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CHAPTER 458

AN ACT to amend 149.01 (1), (3), (4) and (5), 149.04, 149.05, 149.06 (1), 149.07, 149.08, 149.09 (1), (2), (3) and (4) (b) and (d), 149.10 (2) and 149.12; and to create 149.09 (4) (e) and 149.12 (3) of the statutes, relating to nursing.

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

SECTION 1. 149.01 (1), (3), (4) and (5) of the statutes are 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 nurses from the * * * Wisconsin nurses' association, 2 nurses 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 nurse from the public health nursing bureau of the state board of health. Each of such organizations may submit a list of * * * names from which the representatives may be selected to serve for a term of 4 years and until their successors have been appointed.

(3) The powers and duties of the board shall be regulatory, advisory, and policy-forming and not administrative. It * * * may establish minimum standards for schools for nurses and schools for trained 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 persons from practicing professional nursing.* It shall approve all rules * * * for the administration of this chapter * * * *in accordance with ch. 227.*

(4) The board shall direct that those schools which qualify be placed on the accredited list of *schools for professional nurses or of schools for trained practical nurses* on application and proof of qualifications; and shall make a study of nursing education and initiate rules * * * 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. *The board in its discretion may*

promote the training of trained practical nurses through support of workshops and institutes and by conducting meetings, lectures, demonstrations and the like open to licensed practical nurses. For the execution of its functions under this subsection the board may recommend the use of such portion of the fund created by s. 20.580 (42) as it deems necessary.

SECTION 2. 149.04 and 149.05 of the statutes are amended to read:

149.04 Any person 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, may apply to the department for registration as a registered nurse, and upon payment of \$25 shall be entitled to examination. *Ten dollars of such fee shall be refunded to an applicant who gives advance written notice that she will be unable to be present for the examination.*

149.05 The committee of examiners for nurses shall prepare or select written questions *in areas it determines* and prescribe rules * * *, subject to the approval of the board, for conducting examinations and the preservation of the examination papers for * * * *one year*. Examinations shall be held at least twice a year at times and places designated by the * * * *committee*, and at least 30 days' public notice shall be given. *Examinations may also be held at other times and places with or without public notice as directed by the committee. The committee may also proctor an examination of another state for the convenience of a candidate and charge such fee therefor as the committee fixes to cover the actual cost of the service rendered.*

SECTION 3. 149.06 (1) of the statutes is amended to read:

149.06 (1) One complying with this chapter relating to * * * *an applicant* for registration as * * * *a nurse* and passing a satisfactory examination shall receive a certificate of registration. The holder of such a certificate of *registration of another state or territory or province of Canada* * * * *may 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 and if the board is satisfied from her employment and professional record that she is currently competent to practice her profession.* The board shall evaluate the credentials and determine the equivalency and competency in each such case. * * * *Said application for registering without examination * * * shall be accompanied by a fee of \$25 to cover the cost of such evaluation.*

SECTION 4. 149.07 and 149.08 of the statutes are amended to read:

149.07 The board may revoke * * *, suspend or *deny renewal of a certificate of registration of a nurse, or license of a trained practical nurse, upon proof that the person was guilty of fraud in the procuring or renewal of such certificate or license, has failed to become a citizen within 7 years after declaring such intent, or has wilfully or repeatedly violated any of the provisions of this chapter, or is unfit or incompetent by reason of negligence, habitual intemperance, addiction to the use of habit-forming drugs, mental incompetency or moral delinquency, or, in the case of a registered nurse, unprofessional conduct, upon notice in writing, addressed to the last post-office address shown on the records of the board specifying the charges, and time of hearing, not less than 10 days after mailing of the notice, and after hearing at which she shall have opportunity to produce testimony. A certificate or license revoked may, after one year, upon application be * * * reinstated in the discretion of the board.*

149.08 * * * *A nurse who has graduated from an accredited school but is not registered in Wisconsin * * * may be granted a temporary permit * * * by the board, * * * to practice for compensation until she 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. A fee of \$2 shall be charged for each permit or renewal.*

SECTION 5. 149.09 (1), (2), (3) and (4) (b) and (d) of the statutes are amended to read:

149.09 (1) 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 * * * and the director of the department who shall act as secretary * * *. 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 * * * their actual and necessary expenses and shall receive such per diem for each day engaged as may be fixed by the * * * personnel board, based on the current daily compensation of private duty nurses in the state.

(2) 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 licensing 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 * * * 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.

(3) The committee of examiners for trained practical nurses shall prepare or select written questions in areas it determines and prescribe rules * * *, 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 * * * one year. 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. Examinations may also be held at other times and places with or without public notice as directed by the committee. The committee may also proctor an examination of another state for the convenience of a candidate and shall charge such fee therefor as the committee fixes to cover the actual cost of the services rendered.

(4) (b) A licensed trained practical nurse practicing for compensation shall file each July with the department, on blanks furnished by that department, an application for license renewal, together with a statement giving her name, residence, nature and extent of practice as a trained practical nurse during the prior year and prior unreported years and such other facts bearing upon her current competency as the board * * * requires, accompanied by a license renewal fee of \$5.

(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 * * * if her general education, training, prior practice and other qualifications, in the opinion of the

board, are at least comparable to those of this state for trained practical nurses and current licensing or renewal. The fee for licensing without examination * * * is \$15 to cover the cost of such evaluation.

SECTION 6. 149.09 (4) (e) of the statutes is created to read:

149.09 (4) (e) A temporary license may be granted to an applicant who is qualified for examination, to practice as a licensed trained practical nurse until her 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. A fee of \$2 shall be charged for each temporary license or renewal.

SECTION 7. 149.10 (2) of the statutes is amended to read:

149.10 (2) The practice of practical nursing * * * *under* this chapter means the performance *for compensation* 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 and is one which is of a nature of those approved by the board for the curriculum of schools for trained practical nurses.

SECTION 8. 149.12 of the statutes is amended to read:

149.12 (1) Any person violating this chapter *or knowingly employing another in violation of this chapter* may be fined not more than \$250 or imprisoned not more than one year in *the* county jail.

(2) * * * 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 * * * *issued under* this chapter.

SECTION 9. 149.12 (3) of the statutes is created to read:

149.12 (3) The remedy of injunction may be used in enforcing this chapter.

Approved December 26, 1963.
