

1981 Senate Bill 121

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## CHAPTER 162 , Laws of 1981

AN ACT to amend 163.15 (1), 445.03 (2) (a), 445.04 (1), 445.095 (1) (b) and (d), 450.02 (9) (a) and (b), 450.04 (4) (a) and (5), 452.05 (1m), 458.08 (11), 458.10 and 458.11 (3); and to repeal and recreate 441.07 of the statutes, relating to various changes in the statutes pertaining to the department of regulation and licensing and its attached examining boards (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 remedial changes in the statutes, and that these changes are desirable to maintain the accuracy and usefulness of the statutes.

SECTION 1. 163.15 (1) of the statutes is amended to read:

163.15 (1) Within 60 days after the filing of an application for a license to conduct bingo, the department, after making the determinations under s. 163.14, shall either notify the applicant organization in writing why a license is not being issued or issue a license to such applicant organization authorizing it to conduct bingo at the times and places set forth therein. Except for limited period bingo, an applicant organization shall not be authorized to conduct or cosponsor more than 24 bingo occasions in any year or more than 2 bingo occasions in any month. An applicant organization holding a regular license may, in addition, be issued one limited period bingo license during the 12-month period from the date of issuance or renewal of such regular license. An applicant organization not holding a regular bingo license may be issued 2 limited period licenses within a

12-month period. A license issued under this subsection shall be effective for one year from the first day of the month of ~~its issuance, the first occasion listed on the license~~ and may be renewed annually, ~~except that an applicant organization may request that the license expire on the first day of any month within the one-year licensure period.~~

NOTE: The current statutory requirement that a bingo license expire one year from the first day of the month of its issuance places an unnecessary burden on licensees that conduct their first bingo occasion several months after a license has been issued. Setting the expiration date at one year from the first day of the month of the first bingo occasion listed on the license will enable organizations to conduct all bingo occasions to which they are legally entitled in a 12-month period on one license.

This SECTION permits an applicant organization to request that a license expire on the first day of any month within the one year licensure period and thus will allow organizations to make the license expiration date coincide with the end of their fiscal year.

SECTION 2. 441.07 of the statutes is repealed and recreated to read:

**441.07 Revocation.** (1) The board may, after disciplinary proceedings conducted in accordance with rules promulgated under s. 440.03 (1), revoke, limit, suspend or deny renewal of a certificate of registration of a nurse, certificate of a nurse-midwife or license of a trained practical nurse, or may reprimand a nurse, nurse-midwife or trained practical nurse, if the board finds that the person committed any of the following:

- (a) Fraud in the procuring or renewal of the certificate or license.
- (b) One or more violations of this chapter or any rule adopted by the board under the authority of this chapter.
- (c) Acts which show the nurse, nurse-midwife or trained practical nurse to be unfit or incompetent by reason of negligence, abuse of alcohol or other drugs or mental incompetency.
- (d) Misconduct or unprofessional conduct.

(2) A certificate or license revoked may, after one year, upon application be reinstated by the board.

NOTE: Laws of 1979, chapter 317, required the board of nursing to certify nurse-midwives and amended s. 441.07 (1) of the statutes to permit the board to take disciplinary action against nurse-midwives. Because of the order in which legislation was signed, provisions permitting the board of nursing to discipline nurse-midwives were not included in the 1979 statutes. This SECTION corrects the omission of this authority.

SECTION 3. 445.03 (2) (a) of the statutes is amended to read:

445.03 (2) (a) Make and enforce rules ~~and regulations~~ not inconsistent with this chapter establishing professional and business ethics for the profession of funeral directors and embalmers and for the general conduct of the business of funeral directing and embalming, and for the examination and licensing of funeral directors and embalmers and the registration of apprentices.

SECTION 4. 445.04 (1) of the statutes is amended to read:

445.04 (1) The business of a funeral director must be conducted in a funeral establishment equipped for the care and preparation for burial or transportation of dead human bodies. What shall be deemed "necessary equipment" shall be defined in the rules ~~and regulations~~.

NOTE: The use of "rules" is a sufficient and correct reference to rules promulgated by the department of regulation and licensing in the Wisconsin administrative code.

SECTION 5. 445.095 (1) (b) and (d) of the statutes are amended to read:

445.095 (1) (b) All apprentices under this chapter shall be paid a at least the minimum wage of at least \$25 per week in effect in this state.

(d) All apprentices registered under this section shall ~~be required to report at least semiannually~~ to the examining board ~~monthly, and semiannually on May 15 and November 15,~~ upon forms provided by the examining board. ~~The monthly report reports shall contain such the information as required by the examining board requires.~~ Failure to submit the required reports shall constitute justification for termination of the apprenticeship.

NOTE: This SECTION deletes an obsolete provision in section 445.095 (1)

(b). Apprentices must be paid at least the state's current minimum wage.

The funeral directors and embalmers examining board is in the process of restructuring its apprenticeship program. The amendment to section 445.095

(1) (d) will enable the board to require apprentices to submit reports less frequently than the current semiannual requirement.

SECTION 6. 450.02 (9) (a) and (b) of the statutes are amended to read:

450.02 (9) (a) Every pharmacy and store conducted under the supervision of a registered pharmacist shall be registered on June 1 of ~~odd-numbered~~ even-numbered years with the examining board on application forms prescribed by the examining board and provided for that purpose by the department, on request, and the department shall thereupon issue a suitable certificate of registration to such persons which permit shall be conspicuously displayed in a front window or door of the place of business. Applications for registration as a pharmacy or drugstore shall include information regarding the names of all pharmacists, assistant pharmacists and registered apprentices who are employed therein. Only places in charge of a registered pharmacist and holding a permit as a pharmacy may use the title "pharmacy", "pharmacists", "apothecary" or "drugstore", or use customary titles, symbols or insignia and each shall be under the separate management of a registered pharmacist who shall not engage to manage or supervise more than one such place, except that a registered pharmacist may be in charge of not more than 2 hospital pharmacies which provide only pharmaceutical services to patients registered by a hospital having 100 beds or less. This section does not prevent a person from owning and conducting more than one pharmacy if each is under the separate supervision of a registered pharmacist.

(b) For the registration of every new drugstore or any drugstore upon a change of ownership required to be registered, there shall be paid the registration fee under s. 440.05 (8) and an inspection shall be performed. Premises considered to be unsatisfactory at the time of the original inspection may be reinspected. Renewal fees are payable on June 1 of ~~odd-numbered~~ even-numbered years after registration. Duplicate permits for the operation of a drugstore, pharmacy or any similar place of business shall be granted by the examining board and issued by the department on receipt of the fee under s. 440.05 (7).

SECTION 7. 450.04 (4) (a) and (5) of the statutes are amended to read:

450.04 (4) (a) For the issuance of such permit there shall be paid the registration fee specified in s. 440.05 (8). Upon biennial renewal of registration all permit holders shall pay the amount specified in s. 440.05 (8), payable on May 31 of the ~~odd-numbered~~ even-numbered year following issuance of the permit.

(5) No person may engage in the sale or distribution at wholesale of a prescription drug, as defined in s. 450.07 (1) (a) 1, to any of the classes of persons enumerated in s. 450.07 (8) without first obtaining a license for such purpose from the examining board. Licenses expire on May 31 of the ~~odd-numbered~~ even-numbered years after issuance.

~~Such license~~ Licenses or renewals thereof shall be issued in the discretion of the examining board to responsible qualified applicants ~~of good reputation~~.

NOTE: These SECTIONS change the time of renewal for licenses issued to pharmacies, drug manufacturers and distributors from June 1 of odd-numbered years to June 1 of even-numbered years, to correspond with current practices in license renewal.

SECTION 8. 452.05 (1m) of the statutes is amended to read:

452.05 (1m) ADDITIONAL REQUIREMENTS FOR BROKER'S LICENSE. Each applicant for an original real estate broker's license shall submit to the examining board proof of attendance at 60 classroom hours of educational programs approved by the examining board. The examining board 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 ~~and the requirement of minimum licensure as a salesperson~~ or upon proof that the applicant is licensed to practice law in ~~the~~ this state.

NOTE: This SECTION deletes the phrase "the requirement of minimum licensure as a salesperson", since there is no such requirement. In addition, this bill clarifies that law courses taken to satisfy the educational requirement for the real estate broker's license must be related to real estate.

SECTION 9. 458.08 (11) of the statutes is amended to read:

458.08 (11) If an applicant for licensure under this chapter fails to pass an examination the applicant shall be ~~entitled to one further examination which shall be required in subsequent examinations to pass only in the subjects in which the applicant failed in the first examination. Such reexamination preceding each reexamination. Any reexaminations~~ shall be taken not more than one year from the date of the original examination.

NOTE: The cosmetology practical examination consists of a practical demonstration of 11 cosmetology skills. Once a skill has been satisfactorily demonstrated, it is unnecessary that it be demonstrated in reexamination. This SECTION amends section 458.08 (11) accordingly.

SECTION 10. 458.10 of the statutes is amended to read:

**458.10 Persons formerly licensed.** Any person who held a Wisconsin license as a manager, operator, instructor, electrologist or manicurist and who failed to renew such the license on or before the date of its expiration may renew the license after passing such examinations as may be required by the examining board, or by providing evidence of at least 8 hours of in-service training for each year in which the license was not renewed and by paying ~~such the fees as would have been paid under~~ specified in s. 440.05 (3) ~~had the license been renewed~~.

SECTION 11. 458.11 (3) of the statutes is amended to read:

458.11 (3) Applications for renewal of licenses issued under this chapter shall be accompanied by the fee specified in s. 440.05 ~~(3)~~.

NOTE: These SECTIONS change incorrect cross-references to the license renewal fees for cosmetology licenses.