

N 11

CERTIFICATE

STATE OF WISCONSIN)  
  ) SS  
BOARD OF NURSING)

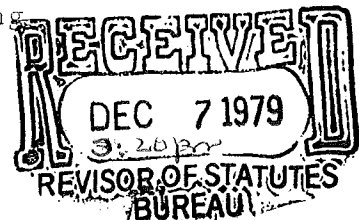
TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Paula Radcliffe Possin, director of the Bureau of Nursing  
and custodian of the official records of the Board of Nursing,  
do hereby certify that the annexed rules relating to rules of  
conduct were duly approved and adopted by this board on  
November 15, 1979.

I further certify that said copy has been compared by me with  
the original on file in the board office and that the same is  
a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have  
hereunto set my hand and affixed  
the official seal of the board at  
1400 East Washington Avenue in the  
city of Madison, this 7<sup>th</sup> day of  
December, A. D. 1979.

*Paula Radcliffe Possin*  
Paula Radcliffe Possin, Director  
Bureau of Nursing



STATE OF WISCONSIN  
BEFORE THE  
BOARD OF NURSING

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IN THE MATTER OF RULEMAKING : ORDER OF THE BOARD OF NURSING  
PROCEEDINGS BEFORE THE : REPEALING, AMENDING OR  
BOARD OF NURSING : ADOPTING RULES  
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Relating to rules of conduct for licensed nurses.

Analysis prepared by the Department of Regulation and Licensing.

ANALYSIS

The administrative rules proposed as Chapter N 11, Wisconsin Administrative Code, specify standards applicable in determining whether the license of a registered nurse or trained practical nurse should be limited, suspended or revoked and whether a registrant or licensee should be reprimanded.

By statute, the Board of Nursing may discipline nurses found unfit or incompetent by reason of negligence, habitual intemperance, addiction to habit-forming drugs, mental incompetency or moral delinquency, and, in addition, for registered nurses, unprofessional conduct. However, none of these reasons for discipline is defined in the statute.

These rules create definitions of conduct which is prohibited and thereby give better notice to registrants and licensees of minimum standards of practice, of what is not permitted in practice, and also provide a better standard for use when complaints are filed against nurses.

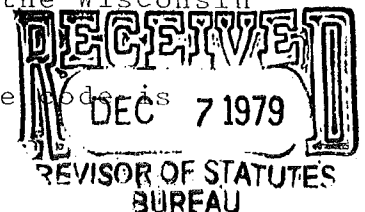
Chapter N 11 is comprised of four sections. The first, s. N 11.01, states the authority and intent of the chapter. Section N 11.02 states definitions, the most important being those in subsections N 11.02(1) and (2) which define statutory terms relating to unfitness and incompetency.

Section N 11.03 describes the conduct which is the basis for disciplinary action against a trained practical nurse. Section 11.04 describes the basis for discipline of a registered nurse. The grounds for discipline are similar except that a registered nurse may be disciplined for "unprofessional conduct" as well as unfitness or incompetence by reason of negligence, habitual intemperance, addiction to the use of habit-forming drugs, mental incompetence or moral delinquency.

ORDER

Now therefore it is ordered that pursuant to authority vested in the Board of Nursing by sections 15.08(5), 227.014 and Chapter 441, Wis. Stats., the Board of Nursing hereby creates and adopts rules interpreting section 441.07 of the Wisconsin statutes as follows:

Chapter N 11 of the Wisconsin administrative code is created to read:



## CHAPTER N 11

### RULES OF CONDUCT

N 11.01 Authority and Intent. (1) The rules in this chapter are adopted pursuant to authority of sections 15.08, 15.403, 227.014 and Chapter 441, Wis. Stats.

(2) The intent of the Board of Nursing in adopting the rules in this chapter is to establish minimum standards of conduct for registrants and licensees and to specify reasons for limiting, suspending or revoking certificate of registration or license or for reprimanding a registrant or licensee.

N 11.02 Definitions. (1) A licensee is unfit or incompetent by reason of negligence, habitual intemperance, addiction to the use of habit-forming drugs, mental incompetency or moral delinquency as those terms are used in s. 441.07, Stats., if a licensee engages in any conduct described in N 11.03.

(2) A registrant is unfit or incompetent by reason of unprofessional conduct as those terms are used in s. 441.07, Stats., if a registrant engages in any conduct described in N 11.04.

(3) As used in this chapter,

- a. "Drug" has the meaning defined in s. 450.06, Stats.
- b. "Licensee" means a person licensed as a trained practical nurse pursuant to s. 441.10, Stats.
- c. "Patient" means any person receiving nursing care including any client or resident.
- d. "Registrant" means a person who holds a certificate of registration as a registered issued pursuant to ss. 441.04 and 441.06, Stats.

N 11.03 Negligence, Mental Incompetency, Moral Delinquency, Habitual Intemperance, Addiction.

(1) "Negligence" is a substantial departure from the standard of care ordinarily exercised by a competent registrant or licensee which harmed or might have harmed a patient. "Negligence" includes but is not limited to the following conduct:

- a. Failing to maintain competency in practice and methods of nursing care;
- b. Failing to observe the conditions, signs and symptoms of a patient, record them or to report significant changes to the appropriate person;
- c. An intentional, repeated or gross failure to execute a medical order for medication or treatment unless the order is inappropriate and the registrant or licensee reports the inappropriate order to a nursing supervisor or other appropriate official;

- d. Failing to report to a nursing supervisor or appropriate official the existence of a medical order which the registrant or licensee knew or should have known would harm a patient;
- e. Executing an order which the registrant or licensee knew or should have known would harm a patient;
- f. Abusing a patient, physically or mentally, by conduct such as striking a patient, improperly restraining or confining a patient, or withholding food or drink from a patient;
- g. Practicing beyond the scope of practice permitted by law; and,
- h. Offering or performing services as a trained practical nurse or registered nurse for which the licensee or registrant is not qualified by education, training or experience.

(2) "Mental incompetency" is conduct which evidences a mental or emotional disorder or drug or alcohol abuse and which impairs the ability of the registrant or licensee to competently perform duties. "Mental incompetency" also includes, but is not limited to, adjudication of incompetence by a court of law.

(3) "Moral delinquency" is failure to maintain principals of right and ethical conduct in the practice of professional or practical nursing necessary to protect the public interest. "Moral delinquency" includes, but is not limited to, the following:

- a. Violating or aiding and abetting a violation of any law substantially related to the practice of professional or practical nursing;
- b. Administering, supplying, or obtaining any drug other than in the course of legitimate practice or as otherwise prohibited by law;
- c. Falsifying patient or client records;
- d. Having one's nursing certificate of registration or license revoked or suspended in another United States jurisdiction;
- e. Violating or attempting to violate any formal disciplinary order of the board;
- f. Impersonating another registrant or licensee; and,
- g. Engaging in grossly immoral conduct in the practice of professional or practical nursing;

(4) "Habitual intemperance" is the repeated consumption of alcoholic beverages to an extent that such use impairs the ability to safely conduct practice.

(5) "Addiction to the use of Habit Forming Drug" is the use of any drug to an extent that such use impairs the ability to safely conduct practice.

N 11.04 Unprofessional conduct. "Unprofessional conduct" is conduct that violates those standards of professional behavior which through professional experience have become established to protect the public. "Unprofessional conduct" includes, but is not limited to, the following:

(1) Engaging in negligence, mental incompetency, moral delinquency, habitual intemperance or addiction to the use of habit-forming drugs as described in N 11.03, Wis. Adm. Code.

(2) Failure or refusal to render nursing services to a patient because of that patient's race, color, sex, religion, age, beliefs or national origin or handicap.

(3) Failure to exercise supervision over subordinate employees if supervision is required by terms of employment or law.

(4) Failure to report to supervisory personnel through established institutional channels or to the Board of Nursing any incompetent practice by a registrant or licensee or any unsafe, illegal or unprofessional practice of any person providing health care.

(5) Obtaining or attempting to obtain any compensation by fraud or deceit.

(6) Revealing to the public information concerning a patient without the consent of the patient unless the information is requested by the board or its authorized representatives or unless release is otherwise required by law.

The rule adoption contained in this order shall take effect on the first day of the month following publication in the Wisconsin administrative register, pursuant to s. 227.026, Wis. Stats.

Dated this 7<sup>th</sup> day of December 1979.

By: Marjorie Lundquist (by PRP)  
Marjorie Lundquist, Chairperson  
Board of Nursing

#### FISCAL ESTIMATE

There is no anticipated fiscal effect on either the state during the current biennium or on county, city, village, town, school district, vocational, technical or education district or any fiscal liability or revenues anticipated on sewerage districts.

The estimate is based on the assumption that the adopted rules apply to licensees and registrants of the Board of Nursing only and will be administered and enforced by state personnel.