

State of Wisconsin



2021 Assembly Bill 1028

Date of enactment: **April 8, 2022**
Date of publication*: **April 9, 2022**

2021 WISCONSIN ACT 246

AN ACT *to amend* 14.87 (title), 227.21 (2) (b), 441.06 (4), 441.10 (7), subchapter II (title) of chapter 441 [precedes 441.51] and 441.51 (title) of the statutes; **relating to**: incorporation of standards by reference into agency administrative rules and the nurse licensure compact (suggested as remedial legislation by the Department of Safety and Professional Services).

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 Safety and Professional Services and introduced by the Law Revision Committee under s. 13.83 (1) (c) 4. and 5., stats. After careful consideration of the various provisions of the bill, the Law Revision Committee has determined that this bill makes minor substantive changes in the statutes, and that these changes are desirable as a matter of public policy.

SECTION 1. 14.87 (title) of the statutes is amended to read:

14.87 (title) **Enhanced-nurse Nurse licensure compact.**

SECTION 2. 227.21 (2) (b) of the statutes is amended to read:

227.21 (2) (b) The attorney general shall consent to incorporation by reference only in a rule of limited public interest and in a case where the incorporated standards are readily available in published form or are available on optical disc or in another electronic format. Each rule containing an incorporation by reference shall state how the material incorporated may be obtained and, except as provided in s. 601.41 (3) (b), that the standards are on file at the ~~offices of the agency and the legislative reference bureau.~~

NOTE: This SECTION deletes a requirement that an agency maintain, at its offices, a copy of any standards established by technical societies and national organizations that are incorporated into its rules but not reproduced in full.

SECTION 3. 441.06 (4) of the statutes is amended to read:

441.06 (4) Except as provided in s. 257.03, no person may practice or attempt to practice professional nursing, nor use the title, letters, or anything else to indicate that he or she is a registered or professional nurse unless he or she is licensed under this section. Except as provided in s. 257.03, no person not so licensed may use in connection with his or her nursing employment or vocation any title or anything else to indicate that he or she is a trained, certified or graduate nurse. This subsection does not apply to any registered nurse who holds a multistate license, as defined in s. 441.51 (2) (h), issued by a jurisdiction, other than this state, that has adopted the ~~enhanced~~ nurse licensure compact under s. 441.51.

NOTE: SECTIONS 1 and 3 to 6 update references to the national nursing compact to eliminate the term "enhanced" from the title.

SECTION 4. 441.10 (7) of the statutes is amended to read:

441.10 (7) No license is required for practical nursing, but, except as provided in s. 257.03, no person with-

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

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out a license may hold himself or herself out as a licensed 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.," or otherwise seek to indicate that he or she is a licensed practical nurse or licensed attendant. No licensed practical nurse or licensed attendant may use the title, or otherwise seek to act as a registered, licensed, graduate or professional nurse. Anyone violating this subsection shall be subject to the penalties prescribed by s. 441.13. The board shall grant without examination a license as a licensed practical nurse to any person who was on July 1, 1949, a licensed attendant. This subsection does not apply to any

licensed practical nurse who holds a multistate license, as defined in s. 441.51 (2) (h), issued by a jurisdiction, other than this state, that has adopted the ~~enhanced~~ nurse licensure compact under s. 441.51.

SECTION 5. Subchapter II (title) of chapter 441 [precedes 441.51] of the statutes is amended to read:

CHAPTER 441

SUBCHAPTER II

~~ENHANCED NURSE LICENSURE COMPACT~~

SECTION 6. 441.51 (title) of the statutes is amended to read:

441.51 (title) ~~Enhanced nurse~~ Nurse licensure compact.