



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-2561/1
MED:cjs

2023 SENATE BILL 194

April 3, 2023 - Introduced by JOINT LEGISLATIVE COUNCIL. Referred to Committee on Licensing, Constitution and Federalism.

1 **AN ACT** *to repeal* 440.094 (1) (b); *to amend* 440.08 (2) (a) (intro.), 440.094 (title),
2 (1) (c) (intro.), 3., 4. and 5. and (2) and 440.094 (3); and *to create* 440.094 (1)
3 (c) 9g., 9m., 17. and 19., (d), (e) and (f) and 440.094 (4) of the statutes; **relating**
4 **to:** practice of certain professions by credential holders from other states.

Analysis by the Legislative Reference Bureau

This bill is explained in the NOTES provided by the Joint Legislative Council in the bill.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

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

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This draft was prepared for the Joint Legislative Council's Study Committee on Occupational Licenses.

Current law, enacted in 2021 Wisconsin Act 10, requires the Department of Safety and Professional Services (DSPS) to grant a temporary state credential to a health care provider who is credentialed in good standing in another state, pending an application for a permanent credential. The provider must apply for the temporary credential within 30 days of first providing services in Wisconsin and attest that the person is in good standing under the out-of-state credential and has applied for a permanent credential. The health care provider's employer must notify DSPS within 10 days of the person first

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providing services in Wisconsin and attest that the provider's credential and good standing have been confirmed to a reasonable degree of certainty. An employer's notification and attestation are not required if the person is only providing telehealth services.

To be in good standing under a credential from another state, the provider must hold a valid, unexpired credential and must not be under investigation or have any active restrictions or limitations on the person's credential. While practicing in Wisconsin under the temporary credential, a health care provider is subject to all responsibilities and limitations in the applicable practice.

The bill expands this process from health care providers to also include persons classified in the business professions with credentials in good standing in another state or territory. The bill revises the terminology for all health care and business profession applicants from a "temporary" credential to a "preliminary" credential. If an individual with a valid, unexpired credential from another state or territory applies for a preliminary credential under the process described above, the individual may provide health care or business services for an employer, under the preliminary credential, while an application for a permanent credential is pending. While providing services under the preliminary credential, the person is subject to all responsibilities and limitations of the applicable state-issued credential.

The bill adds a definition for the term "remote credential," to mean a credential from another state or territory that authorizes or qualifies the individual to perform acts that are substantially the same as the acts that an individual who holds a state-issued credential is authorized or qualified to perform. The bill also adds the following health care professions that may apply for a preliminary credential, who are not included in current law: dental hygienists, expanded function dental auxiliaries, genetic counselors, radiographers, and naturopathic doctors.

Under both current law and the bill, the preliminary credential takes effect on the date that the individual begins providing services in this state. The preliminary credential expires on the date that the application for the permanent credential is granted or denied.

The bill does not apply to credentials for trades occupations, transportation network companies, peddlers, unarmed combat sports, and body art and tanning facilities or to credentials issued by other agencies.

1 **SECTION 1.** 440.08 (2) (a) (intro.) of the statutes is amended to read:

2 440.08 (2) (a) (intro.) Except as provided in par. (b) and in ss. 440.094 (2) (c) 2.,
3 440.51, 442.04, 444.03, 444.11, 447.04 (2) (c) 2., 447.05 (1) (b), 449.17 (1m) (d), 449.18
4 (2) (e), 455.06 (1) (b), 463.10, 463.12, and 463.25 and subch. II of ch. 448, the renewal
5 dates for credentials are as follows:

6 **SECTION 2.** 440.094 (title), (1) (c) (intro.), 3., 4. and 5. and (2) of the statutes are
7 amended to read:

8 **440.094 (title) Practice by ~~health care providers~~ credential holders**
9 **from other states.**

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1 (1) (c) (intro.) “Health care provider” means an individual who holds a valid,
2 unexpired remote credential ~~granted by another state or territory~~ that authorizes or
3 qualifies the individual to perform acts that are substantially the same as the acts
4 that any of the following are licensed or certified to perform:

5 3. A dentist, dental hygienist, or expanded function dental auxiliary licensed
6 or certified under ch. 447.

7 4. A physician, ~~physician assistant~~, perfusionist, or respiratory care
8 practitioner licensed or certified under subch. II of ch. 448.

9 5. A physical therapist or physical therapist assistant licensed under subch. III
10 of ch. 448 or who holds a compact privilege under subch. IX XI of ch. 448.

11 (2) PRACTICE BY ~~HEALTH CARE PROVIDERS~~ CREDENTIAL HOLDERS FROM OTHER STATES.

12 (a) Notwithstanding ss. ~~441.06 (4), 441.15 (2), 441.16, 446.02 (1), 447.03 (1) and (2),~~
13 ~~448.03 (1) (a), (b), and (c) and (1m), 448.51 (1), 448.61, 448.76, 448.961 (1) and (2),~~
14 ~~449.02 (1), 450.03 (1), 451.04 (1), 455.02 (1m), 457.04 (4), (5), (6), and (7), 459.02 (1),~~
15 ~~459.24 (1), and 460.02,~~ a health care provider chs. 440 to 480, an individual who holds
16 a valid, unexpired remote credential may provide for an employer services that are
17 within the scope of the remote credential that the ~~health care provider~~ individual
18 holds, and the department shall grant the ~~health care provider~~ individual a
19 temporary preliminary credential to practice under this section, if all of the following
20 apply:

21 1. The ~~health care provider~~ individual applies to the department for a
22 ~~temporary preliminary~~ credential under this section within 30 days of beginning to
23 provide health care services for ~~a health care~~ an employer. The ~~health care provider~~
24 individual shall include in the application an attestation of all of the following:

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1 a. The date on which the ~~health care provider~~ individual first provided health
2 care services in this state under this section.

3 b. That the ~~health care provider~~ individual holds a valid, unexpired remote
4 credential granted in another state.

5 c. The ~~health care provider~~ individual is not currently under investigation and
6 no restrictions or limitations are currently placed on the ~~health care provider's~~
7 individual's remote credential by the credentialing state that issued the remote
8 credential or by any other jurisdiction.

9 d. The ~~health care provider~~ individual has applied for a permanent,
10 state-issued credential granted by the department or an examining a credentialing
11 board, as applicable, under chs. 440 to 480 that corresponds to his or her remote
12 credential. This subd. 1. d. does not apply to a health care provider who provides
13 health care services only during the period covered by a national emergency declared
14 by the U.S. president under 50 USC 1621 in response to the 2019 novel coronavirus
15 or during the 30 days immediately after the national emergency ends.

16 2. If the ~~health care provider~~ individual provides services other than services
17 provided through telehealth as described in sub. (3), the ~~health care~~ individual's
18 employer of the ~~health care provider~~ attests to all of the following to the department
19 within 10 days of the date on which the ~~health care provider~~ individual begins
20 providing ~~health care services~~ in this state under this section:

21 a. The ~~health care~~ employer has confirmed that the ~~health care provider~~
22 individual holds a valid, unexpired remote credential granted by another state.

23 b. To the best of the ~~health care~~ employer's knowledge and with a reasonable
24 degree of certainty, the ~~health care provider~~ individual is not currently under
25 investigation and no restrictions or limitations are currently placed on the ~~health~~

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1 ~~care provider's~~ individual's remote credential by the credentialing state or any other
2 jurisdiction.

3 (b) ~~A health care provider~~ An individual who practices within the scope of a
4 ~~temporary preliminary~~ credential granted under this section has all rights and is
5 subject to all responsibilities, malpractice insurance requirements, limitations on
6 scope of practice, and other provisions that apply under chs. 440 to 480 to the practice
7 ~~of the health care provider~~ under the state-issued credential described in par. (a) 1.
8 d.

9 (c) 1. A ~~temporary preliminary~~ credential granted under this section becomes
10 effective on the date identified in the attestation under par. (a) 1. a. that the health
11 ~~care provider~~ individual first provided ~~health care~~ services in this state under this
12 section.

13 2. a. Except as provided in subd. 2. b., a ~~temporary preliminary~~ credential
14 granted under this section expires on the date that the department, or ~~an examining~~
15 a credentialing board in the department, as applicable, grants or denies the
16 application under par. (a) 1. d. for a permanent state-issued credential submitted by
17 the ~~health care provider~~ individual.

18 b. If ~~a~~ the individual is a health care provider who provides health care services
19 only during the period covered by a national emergency declared by the U.S.
20 president under 50 USC 1621 in response to the 2019 novel coronavirus or during
21 the 30 days immediately after the national emergency ends, a ~~temporary~~
22 preliminary credential granted under this section to the ~~health care provider~~
23 individual expires 30 days after the national emergency ends.

24 **SECTION 3.** 440.094 (1) (b) of the statutes is repealed.

