



1999 SENATE BILL 407

February 23, 2000 - Introduced by Senators GEORGE, RUDE, ROESSLER, WELCH, ROSENZWEIG and ROBSON, cosponsored by Representatives HANDRICK, JOHNSRUD, MEYERHOFER, SYKORA, PLOUFF, SPILLNER, MEYER, ALBERS, WALKER, PETTIS, LADWIG and WASSERMAN, by request of Wisconsin Occupational Therapy Association. Referred to Committee on Human Services and Aging.

1 **AN ACT to repeal** 15.407 (1) (title) and (intro.), 15.407 (1) (c), 146.81 (1) (e), 448.01
2 (2m), 448.04 (1) (g) (title), 448.04 (1) (g) 1. and 2., 448.04 (1) (g) 3. (intro.), 448.04
3 (1) (g) 3. a., 448.04 (1) (h) (title), 448.05 (5m) (title), 448.05 (5m) (a) (intro.),
4 448.05 (5m) (b) (intro.), 448.05 (5m) (b) 1. and 448.13 (2); **to renumber** 448.03
5 (3) (f) 1., 448.03 (3) (f) 2., 448.03 (3) (g) 1., 448.03 (3) (g) 2., 448.13 (1) (a) and
6 448.90; **to renumber and amend** 15.407 (1) (d), 448.01 (2g), 448.01 (2r),
7 448.03 (3) (f) (intro.), 448.03 (3) (f) 3., 448.03 (3) (g) (intro.), 448.03 (3) (g) 3.,
8 448.04 (1) (g) 3. b., 448.04 (1) (h), 448.05 (5m) (a) 1., 448.05 (5m) (a) 2., 448.05
9 (5m) (b) 2., 448.13 (1) (b), 448.40 (2) (b), 448.40 (2) (c) and 448.40 (2) (d); **to**
10 **amend** 15.08 (1m) (b), 15.085 (1m) (b), 49.45 (8) (a) 3., 50.50 (7m), 146.81 (1)
11 (d), 155.01 (7), 252.14 (1) (ar) 4., 448.02 (2), 448.06 (1), 448.07 (1) (d), 448.40 (2)
12 (e) and 450.10 (3) (a) 5.; and **to create** 15.406 (5), 146.81 (1) (dg), 146.81 (1) (dr),
13 146.81 (1) (es), 180.1901 (1m) (bu), 252.14 (1) (ar) 4e., 252.14 (1) (ar) 4g., 252.14
14 (1) (ar) 4p. and subchapter VII of chapter 448 [precedes 448.96] of the statutes;

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1 **relating to:** the regulation of occupational therapists and occupational
2 therapy assistants, creating an occupational therapists affiliated credentialing
3 board, requiring the exercise of rule-making authority and providing a penalty.

Analysis by the Legislative Reference Bureau

Under current law, with certain exceptions, a person must be certified by the medical examining board (examining board) in the department of regulation and licensing (DORL) in order to practice as an occupational therapist or occupational therapy assistant or to designate himself or herself as an occupational therapist or occupational therapy assistant.

This bill creates a five-member occupational therapists affiliated credentialing board (affiliated credentialing board) in DORL consisting of two occupational therapists, one occupational therapy assistant and two public members, and transfers to the affiliated credentialing board all authority that the examining board has under current law relating to the regulation of occupational therapists and occupational therapy assistants. In addition, the bill requires the affiliated credentialing board to license, rather than certify, persons to practice as occupational therapists or occupational therapy assistants. The bill also does all of the following:

1. To qualify for certification under current law, a person must meet educational and other requirements, including a) being certified as either an occupational therapist or an occupational therapy assistant by the American occupational therapy certification board; and b) being found qualified by three-fourths of the members of the examining board. The bill retains the educational requirements that a person must satisfy for a license, but requires a person to be certified as an occupational therapist or occupational therapy assistant by the National Board for Certification in Occupational Therapy, rather than by the American occupational therapy certification board. In addition, the bill does not require three-fourths of the affiliated credentialing board to find that an applicant is qualified.

2. Under current law, a health care practitioner licensed or certified by the examining board, including an occupational therapist or occupational therapy assistant, must register with the examining board every two years, meet continuing education requirements, pay a license or certificate renewal fee and display a certificate of registration in his or her office at all times. Registration with the examining board is deemed to satisfy any statutory requirement to renew a license or certificate. The bill eliminates these requirements. Instead, an occupational therapist or occupational therapy assistant must renew his or her license every two years by submitting a renewal form to DORL, accompanied by a renewal fee and a statement attesting that the occupational therapist or occupational therapy assistant has complied with continuing education requirements promulgated by rule by the affiliated credentialing board.

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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:

1 **SECTION 1.** 15.08 (1m) (b) of the statutes is amended to read:

2 15.08 **(1m)** (b) The public members of the chiropractic examining board, the
3 dentistry examining board, the hearing and speech examining board, the medical
4 examining board, ~~occupational therapy examining council~~, respiratory care
5 practitioners examining council and council on physician assistants, the board of
6 nursing, the nursing home administrator examining board, the veterinary
7 examining board, the optometry examining board, the pharmacy examining board,
8 the examining board of social workers, marriage and family therapists and
9 professional counselors and the psychology examining board shall not be engaged in
10 any profession or occupation concerned with the delivery of physical or mental health
11 care.

12 **SECTION 2.** 15.085 (1m) (b) of the statutes is amended to read:

13 15.085 **(1m)** (b) The public members of the physical therapists affiliated
14 credentialing board ~~and the~~, podiatrists affiliated credentialing board or
15 occupational therapists affiliated credentialing board shall not be engaged in any
16 profession or occupation concerned with the delivery of physical or mental health
17 care.

18 **SECTION 3.** 15.406 (5) of the statutes is created to read:

19 15.406 **(5)** OCCUPATIONAL THERAPISTS AFFILIATED CREDENTIALING BOARD. There is
20 created in the department of regulation and licensing, attached to the medical

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1 examining board, an occupational therapists affiliated credentialing board
2 consisting of the following members appointed for 4-year terms:

3 (a) Two occupational therapists who are licensed under subch. VII of ch. 448.

4 (b) One occupational therapy assistant who is licensed under subch. VI of ch.
5 448.

6 (c) Two public members.

7 **SECTION 4.** 15.407 (1) (title) and (intro.) of the statutes are repealed.

8 **SECTION 5.** 15.407 (1) (c) of the statutes is repealed.

9 **SECTION 6.** 15.407 (1) (d) of the statutes is renumbered 15.407 (1m) and
10 amended to read:

11 15.407 (1m) RESPIRATORY CARE PRACTITIONERS EXAMINING COUNCIL. There is
12 created a respiratory care practitioners examining council consisting in the
13 department of regulation and licensing and serving the medical examining board in
14 an advisory capacity in the formulating of rules to be promulgated by the medical
15 examining board for the regulation of respiratory care practitioners. The respiratory
16 care practitioners examining council shall consist of 3 certified respiratory care
17 practitioners, each of whom shall have engaged in the practice of respiratory care for
18 at least 3 years preceding appointment, one physician and one public member. The
19 respiratory care practitioner and physician members shall be appointed by the
20 medical examining board. The members of the examining council shall serve 3-year
21 terms. Section 15.08 (1) to (4) (a) and (6) to (10) shall apply to the respiratory care
22 practitioners examining council.

23 **SECTION 7.** 49.45 (8) (a) 3. of the statutes is amended to read:

24 49.45 (8) (a) 3. "Occupational therapist" has the meaning given in s. 448.01 (2g)
25 448.96 (4).

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1 **SECTION 8.** 50.50 (7m) of the statutes is amended to read:

2 50.50 **(7m)** “Occupational therapy” has the meaning given in s. 448.01 ~~(2m)~~
3 448.96 (5).

4 **SECTION 9.** 146.81 (1) (d) of the statutes, as affected by 1997 Wisconsin Act 67,
5 is amended to read:

6 146.81 **(1)** (d) A physician, physician assistant, ~~podiatrist or physical therapist~~
7 or respiratory care practitioner licensed or certified under subch. II of ch. 448.

8 **SECTION 10.** 146.81 (1) (dg) of the statutes is created to read:

9 146.81 **(1)** (dg) A physical therapist licensed under subch. III of ch. 448.

10 **SECTION 11.** 146.81 (1) (dr) of the statutes is created to read:

11 146.81 **(1)** (dr) A podiatrist licensed under subch. IV of ch. 448.

12 **SECTION 12.** 146.81 (1) (e) of the statutes, as affected by 1997 Wisconsin Act 67,
13 is repealed.

14 **SECTION 13.** 146.81 (1) (es) of the statutes is created to read:

15 146.81 **(1)** (es) An occupational therapist or occupational therapy assistant
16 licensed under subch. VII of ch. 448.

17 **SECTION 14.** 155.01 (7) of the statutes, as affected by 1997 Wisconsin Act 67,
18 is amended to read:

19 155.01 **(7)** “Health care provider” means a nurse licensed or permitted under
20 ch. 441, a chiropractor licensed under ch. 446, a dentist licensed under ch. 447, a
21 physician, physician assistant, podiatrist, physical therapist, occupational therapist
22 or occupational therapy assistant licensed ~~or certified~~ under ch. 448, a person
23 practicing Christian Science treatment, an optometrist licensed under ch. 449, a
24 psychologist licensed under ch. 455, a partnership thereof, a corporation or limited
25 liability company thereof that provides health care services, an operational

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1 cooperative sickness care plan organized under ss. 185.981 to 185.985 that directly
2 provides services through salaried employes in its own facility, or a home health
3 agency, as defined in s. 50.49 (1) (a).

4 **SECTION 15.** 180.1901 (1m) (bu) of the statutes is created to read:

5 180.1901 (1m) (bu) Occupational therapists affiliated credentialing board
6 under subch. VII of ch. 448.

7 **SECTION 16.** 252.14 (1) (ar) 4. of the statutes is amended to read:

8 252.14 (1) (ar) 4. A physician, ~~podiatrist or physical therapist licensed or an~~
9 ~~occupational therapist or occupational therapy assistant certified under subch. II of~~
10 ch. 448.

11 **SECTION 17.** 252.14 (1) (ar) 4e. of the statutes is created to read:

12 252.14 (1) (ar) 4e. A physical therapist licensed under subch. III of ch. 448.

13 **SECTION 18.** 252.14 (1) (ar) 4g. of the statutes is created to read:

14 252.14 (1) (ar) 4g. A podiatrist licensed under subch. IV of ch. 448.

15 **SECTION 19.** 252.14 (1) (ar) 4p. of the statutes is created to read:

16 252.14 (1) (ar) 4p. An occupational therapist or occupational therapy assistant
17 licensed under subch. VII of ch. 448.

18 **SECTION 20.** 448.01 (2g) of the statutes is renumbered 448.96 (4) and amended
19 to read:

20 448.96 (4) “Occupational therapist” means an individual who ~~meets the~~
21 ~~requirements under s. 448.05 (5m) (a) and is certified~~ licensed by the medical
22 ~~examining~~ affiliated credentialing board to practice occupational therapy.

23 **SECTION 21.** 448.01 (2m) of the statutes is repealed.

24 **SECTION 22.** 448.01 (2r) of the statutes is renumbered 448.96 (6) and amended
25 to read:

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1 448.96 (6) "Occupational therapy assistant" means an individual who meets
2 the requirements under ~~s. 448.05 (5m) (b)~~ and is certified licensed by the medical
3 examining affiliated credentialing board to assist in the practice of occupational
4 therapy under the supervision of an occupational therapist.

5 **SECTION 23.** 448.02 (2) of the statutes, as affected by 1997 Wisconsin Act 67,
6 is amended to read:

7 448.02 (2) CERTIFICATE. The board may certify ~~occupational therapists,~~
8 ~~occupational therapy assistants and~~ respiratory care practitioners.

9 **SECTION 24.** 448.03 (3) (f) (intro.) of the statutes is renumbered 448.961 (1) and
10 amended to read:

11 448.961 (1) ~~No person not~~ Except as provided in s. 448.962 (1), a person who
12 is not licensed as an occupational therapist may not practice occupational therapy,
13 designate himself or herself as an occupational therapist, claim to render
14 occupational therapy services or use the abbreviation "O.T." or "O.T.R." after the
15 person's name. ~~This paragraph does not apply to:~~

16 **SECTION 25.** 448.03 (3) (f) 1. of the statutes is renumbered 448.962 (1) (a).

17 **SECTION 26.** 448.03 (3) (f) 2. of the statutes is renumbered 448.962 (1) (b).

18 **SECTION 27.** 448.03 (3) (f) 3. of the statutes is renumbered 448.962 (1) (c), and
19 448.962 (1) (c) (intro.) and 2., as renumbered, are amended to read:

20 448.962 (1) (c) (intro.) Any person performing occupational therapy services in
21 this state under a limited permit, as provided under s. 448.04 (1) (h) 448.963 (4), if
22 at least one of the following applies:

23 2. The person meets the requirements for initial certification as an
24 occupational therapist, registered, established by the ~~American occupational~~

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1 ~~therapy certification board~~ National Board for Certification in Occupational
2 Therapy.

3 **SECTION 28.** 448.03 (3) (g) (intro.) of the statutes is renumbered 448.961 (2) and
4 amended to read:

5 448.961 (2) ~~No person not~~ Except as provided in s. 448.962 (2) a person who is
6 not licensed as an occupational therapy assistant may not assist in the practice of
7 occupational therapy, describe himself or herself as an occupational therapy
8 assistant or claim to render occupational therapy services as an occupational
9 therapy assistant or use the abbreviation "O.T.A." or "C.O.T.A." after the person's
10 name. ~~This paragraph does not apply to:~~

11 **SECTION 29.** 448.03 (3) (g) 1. of the statutes is renumbered 448.962 (2) (a).

12 **SECTION 30.** 448.03 (3) (g) 2. of the statutes is renumbered 448.962 (2) (b).

13 **SECTION 31.** 448.03 (3) (g) 3. of the statutes is renumbered 448.962 (2) (c), and
14 448.962 (2) (c) (intro.) and 2., as renumbered, are amended to read:

15 448.962 (2) (c) (intro.) Any person performing occupational therapy services in
16 this state under a limited permit, as provided under s. 448.04 (1) (h) 448.963 (4), if
17 at least one of the following applies:

18 2. The person meets the requirements for initial certification as a certified
19 occupational therapy assistant, established by the ~~American occupational therapy~~
20 ~~certification board~~ National Board for Certification in Occupational Therapy.

21 **SECTION 32.** 448.04 (1) (g) (title) of the statutes is repealed.

22 **SECTION 33.** 448.04 (1) (g) 1. and 2. of the statutes are repealed.

23 **SECTION 34.** 448.04 (1) (g) 3. (intro.) of the statutes is repealed.

24 **SECTION 35.** 448.04 (1) (g) 3. a. of the statutes is repealed.

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1 **SECTION 36.** 448.04 (1) (g) 3. b. of the statutes is renumbered 448.963 (2) (b) 3.
2 and amended to read:

3 448.963 (2) (b) 3. ~~Any person who presents proof of certification~~ Been initially
4 certified as an occupational therapist by the ~~American occupational therapy~~
5 ~~certification board~~ National Board for Certification in Occupational Therapy, if the
6 ~~medical examining~~ affiliated credentialing board determines that the requirements
7 for the certification are equivalent to the requirements under ~~s. 448.05 (5m) (a) or~~
8 ~~(b) subds. 1. and 2.~~

9 **SECTION 37.** 448.04 (1) (h) (title) of the statutes is repealed.

10 **SECTION 38.** 448.04 (1) (h) of the statutes is renumbered 448.963 (4) and
11 amended to read:

12 448.963 (4) The affiliated credentialing board may, upon application, issue a
13 permit for a limited period of time designated by the affiliated credentialing board
14 to any of the following:

15 (a) A person who presents evidence satisfactory to the affiliated credentialing
16 board of having met the requirements under ~~s. 448.05 (5m) (a) sub. (2) (b) 1. or 2.~~, to
17 practice occupational therapy in association with an occupational therapist.

18 (b) A person who presents evidence satisfactory to the affiliated credentialing
19 board of having met the requirements under ~~s. 448.05 (5m) (b) sub. (3) (b) 1. or 2.~~, to
20 assist in the practice of occupational therapy under the supervision of an
21 occupational therapist.

22 **SECTION 39.** 448.05 (5m) (title) of the statutes is repealed.

23 **SECTION 40.** 448.05 (5m) (a) (intro.) of the statutes is repealed.

24 **SECTION 41.** 448.05 (5m) (a) 1. of the statutes is renumbered 448.963 (2) (b) 1.
25 and amended to read:

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1 448.963 (2) (b) 1. Successfully completed the academic requirements and
2 supervised internship of an educational program in occupational therapy recognized
3 by the affiliated credentialing board and accredited by the ~~accreditation council for~~
4 ~~occupational therapy education~~ Accreditation Council for Occupational Therapy
5 Education of the American Occupational Therapy Association.

6 **SECTION 42.** 448.05 (5m) (a) 2. of the statutes is renumbered 448.963 (2) (b) 2.
7 and amended to read:

8 448.963 (2) (b) 2. Received initial certification as an occupational therapist by
9 the ~~American occupational therapy certification board~~ National Board for
10 Certification in Occupational Therapy.

11 **SECTION 43.** 448.05 (5m) (b) (intro.) of the statutes is repealed.

12 **SECTION 44.** 448.05 (5m) (b) 1. of the statutes is repealed.

13 **SECTION 45.** 448.05 (5m) (b) 2. of the statutes is renumbered 448.963 (3) (b) 2.
14 and amended to read:

15 448.963 (3) (b) 2. Received initial certification as an occupational therapy
16 assistant by the ~~American occupational therapy certification board~~ National Board
17 for Certification in Occupational Therapy.

18 **SECTION 46.** 448.06 (1) of the statutes is amended to read:

19 448.06 (1) GRANT OF LICENSE, CERTIFICATE OR LIMITED PERMIT. If three-fourths
20 of the members of the board find that an applicant who has passed the required
21 examinations ~~or who applies under s. 448.04 (1) (h)~~ is qualified, the board shall so
22 notify the applicant and shall grant the license, certificate or limited permit.

23 **SECTION 47.** 448.07 (1) (d) of the statutes is amended to read:

24 448.07 (1) (d) No registration may be permitted by the secretary of the board
25 in the case of any physician, ~~occupational therapist or occupational therapy assistant~~

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1 who has failed to meet the requirements of s. 448.13 or any person whose license,
2 certificate or limited permit has been suspended or revoked and the registration of
3 any such person shall be deemed automatically annulled upon receipt by the
4 secretary of the board of a verified report of such suspension or revocation, subject
5 to the licensee's or permittee's right of appeal. A person whose license, certificate or
6 limited permit has been suspended or revoked and subsequently restored shall be
7 registered by the board upon tendering a verified report of such restoration of the
8 license, certificate or limited permit, together with an application for registration
9 and the registration fee.

10 **SECTION 48.** 448.13 (1) (a) of the statutes is renumbered 448.13 (1).

11 **SECTION 49.** 448.13 (1) (b) of the statutes is renumbered 448.13 (1m) and
12 amended to read:

13 448.13 (1m) The board shall, on a random basis, verify the accuracy of proof
14 submitted by physicians under ~~par. (a) sub. (1)~~ and may, at any time during the 2
15 calendar years specified in ~~par. (a) sub. (1)~~, require a physician to submit proof of any
16 continuing education programs or courses of study that he or she has attended and
17 completed at that time during the 2 calendar years.

18 **SECTION 50.** 448.13 (2) of the statutes is repealed.

19 **SECTION 51.** 448.40 (2) (b) of the statutes is renumbered 448.965 (1) (a) and
20 amended to read:

21 448.965 (1) (a) ~~Establishing standards~~ Standards for acceptable examination
22 performance by an applicant for ~~certification~~ licensure as an occupational therapist
23 or occupational therapy assistant.

24 **SECTION 52.** 448.40 (2) (c) of the statutes is renumbered 448.965 (1) (b) and
25 amended to read:

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1 (1) “Affiliated credentialing board” means the occupational therapists
2 affiliated credentialing board.

3 (2) “Licensee” means an individual granted a license under this subchapter.

4 (3) “Occupation” means intentional, action-oriented behavior that is
5 personally meaningful to an individual and that is determined by the individual’s
6 characteristics, culture and environment.

7 (5) “Occupational therapy” means the therapeutic use of purposeful and
8 meaningful occupations to evaluate and treat individuals of all ages who have a
9 disease, disorder, impairment, activity limitation or participation restriction that
10 interferes with their ability to function independently in daily life roles and
11 environments and to promote health and wellness.

12 **448.961 License required.**

13 **448.962 Applicability.** This subchapter does not do any of the following:

14 (1) Require any of the following to be licensed as an occupational therapist:

15 (d) Any person lawfully practicing within the scope of a license, permit,
16 registration or certification granted by this state or the federal government.

17 (2) Require any of the following to be licensed as an occupational therapy
18 assistant:

19 (d) Any person lawfully practicing within the scope of a license, permit,
20 registration or certification granted by this state or the federal government.

21 **448.963 Licensure requirements; limited permits.** (1) An applicant for
22 a license granted under this subchapter shall do each of the following:

23 (a) Submit an application for the license to the department on a form provided
24 by the department.

25 (b) Pay the fee specified in s. 440.05 (1).

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1 **(2)** The affiliated credentialing board shall grant a license as an occupational
2 therapist to a person who does all of the following:

3 (a) Satisfies the requirements under sub. (1).

4 (b) Submits evidence satisfactory to the affiliated credentialing board that he
5 or she has done any of the following:

6 (c) Passes an examination under s. 448.964.

7 **(3)** The affiliated credentialing board shall grant a license as an occupational
8 therapy assistant to a person who does all of the following:

9 (a) Satisfies the requirements under sub. (1).

10 (b) Submits evidence satisfactory to the affiliated credentialing board that he
11 or she has done any of the following:

12 1. Successfully completed the academic requirements and supervised
13 internship of an educational program in occupational therapy recognized by the
14 affiliated credentialing board and accredited by the Accreditation Council for
15 Occupational Therapy Education of the American Occupational Therapy
16 Association.

17 3. Been initially certified as an occupational therapy assistant by the National
18 Board for Certification in Occupational Therapy, if the affiliated credentialing board
19 determines that the requirements for the certification are equivalent to the
20 requirements under subds. 1. and 2.

21 (c) Passes an examination under s. 448.964.

22 **448.964 Examination.** (1) The affiliated credentialing board shall conduct
23 or arrange for examinations required for occupational therapist and occupational
24 therapy assistant licensure under s. 448.963 (2) (c) and (3) (c) at times and places
25 determined by the affiliated credentialing board.

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1 **(2)** Examinations under sub. (1) may consist of written or oral tests, or both,
2 and shall require applicants to demonstrate each of the following:

3 (a) Minimum competency in subjects substantially related to the practice of
4 occupational therapy and assisting in the practice of occupational therapy.

5 (b) Ability to practice occupational therapy or assist in the practice of
6 occupational therapy with reasonable skill and safety.

7 **448.965 Duties and powers of affiliated credentialing board.** (1) The
8 affiliated credentialing board shall promulgate rules that establish each of the
9 following:

10 **(2)** The affiliated credentialing board may promulgate rules that define the
11 scope of practice of occupational therapy or the scope of assisting in the practice of
12 occupational therapy.

13 **448.966 Reciprocal licensure.** (1) Upon application and payment of the fee
14 specified in s. 440.05 (2), the affiliated credentialing board shall grant a license as
15 an occupational therapist to a person who holds a similar certificate or license in
16 another state or territory of the United States if the affiliated credentialing board
17 determines that the requirements for receiving the certificate or license in the other
18 state or territory are substantially equivalent to the requirements under s. 448.963
19 (2).

20 **(2)** Upon application and payment of the fee specified in s. 440.05 (2), the
21 affiliated credentialing board shall grant a license as an occupational therapy
22 assistant to a person who holds a similar certificate or license in another state or
23 territory of the United States if the affiliated credentialing board determines that the
24 requirements for receiving the certificate or license in the other state or territory are
25 substantially equivalent to the requirements under s. 448.963 (3).

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1 **448.967 Issuance of license; expiration and renewal.** (1) The department
2 shall issue a certificate of licensure to each person who is licensed under this
3 subchapter.

4 (2) The renewal dates for licenses granted under this subchapter are specified
5 under s. 440.08 (2) (a). Renewal applications shall be submitted to the department
6 on a form provided by the department and shall include the renewal fee specified in
7 s. 440.08 (2) (a) and a statement attesting compliance with the continuing education
8 requirements established in rules promulgated under s. 448.965 (1) (b).

9 **448.968 Disciplinary proceedings and actions.** (1) Subject to the rules
10 promulgated under s. 440.03 (1), the affiliated credentialing board may make
11 investigations and conduct hearings to determine whether a violation of this
12 subchapter or any rule promulgated under this subchapter has occurred.

13 (2) Subject to the rules promulgated under s. 440.03 (1), the affiliated
14 credentialing board may reprimand a licensee or deny, limit, suspend or revoke a
15 license granted under this subchapter if it finds that the applicant or licensee has
16 done any of the following:

17 (a) Made a material misstatement in an application for a license or for renewal
18 of a license.

19 (b) Subject to ss. 111.321, 111.322 and 111.335, been convicted of an offense the
20 circumstances of which substantially relate to the practice of occupational therapy
21 or assisting in the practice of occupational therapy.

22 (c) Advertised in a manner that is false, deceptive or misleading.

23 (d) Advertised, practiced or attempted to practice under another's name.

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1 (e) Subject to ss. 111.321, 111.322 and 111.34, practiced occupational therapy
2 or assisted in the practice of occupational therapy while his or her ability to practice
3 was impaired by alcohol or other drugs.

4 (f) Engaged in unprofessional or unethical conduct in violation of the code of
5 ethics established in the rules promulgated under s. 448.965 (1) (c).

6 (g) Engaged in conduct while practicing occupational therapy or assisting in
7 the practice of occupational therapy that evidences a lack of knowledge or ability to
8 apply professional principles or skills.

9 (h) Violated this subchapter or any rule promulgated under this subchapter.

10 **448.969 Injunctive relief.** If the affiliated credentialing board has reason to
11 believe that any person is violating this subchapter or any rule promulgated under
12 this subchapter, the affiliated credentialing board, the department, the attorney
13 general or the district attorney of the proper county may investigate and may, in
14 addition to any other remedies, bring an action in the name and on behalf of this state
15 to enjoin the person from the violation.

16 **448.970 Penalties; appeal. (1)** A person who violates any provision of this
17 subchapter may be fined not more than \$10,000 or imprisoned for not more than 9
18 months or both.

19 **(2)** Any person aggrieved by any action taken under this subchapter by the
20 affiliated credentialing board, its officers or its agents may apply for judicial review
21 as provided in ch. 227, and shall file notice of such appeal with the secretary of the
22 affiliated credentialing board within 30 days. No court of this state may enter an
23 ex parte stay of any action taken by the affiliated credentialing board under this
24 subchapter.

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1 **SECTION 57.** 450.10 (3) (a) 5. of the statutes, as affected by 1997 Wisconsin Act
2 67, is amended to read:

3 450.10 **(3)** (a) 5. A physician, physician assistant, podiatrist, physical
4 therapist, occupational therapist or occupational therapy assistant licensed or
5 certified under ch. 448.

6 **SECTION 58. Nonstatutory provisions.**

7 (1) DEFINITIONS. In this SECTION:

8 (a) “Affiliated credentialing board” means the occupational therapists
9 affiliated credentialing board.

10 (b) “Examining board” means the medical examining board.

11 (c) “Examining council” means the occupational therapy examining council.

12 (2) INITIAL APPOINTMENTS. Notwithstanding the length of the terms specified in
13 section 15.406 (5) (intro.) of the statutes, as created by this act, the initial members
14 of the affiliated credentialing board shall be appointed by the first day of the 4th
15 month beginning after the effective date of this subsection for the following terms:

16 (a) One occupational therapist and one public member, for terms expiring on
17 July 1, 2001.

18 (b) One occupational therapist assistant, for a term expiring on July 1, 2002.

19 (c) One occupational therapist, for a term expiring on July 1, 2003.

20 (d) One public member, for a term expiring on July 1, 2003.

21 (3) TRANSFER OF AUTHORITY AND RECORDS FROM EXAMINING BOARD; TRANSITIONAL
22 PROVISIONS. During the period beginning on the effective date of this subsection and
23 ending on the first day of the 7th month beginning after the effective date of this
24 subsection, the examining board and examining council shall cooperate with the
25 affiliated credentialing board, as created by this act, in providing orderly and

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1 efficient transfers under this subsection. On the first day of the 7th month beginning
2 after the effective date of this subsection, all of the following apply:

3 (a) The assets and liabilities of the examining board and the examining council
4 pertaining to the regulation of occupational therapists and occupational therapy
5 assistants shall become the assets and liabilities of the affiliated credentialing board.

6 (b) All tangible personal property, including records, of the examining board
7 and examining council pertaining to the regulation of occupational therapists and
8 occupational therapy assistants is transferred to the affiliated credentialing board.

9 (c) All rules pertaining to the regulation of occupational therapists and
10 occupational therapy assistants that have been promulgated by the examining board
11 and that are in effect shall become rules of the affiliated credentialing board and
12 shall remain in effect until their specified expiration dates or until amended or
13 repealed by the affiliated credentialing board. All orders pertaining to the regulation
14 of occupational therapists and occupational therapy assistants that have been issued
15 by the examining board and that are in effect shall become orders of the affiliated
16 credentialing board and shall remain in effect until their specified expiration dates
17 or until modified or rescinded by the affiliated credentialing board.

18 (d) Any matter relating to the regulation of occupational therapists and
19 occupational therapy assistants that is pending with the examining board is
20 transferred to the affiliated credentialing board, and all materials submitted to or
21 actions taken by the examining board with respect to the pending matter are
22 considered to have been submitted to or taken by the affiliated credentialing board.

23 (e) Notwithstanding section 448.963 (2) of the statutes, as created by this act,
24 any person who, on the day before the first day of the 7th month beginning after the
25 effective date of this paragraph, was certified as an occupational therapist by the

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1 examining board under subchapter II of chapter 448 of the statutes is considered to
2 be licensed as an occupational therapist by the affiliated credentialing board under
3 subchapter VII of chapter 448 of the statutes, as created by this act, without meeting
4 any of the requirements of section 448.963 (2) of the statutes, as created by this act.

5 (f) Notwithstanding section 448.963 (3) of the statutes, as created by this act,
6 any person who, on the day before the first day of the 7th month beginning after the
7 effective date of this paragraph, was certified as an occupational therapy assistant
8 by the examining board under subchapter II of chapter 448 of the statutes is
9 considered to be licensed as an occupational therapy assistant by the affiliated
10 credentialing board under subchapter VII of chapter 448 of the statutes, as created
11 by this act, without meeting any of the requirements of section 448.963 (3) of the
12 statutes, as created by this act.

13 **SECTION 59. Effective dates.** This act takes effect on the first day of the 7th
14 month after publication, except as follows:

15 (1) The treatment of sections 15.08 (1m) (b), 15.085 (1m) (b) and 15.406 (5) of
16 the statutes and SECTION 58 of this act take effect on the day after publication.

17 (END)