such other procedures as may be directed by the attending physician.

(5) The board may license without examination any person who has been registered as a licensed attendant or trained practical nurse in another state under laws which, in the opinion of the board, maintain standards at least comparable to those of this state for trained practical nurses. The fee for licensing without examination under this section shall be \$15.

149.07 Revocation. The board 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 5 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 board.

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 board, for which \$2 shall be charged, to practice until she can qualify for registration.

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 none of such persons shall represent themselves as registered, trained, certified, graduate nurses, or as "trained practical nurses", unless certified or licensed under this chapter.

149.11 Administration. The department 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 and licensed trained practical nurses, which shall be open to the public at reasonable times; also a record of applications, and a detailed account of money received. The secretary shall make an annual report to the governor 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 \$10 nor more than \$50.