

No. 411, S.]

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CHAPTER 333

AN ACT to repeal 149.065 (4) ; to renumber 149.045, 149.055 and 149.12; to renumber and amend 149.01 (1) (a), 149.041, as amended by chapter 10, laws of 1955, 149.065 (1), (2), (3) and (5) and 149.10; to amend 149.01 (2) and (3), 149.03 and 149.06 (1), (2) and (4) ; and to create 149.10 (1) to (4) and 149.12 (2) of the statutes, relating to nurses and nursing.

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

SECTION 1. 149.01 (1) (a) of the statutes is renumbered 149.01 (1) and amended to read:

149.01 (1) 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 * * * *Wisconsin league * * * for nursing * * **, 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.

SECTION 2. 149.01 (2) and (3) of the statutes are amended to read:

149.01 (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 * * * *president* or secretary or upon the written request of 2 members. The members shall be reimbursed actual *and* necessary expenses * * * .

(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, *and to make and provide periodic surveys and consultations to such schools*. It shall approve all rules and regulations for the administration of this chapter before they become effective.

SECTION 3. 149.03 of the statutes is amended to read:

149.03 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 * * * nurses of not less than 3 years experience in nursing. The term of each shall be * * * 4 years and until their successors have been appointed, *except that in 1955 one shall be appointed for 4 years and one for 3 years*. Members shall be reimbursed actual and necessary expenses and receive * * * *such per diem* for each day engaged *as may be fixed by the bureau of personnel based upon the current daily compensation of private duty nurses in the state*.

SECTION 4. 149.041 of the statutes, as amended by chapter 10, laws of 1955, is renumbered 149.09 (1) and amended to read:

149.09 TRAINED PRACTICAL NURSES. (1) EXAMINERS. The board shall appoint a committee of examiners for trained practical nurses to consist of one * * * nurse, 3 licensed trained practical nurses, one faculty member of an accredited school for practical nurses who is a * * * 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 s. 149.03. 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 * * * *such per diem* for each day engaged *as may be fixed by the bureau of personnel, based on the current daily compensation of private duty nurses in the state*.

SECTION 5. 149.045 of the statutes is renumbered 149.09 (2).

SECTION 6. 149.055 of the statutes is renumbered 149.09 (3).

SECTION 7. 149.06 (1), (2) and (4) of the statutes are amended to read:

149.06 (1) One complying with * * * 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 *or territory or province of Canada* shall be granted a certificate without examination if her credentials of general and professional educational qualifications *and other 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 * * * *president* 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, *and is authorized to practice professional nursing.*

(4) No person shall practice or attempt to practice * * * *professional nursing*, nor use the title, letters, or anything else to indicate that she is a registered * * * or professional nurse unless * * * *she is registered under this section. No person not so registered shall use in connection with her nursing employment or vocation any title or anything else to indicate that she is a trained, certified or graduate nurse.*

SECTION 8. 149.065 (1), (2), (3) and (5) of the statutes are renumbered 149.09 (4) (a) to (d), respectively, and amended to read:

149.09 (4) LICENSING. (a) On complying with * * * 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 * * * *president* 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 s. 149.07.

(b) A licensed trained practical nurse * * * practicing for compensation 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 * * * *license renewal* fee of * * * \$3.

(c) *No license is required for practical nursing, but no person without a license shall * * * hold herself out as a trained 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.", 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 * * *, graduate or professional nurse. Anyone violating * * * this * * * subsection shall be subject to the penalties prescribed by s. 149.12. The board shall grant without examination a license as a trained practical nurse to any person who was on * * * July 1, 1949, a licensed attendant.*

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

SECTION 9. 149.065 (4) of the statutes is repealed.

SECTION 10. 149.10 of the statutes is renumbered 149.10 (5) and amended to read:

149.10 (5) This chapter shall not be construed to affect nursing by friends, members of the family or * * * *undergraduates* in an accredited * * * 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 *excepted* persons while engaged in such activities shall represent * * * *herself as a registered, trained, certified * * * or graduate * * * nurse* unless * * * *registered* under this chapter.

SECTION 11. 149.10 (1) to (4) of the statutes are created to read:

149.10 DEFINITIONS. (1) PRACTICE OF PROFESSIONAL NURSING. The practice of professional nursing within the terms of this chapter means

the performance for compensation of any act in the observation or care of the ill, injured or infirm, or for the maintenance of health or prevention of illness of others, which act requires substantial nursing skill, knowledge or training, or application of nursing principles based on biological, physical and social sciences. such as the supervision of a patient, the observation and recording of symptoms and reactions, the execution of procedures and techniques in the treatment of the sick under the general or special supervision or direction of a physician, the execution of general nursing procedures and techniques and the supervision and direction of trained practical nurses and less skilled assistants.

(2) PRACTICE OF PRACTICAL NURSING. The practice of practical nursing within the terms of this chapter means the performance of any simple acts in the care of convalescent, subacutely or chronically ill, injured or infirm persons, or of any act or procedure in the care of the more acutely ill, injured or infirm under the specific direction of a nurse or physician. A simple act is one which does not require any substantial nursing skill, knowledge, or training, or the application of nursing principles based on biological, physical or social sciences, or the understanding of cause and effect in such acts.

(3) NURSE AND NURSING. Wherever the term "nurse" is used in this chapter without modification or amplification it shall mean only a registered nurse. Wherever the term "nursing" is used in this chapter without modification or amplification it shall mean the practice of professional nursing as herein defined.

(4) FOR COMPENSATION. Wherever the term "compensation" is used in this chapter it shall include indirect compensation as well as direct compensation and also the expectation thereof whether actually received or not.

SECTION 12. 149.12 of the statutes is renumbered 142.12 [149.12] (1).

SECTION 13. 149.12 (2) of the statutes is created to read:

149.12 (2) After January 1, 1956, no action may be brought or other proceeding had to recover compensation for professional nursing services unless at the time such services were rendered the person rendering the same was a registered nurse or had a temporary permit as provided in this chapter.

Approved June 24, 1955.
