

1975 Assembly Bill 1067

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CHAPTER 383, Laws of 1975

AN ACT to amend 15.405 (7) and 15.407 (1) (a) and (b); and to repeal and recreate 446.01, 446.02 (1) and chapter 448 of the statutes, relating to the licensing of medical practitioners, creating a council on physicians' assistants, granting rule-making authority and providing a penalty.

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

SECTION 1. Purpose. It is hereby declared as a matter of legislative policy in the state of Wisconsin that the practice of medicine and surgery and treating the sick is a privilege granted by legislative authority and is not a natural right of persons, and that it is deemed necessary as a matter of such policy in the interests of the health, safety and welfare of the people of Wisconsin to provide for the granting of that privilege and the regulation of its subsequent use to the end that the people of Wisconsin are protected against unprofessional, improper, unauthorized and unqualified practice, and from unprofessional conduct by persons holding a license or certificate granted under this chapter.

SECTION 1m. 15.405 (7) of the statutes is amended to read:

15.405 (7) **MEDICAL EXAMINING BOARD.** There is created a medical examining board in the department of regulation and licensing. The medical examining board shall consist of 8 members appointed for staggered 4-year terms which shall commence on May 1. The terms of 2 members shall expire annually on April 30. Seven of the members shall be licensed doctors of medicine; one member shall be a licensed doctor of osteopathy. No person may be appointed to the examining board who is an instructor, stockholder or member of, or financially interested in, any school, college or university having a medical department, or of any school of osteopathy, except an

instructor having a part-time clinical appointment. In lieu of a per diem, the secretary shall receive such additional compensation as the examining board directs, but not less than \$1,900 annually.

SECTION 2. 15.407 (1) (a) and (b) of the statutes are amended to read:

15.407 (1) (a) *Physical therapists.* There is created a physical therapists examining council consisting of 3 ~~registered~~ licensed physical therapists, each of whom shall have engaged in the practice of physical therapy for at least 3 years ~~immediately~~ preceding his appointment. Members shall be appointed by the medical examining board for staggered 3-year terms.

(b) *Podiatrists.* There is created a podiatrists examining council consisting of 3 licensed podiatrists appointed by the medical examining board for staggered 3-year terms.

SECTION 2q. 446.01 of the statutes is repealed and recreated to read:

446.01 Definitions. In this chapter:

(1) "Examining board" means chiropractic examining board.

(2) "Practice of chiropractic" means:

(a) To examine into the fact, condition, or cause of departure from complete health and proper condition of the human; to treat without the use of drugs as defined in s. 450.06 or surgery; to counsel; to advise for the same for the restoration and preservation of health or to undertake, offer, advertise, announce or hold out in any manner to do any of the aforementioned acts, for compensation, direct or indirect or in expectation thereof; and

(b) To employ or apply chiropractic adjustments and the principles or techniques of chiropractic science in the diagnosis, treatment or prevention of any of the conditions described in s. 448.01 (13m).

SECTION 2r. 446.02 (1) of the statutes is repealed and recreated to read:

446.02 (1) No person may engage in the practice of chiropractic or attempt to do so or hold himself or herself out as authorized to do so, unless such person:

(a) Is licensed by the examining board; and

(b) Meets the requirements of continuing education for license renewal as the examining board may require.

SECTION 3. Chapter 448 of the statutes, as affected by chapters 37 and 39, laws of 1975, is repealed and recreated to read:

CHAPTER 448

MEDICAL PRACTICES

448.01 Definitions. In this chapter:

(1) "Board" means medical examining board.

(2) "Disease" means any pain, injury, deformity or physical or mental illness or departure from complete health or the proper condition of the human body or any of its parts.

(3) "Physical therapist" means an individual who has been graduated from a school of physical therapy, and holding a license to practice physical therapy granted by the board.

(4) "Physical therapy" means that branch or system of treating the sick which is limited to therapeutic exercises with or without assistive devices, and physical measures including heat and cold, air, water, light, sound, electricity and massage; and physical testing and evaluation. The use of roentgen rays and radium for any purpose, and the

use of electricity for surgical purposes including cauterization, are not part of physical therapy.

(5) "Physician" means an individual possessing the degree of doctor of medicine or doctor of osteopathy or an equivalent degree as determined by the board, and holding a license granted by the board.

(6) "Physician's assistant" means an individual certified by the board to perform patient services under the supervision and direction of a licensed physician.

(7) "Podiatrist" means an individual possessing the degree of doctor of podiatric medicine or doctor of surgical chiropody or equivalent degree as determined by the board, and holding a license to practice podiatry or podiatric medicine and surgery granted by the board.

(8) "Podiatry" or "podiatric medicine and surgery" means that branch or system of treating the sick which is limited to the diagnosis, or mechanical, medical or surgical treatment or treatment by use of drugs, of the feet, but does not include amputations other than digits of the foot or the use of a general anesthetic unless administered by or under the direction of a person licensed to practice medicine and surgery. Diagnosis or treatment shall include no portion of the body above the feet except that diagnosis and treatment shall include the tendons and muscles of the lower leg insofar as they shall be involved in conditions of the feet.

(9) "Practice of medicine and surgery" means:

(a) To examine into the fact, condition or cause of human health or disease, or to treat, operate, prescribe or advise for the same, by any means or instrumentality.

(b) To apply principles or techniques of medical sciences in the diagnosis or prevention of any of the conditions described in par. (a) and in sub. (2).

(c) To penetrate, pierce or sever the tissues of a human being.

(d) To offer, undertake, attempt or do or hold oneself out in any manner as able to do any of the acts described in this subsection.

(10) "Reprimand" means to publicly warn the holder of a license or certificate granted by the board.

(11) To "limit" a license or certificate means to impose conditions and requirements upon the holder thereof, and to restrict the scope of his practice.

(12) To "revoke" a license or certificate means to completely and absolutely terminate such license or certificate, and all rights, privileges and authority previously conferred thereby.

(13) To "suspend" a license or certificate means to completely and absolutely withdraw and withhold for a period of time all rights, privileges and authority previously conferred by a grant of a license or certificate.

(13m) "Treat the sick" means to examine into the fact, condition or cause of human health or disease, or to treat, operate, prescribe or advise for the same, or to undertake, offer, advertise, announce or hold out in any manner to do any of the aforementioned acts, for compensation, direct or indirect, or in the expectation thereof.

(14) "Unprofessional conduct" means those acts or attempted acts of commission or omission defined as unprofessional conduct by the board under the authority delegated to the board by s. 15.08 (5).

(15) "Warn" means to privately apprise the holder of a license or certificate of the unprofessional nature of his conduct and admonish him that continued or repeated conduct of such nature may give the board cause to reprimand him or to limit, suspend or revoke such license or certificate.

448.02 Authority. (1) **LICENSE.** The board may grant licenses, including various classes of temporary licenses, to practice medicine and surgery, to practice podiatric medicine and surgery and to practice physical therapy.

(2) **CERTIFICATE.** The board may certify physician's assistants.

(3) **INVESTIGATION; HEARING; ACTION.** The board shall investigate allegations of unprofessional conduct by persons holding a license or certificate granted by the board. A finding by a panel established under s. 655.02 or by a court that a physician has acted negligently is an allegation of unprofessional conduct. After the investigation, if the board finds that there is probable cause to believe that the person is guilty of unprofessional conduct, the board shall hold a hearing on such conduct. The board may, when it finds a person guilty of unprofessional conduct, warn or reprimand that person, or limit, suspend or revoke any license or certificate granted by the board to that person. The board shall adopt rules of procedure for such investigation, hearing and action under ch. 227.

(a) The board may limit a license or certificate for a period not to exceed 5 years. A person whose license or certificate is limited shall be permitted to continue his practice upon condition that he will refrain from engaging in unprofessional conduct; that he will appear before the board or its officers or agents at such times and places as may be designated by the board from time to time; that he will fully disclose to the board or its officers or agents the nature of his practice and conduct; and that he will cooperate with the board during the entire period of limitation.

(b) Unless a suspended license or certificate is revoked during the period of suspension, upon the expiration of the period of suspension the license or certificate shall again become operative and effective. However, the board may require the holder of any such suspended license or certificate to pass the examinations required for the original grant of the license or certificate before allowing such suspended license or certificate again to become operative and effective.

(4) **SUSPENSION PENDING HEARING.** The board may summarily suspend any license or certificate granted by the board for a period not to exceed 30 days pending hearing, when the board has in its possession evidence establishing probable cause to believe that the holder of such license or certificate has violated the provisions of this chapter and that it is necessary to suspend such license or certificate immediately to protect the public health, safety or welfare. The holder of such license or certificate shall be granted an opportunity to be heard during the determination of probable cause. The board may designate any of its officers to exercise the authority granted by this subsection to suspend summarily a license or certificate, but such suspension shall be for a period of time not to exceed 72 hours.

(5) **VOLUNTARY SURRENDER.** The holder of any license or certificate granted by the board may voluntarily surrender the license or certificate to the secretary of the board at any time.

(6) **RESTORATION OF LICENSE.** The board may restore any license or certificate which has been voluntarily surrendered or revoked under any of the provisions of this chapter, on such terms and conditions as it may deem appropriate.

448.03 License required to practice; exceptions; use of titles; civil immunity. (1) **LICENSE REQUIRED TO PRACTICE.** No person may practice medicine and surgery, podiatry or physical therapy, or attempt to do so or hold himself out as authorized to do so, without a license granted by the board.

(2) **EXCEPTIONS.** Nothing in this chapter shall be construed either to prohibit, or to require a license or certificate under this chapter for any of the following:

(a) Any person lawfully practicing within the scope of a license, permit, registration, certificate or certification granted to practice professional or practical

nursing under ch. 441, to practice chiropractic under ch. 446, to practice dentistry or dental hygiene under ch. 447, to practice optometry under ch. 449 or under any other statutory provision, or as otherwise provided by statute.

(b) The performance of his official duties by a physician of any of the armed services or federal health services of the United States.

(c) The activities of a medical student, podiatry student, physical therapy student or physician's assistant student required for such student's education and training; or the activities of a medical school graduate required for his training as required in s. 448.05 (2).

(d) Actual consultation or demonstration by licensed physicians, podiatrists or physical therapists of other states or countries with licensed physicians, podiatrists or physical therapists of this state.

(e) Any person providing patient services as directed, supervised and inspected by a physician or podiatrist who has the power to direct, decide and oversee the implementation of the patient services rendered.

(f) Any person assisting a physical therapist in his practice under the direct, immediate, on premises supervision of such physical therapist.

(g) Ritual circumcision by a rabbi, or the practice of Christian Science.

(h) The gratuitous domestic administration of family remedies.

(i) Any person furnishing medical assistance or first aid at the scene of an emergency as defined in sub. (4).

(3) USE OF TITLES. (a) No person not possessing the degree of doctor of medicine may use or assume the title "doctor of medicine" or append to his name the letters "M.D."

(b) No person not possessing the degree of doctor of osteopathy may use or assume the title "doctor of osteopathy" or append to his name the letters "D.O."

(c) No person not a podiatrist may designate himself as a podiatrist or use or assume the title "doctor of surgical chiropody" or "doctor of podiatry" or "doctor of podiatric medicine" or append to his name the words or letters "doctor", "Dr.", "D.S.C.", "D.P.M." or "foot doctor" or "foot specialist" or any other title, letters or designation which represents or may tend to represent him as a podiatrist.

(d) No person not a physical therapist may designate himself as a physical therapist or use or assume the title "physical therapist" or "physiotherapist" or "physical therapy technician" or append to his name the letters "P.T.", "P.T.T." or "R.P.T." or any other title, letters or designation which represents or may tend to represent him as a physical therapist.

(e) No person may designate himself as a "physician's assistant" or use or assume the title "physician's assistant" or append to his name the words or letters "physician's assistant" or "P.A." or any other titles, letters or designation which represents or may tend to represent him as a physician's assistant unless certified as a physician's assistant by the board.

(4) CIVIL LIABILITY; EMERGENCY CARE. No person licensed or certified under this chapter, who in good faith renders emergency care at the scene of an emergency, is liable for any civil damages as a result of acts or omissions by such person in rendering the emergency care. For the purpose of this subsection, "the scene of an emergency" means areas not within the confines of a hospital or other institution which has hospital facilities or the office of a person licensed or certified under this chapter.

(5) CIVIL LIABILITY; CERTAIN MEDICAL PROCEDURES. No person licensed or certified under this chapter shall be liable for any civil damages resulting from such

person's refusal to perform sterilization procedures or to remove or aid in the removal of a human embryo or fetus from a person if such refusal is based on religious or moral precepts.

448.04 Classes of license; certificate of licensure. (1) CLASSES OF LICENSE. (a) *License to practice medicine and surgery.* A person holding a license to practice medicine and surgery may practice as defined in s. 448.01 (9).

(b) *Temporary license to practice medicine and surgery.* 1. An applicant for license to practice medicine and surgery who has passed an examination satisfactory to the board, or who is a graduate of a medical school in this state, and who more than 30 days prior to the date set by the board for the holding of its next examination has complied with all the requirements of s. 448.05 (2) and (7) may, at the discretion of the board, be granted a temporary license to practice medicine and surgery. Such temporary license shall expire 60 days after the next examination for license is given or on the date following his examination on which the board grants or denies such applicant a license, whichever occurs first; but the temporary license shall automatically expire on the first day the board begins its examination of applicants after granting such license, unless its holder submits to examination on such date. The board may require an applicant for temporary licensure under this subdivision to present himself to a member of the board for an interview and oral examination. A temporary license shall be granted under this subsection only once to the same person.

2. An applicant who is a graduate of a foreign medical school and who, because of noteworthy professional attainment, is invited to serve on the academic staff of a medical school in this state as a visiting professor, may be granted a temporary license to practice medicine and surgery if he is found by the board to be of good professional character. Such license shall remain in force only while the holder is serving full-time on the academic staff of a medical school, and his entire practice is limited to the duties of his academic position. Such license shall expire 2 years after its date of granting and may be renewed at the discretion of the board. The board may require an applicant for licensure under this subdivision to present himself to a member of the board for an interview.

3. The board may grant a temporary license to practice medicine and surgery for a period not to exceed 90 days to a nonresident physician who is serving on a full-time or temporary basis in a camp or other recreational facility, or to a physician temporarily maintaining the practice of another physician. In either case, the applicant for such temporary license must satisfy the board that he is needed in the area in which he wishes to serve and that he holds a license granted upon written examination in another licensing jurisdiction of the United States or Canada. The board may renew such temporary license for additional periods of 90 days each but may not renew such license more than 3 consecutive times. The board may require an applicant for such temporary license to present himself to a member of the board for interview.

(c) *Temporary educational permit to practice medicine and surgery.* Application for a temporary educational permit to practice medicine and surgery may be made to the board by a person who meets the requirements of s. 448.05 (2). Such permit may be issued for a period not to exceed one year and may be renewed annually for not more than 4 years. Such permit shall entitle the holder to take postgraduate educational training in a facility approved by the board. The holder of such permit may, under the direction of a person licensed to practice medicine and surgery in this state, perform services requisite to the training authorized by this section. Acting under such direction, the holder of such permit shall also have the right to prescribe drugs other than narcotics and to sign any certificates, reports or other papers for the use of public authorities which are required of or permitted to persons licensed to

practice medicine and surgery. The holder of such permit shall confine his training and practice to the facility in which he is taking the training. The purpose of this paragraph is solely to provide opportunities in this state for the postgraduate education of certain persons having training in medicine and surgery satisfactory to the board, without compliance with the licensure requirements of this chapter. Nothing in this paragraph changes in any respect the requirements for licensure to practice medicine and surgery in this state. The violation of this paragraph by the holder of such permit shall constitute cause for the revocation of the permit. All holders of such permits shall be subject to such provisions of this chapter as the board, by rule, determines are appropriate and to any penalties applicable to those with a temporary or regular license to practice medicine and surgery. The board may require an applicant for licensure under this paragraph to present himself to a member of the board for an interview and oral examination.

(d) *License to practice podiatry.* A person holding a license to practice podiatry may practice as defined by s. 448.01 (8). The board may, by rule, provide for various classes of temporary licenses to practice podiatry.

(e) *License to practice physical therapy.* A person holding a license to practice physical therapy may practice as defined in s. 448.01 (4) upon the written referral of a physician, dentist or podiatrist. The board may, by rule, provide for various classes of temporary licenses to practice physical therapy.

(f) *Certificate as physician's assistant.* The board may, by rule, adopt certification standards and practice standards for physician's assistants and may certify persons under these rules. The board may, by rule, exempt from certification any technologists whose functions are related to or associated with the practice of medicine or surgery and who have been certified or registered by a national accrediting organization, the standards of which have been approved by the board.

(2) **CERTIFICATE OF LICENSURE.** Each license granted by the board shall be attested by a certificate of licensure bearing the licensee's name and the signature of the chairman and secretary of the board and the seal of the board, and showing on its face the class of license to which it attests and any restrictions appurtenant thereto.

(3) **DUPLICATE.** Any person holding a license or certificate granted under this chapter, which is lost, stolen or destroyed, may apply to the board for a duplicate thereof. Such application shall be made in such manner as the board may designate and shall be accompanied by an affidavit setting out the circumstances of loss. The board shall then issue a duplicate bearing on its face the word "duplicate".

448.05 Qualification for licensure or certification; examinations; application. (1) **GENERAL REQUIREMENTS.** To be qualified for the grant of any license or certificate by the board, an applicant must:

(a) Supply evidence satisfactory to the board that he is of good professional character.

(b) Meet the specific requirements as set out in this section for that class of license or certificate for which he is applying.

(c) Achieve a passing grade in the examinations required in this section.

(d) Be found qualified by three-fourths of the members of the board, except that an applicant for a temporary license under s. 448.04 (1) (b) 1 and 3, (d) and (e) must be found qualified by 2 officers of the board.

(2) **LICENSE TO PRACTICE MEDICINE AND SURGERY.** An applicant for any class of license to practice medicine and surgery must supply evidence satisfactory to the board that he is a graduate of and possesses a diploma from a medical or osteopathic college approved by the board and has completed postgraduate training of 12 months in a

facility approved by the board. If an applicant is a graduate of a foreign medical school which has not been approved by the board, and if such applicant has had postgraduate training in this country in a 12-month program approved by the board or has had other professional experience which the board deems has given the applicant the education and training substantially equivalent, and if such applicant has passed the examinations given by the educational council for foreign medical graduates or its successors, the board may make such additional inquiry including a personal interview as satisfies it that the applicant has had such education and training. If a majority of the board is so satisfied, the applicant may then be admitted to examination for a license to practice medicine and surgery. If an applicant is a graduate of a foreign medical school not approved by the board, and such foreign medical school requires either social service or internship or both of its graduates, and if such applicant has not completed such requirements but has completed a 12-month supervised clinical training program under the direction of a medical school approved by the board and has complied with all other requirements of this subsection for graduates of foreign medical schools not approved by the board, the applicant may then be admitted to examination for a license to practice medicine and surgery.

(3) LICENSE TO PRACTICE PODIATRY. An applicant for any class of license to practice podiatry must supply evidence satisfactory to the board that he is a graduate of and possesses a diploma conferring the degree of doctor of podiatric medicine, or equivalent degree as determined by the board, from a school of podiatric medicine and surgery approved by the board.

(4) LICENSE TO PRACTICE PHYSICAL THERAPY. An applicant for any class of license to practice physical therapy must supply evidence satisfactory to the board that he is a graduate of a school of physical therapy approved by the board.

(5) CERTIFICATE AS A PHYSICIAN'S ASSISTANT. The board may, by rule, adopt certification standards and practice standards for physician's assistants and may certify persons under these rules. Where the board finds that experience or informal training is equivalent to education or formal training otherwise required, it may accept the experience or informal training as a substitute for any of the standards. The board, may by rule, adopt certification standards for physician's assistant training programs and may certify programs under these rules. In formulating such rules and certification and practice standards for both physician's assistants and physician's assistant training programs, the board shall recognize that an objective of this program is to increase the existing pool of health personnel. Nothing in this subsection shall be construed as requiring certification under this subsection of other persons who assist physicians.

(6) EXAMINATIONS. (a) The board shall examine each applicant it finds eligible under this section in such subject matters as the board deems applicable to the class of license or certificate which the applicant seeks to have granted to him. Examinations may be both written and oral. In lieu of its own examinations, in whole or in part, the board may make such use as it deems appropriate of examinations prepared, administered, and scored by national examining agencies, or by other licensing jurisdictions of the United States or Canada. The board shall specify passing grades for any and all examinations required.

(b) The board may require an applicant who fails to appear for or to complete the required examinations to reapply for licensure or certification before admitting him to subsequent examinations.

(c) An applicant who fails to achieve a passing grade in the required examinations may request reexamination, and may be reexamined not more than twice at not less than 4-month intervals, and shall pay a reexamination fee for each such reexamination. An applicant who fails to achieve a passing grade on the 2nd such

reexamination may not be admitted to further examination until he reapplies for licensure or certification and also presents to the board evidence of further professional training or education as the board may deem appropriate.

(7) **APPLICATION.** Application for any class of license or certificate shall be made as a verified statement in such form and at such time and place as the board may designate, and shall be accompanied by satisfactory evidence setting out the qualifications imposed by this section. Application for any class of license to practice medicine and surgery also shall be accompanied by a verified statement that the applicant is familiar with the state health laws and the rules of the department of health and social services as related to communicable diseases.

448.06 License or certificate granted, denied. (1) **GRANT OF LICENSE OR CERTIFICATE.** If three-fourths of the members of the board find that an applicant who has passed the required examinations is qualified, the board shall so notify him and shall grant him license or certificate.

(2) **DENIAL OF LICENSE OR CERTIFICATE.** The board may deny an application for any class of license or certificate and refuse to grant such license or certificate on the basis of unprofessional conduct on the part of the applicant, failure to possess the education and training required for that class of license or certificate for which application is made, or failure to achieve a passing grade in the required examinations.

448.07 Annual registration; fees. (1) **ANNUAL REGISTRATION.** (a) Every person licensed or certified under this chapter shall register each year with the board in such manner and at such time as the board shall designate and upon such forms as the board shall provide. The secretary of the board, on or before December 1 of each year, shall mail or cause to be mailed to every person required to register a registration form. The board shall furnish to each person registered under this section a certificate of annual registration, and each such person shall display his registration certificate conspicuously in his office at all times. No person may exercise the rights or privileges conferred by any license or certificate granted by the board unless currently registered as required under this subsection.

(b) On or before March 10 of each year the secretary of the board shall cause to be published and mailed to each person registered under this subsection a copy of the register required by s. 15.40 (2) (e), which shall be divided according to the activity for which the registrant is licensed or certified. The secretary of the board shall also cause a copy of such published list to be mailed to the secretary of state, the district attorney of each county, each local board of health, the sheriff of each county, the chief of police of each community and to any other public official who may request or have need thereof. The board may make additional copies available for general distribution at a charge not to exceed \$5 per copy.

(c) Every registration made as provided in this section shall be presumptive evidence in all courts and other places that the person named therein is legally registered for the year covered by such registration, and shall be deemed to fulfill any statutory requirement for renewal of license or certificate.

(d) No registration may be permitted by the secretary of the board in the case of any person whose license or certificate has been suspended or revoked and the registration of any such person shall be deemed automatically annulled upon receipt by the secretary of the board of a verified report of such suspension or revocation, subject to such licensee's right of appeal. A person whose license or certificate has been suspended or revoked and subsequently restored shall be registered by the board upon tendering a verified report of such restoration of his license or certificate, together with an application for registration and the registration fee.

(e) If any person licensed or certified under this chapter fails to register as required for 3 consecutive years, the board may require such person to demonstrate to the satisfaction of the board his fitness to practice under such license or certificate before permitting such person to be reregistered.

(2) FEES. For each class of license or certificate granted by the board, application therefor must be accompanied by the prescribed fee. If the applicant is not admitted to examination, the board shall refund to him two-thirds of the fee. If the applicant is admitted to examination, no part of the fee shall be refundable whether a license or certificate is granted or not. The board shall set fees for each class of license and certificate and annual registration not to exceed:

(a) Regular license to practice medicine and surgery or reexamination fee therefor: \$200.

(b) All classes of temporary license or permit to practice medicine and surgery: \$50.

(c) License to practice podiatry or reexamination fee therefor: \$150.

(d) License to practice physical therapy or reexamination fee therefor: \$100.

(e) Certificate as a physician's assistant or reexamination fee therefor: \$75.

(f) Duplicate certificate: \$50.

(g) Annual registration as required by this section: \$25, which shall not be prorated for late registration.

448.08 Fee splitting; separate billing required, partnerships and corporations; contract exceptions. (1) FEE SPLITTING. Except as otherwise provided in this section, no person licensed or certified under this chapter may give or receive, directly or indirectly, to or from any person, firm or corporation any fee, commission, rebate or other form of compensation or anything of value for sending, referring or otherwise inducing a person to communicate with a licensee in his professional capacity, or for any professional services not actually rendered personally or at his direction.

(2) SEPARATE BILLING REQUIRED. Any person licensed under this chapter who renders any medical or surgical service or assistance whatever, or gives any medical, surgical or any similar advice or assistance whatever to any patient, physician or corporation, or to any other institution or organization of any kind, including a hospital, for which a charge is made to such patient receiving such service, advice or assistance, shall, except as authorized by Title 18 or Title 19 of the federal social security act, render an individual statement or account of his charges therefor directly to such patient, distinct and separate from any statement or account by any physician or other person, who has rendered or who may render any medical, surgical or any similar service whatever, or who has given or may give any medical, surgical or similar advice or assistance to such patient, physician, corporation, or to any other institution or organization of any kind, including a hospital.

(3) PROFESSIONAL PARTNERSHIPS AND CORPORATIONS PERMITTED. Notwithstanding any other provision in this section, it is lawful for 2 or more physicians, 2 or more podiatrists or 2 or more physical therapists, who have entered into a bona fide partnership for the practice of medicine, podiatry or physical therapy, to render a single bill for such services in the name of such partnership; and it also is lawful for a service corporation of physicians, podiatrists or physical therapists to render a single bill for such services in the name of the corporation; provided that each individual physician, podiatrist or physical therapist rendering services so billed for shall be individually identified as having rendered such services.

(4) CONTRACT EXCEPTIONS; TERMS. Notwithstanding any other provision in this section, when a hospital and its medical staff or a medical education and research

organization and its medical staff consider that it is in the public interest, a physician may contract with the hospital or organization as an employe or to provide consultation services for attending physicians as provided in this subsection.

(a) Contracts under this subsection shall:

1. Require the physician to be a member of or acceptable to and subject to the approval of the medical staff of the hospital or medical education and research organization.

2. Permit the physician to exercise his professional judgment without supervision or interference by the hospital or medical education and research organization.

3. Establish the remuneration of the physician.

(b) If agreeable to the contracting parties, the hospital or medical education and research organization may charge the patient for services rendered by the physician, but the statement to the patient shall indicate that the services of the physician, who shall be designated by name, are included in the departmental charges.

(c) No hospital or medical education and research organization may limit staff membership to physicians employed under this subsection.

(d) The responsibility of physician to patient, particularly with respect to professional liability, shall not be altered by any employment contract under this subsection.

(5) DEFINITIONS. As used in this section:

(a) "Hospital" means an institution providing 24-hour continuous service to patients confined therein which is primarily engaged in providing facilities for diagnostic and therapeutic services for the surgical and medical diagnosis, treatment and care, of injured or sick persons, by or under the supervision of a professional staff of physicians and surgeons, and which is not primarily a place of rest for the aged, drug addicts or alcoholics, or a nursing home. Such hospitals may charge patients directly for the services of their employe nurses, nonphysician anesthetists, physical therapists and medical assistants other than physicians or dentists, and may engage on a salary basis interns and residents who are participating in an accredited training program under the supervision of the medical staff, and persons with a temporary educational certificate issued under s. 448.04 (1) (c).

(b) "Medical education and research organization" means a medical education and medical research organization operating on a nonprofit basis.

448.09 Penalty; appeal. (1) PENALTY. Anyone violating any provision of this chapter may be fined not more than \$10,000 or imprisoned not more than 9 months or both.

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

448.10 Previous practice. (1) OSTEOPATHY. Sections 448.02 (1), 448.03 (1) and (3), 448.04 and 448.05 shall not be construed to abrogate the existing rights, privileges and immunities of any person licensed to practice osteopathy and surgery, or osteopathy, who does not hold license to practice medicine and surgery.

(2) PODIATRY. Any person lawfully practicing podiatry in this state under a certificate of registration granted under s. 448.13, 1973 stats., may continue to so practice until one year after effective date of this act (1975), and may apply for and be granted a license to practice podiatry without further examination and without

payment of an additional fee, provided that such application is made to the board within one year after effective date of this act (1975).

(3) **PHYSICAL THERAPY.** Any person lawfully practicing physical therapy in this state under a certificate of registration granted under s. 448.09, 1973 stats., may continue so to practice until one year from effective date of this act (1975), and may apply for and be granted a license to practice physical therapy without further examination and without payment of an additional fee, provided that such application is made to the board within one year after effective date of this act (1975).

(4) **MASSAGE AND HYDROTHERAPY.** Any person who, on July 11, 1953, was practicing massage and hydrotherapy in this state under a certificate of registration issued pursuant to s. 448.09 as that section existed before said date, or who had applied for a certificate of registration in massage and hydrotherapy before said date, shall have the right to continue to so practice under such certificate, and the term "massage and hydrotherapy" shall be deemed to include the use of galvanic generator, diathermy, infrared ray and ultraviolet light for massage purposes. Nothing contained in this subsection shall limit the existing authority of the board to revoke such certificate for cause, and in addition, the board may require the holder of such certificate to demonstrate by examination his fitness to use the instrumentalities enumerated in this subsection. A lack of such fitness shall constitute cause for revocation of such certificate. No such certificate holder shall treat a specific disease except on the advice of a licensed physician.

(5) **MIDWIFERY.** Any person who, on May 7, 1953, was practicing midwifery in this state under a certificate of registration issued him by the examining board may continue to so practice under such certificate but subject to the provisions of ch. 150, 1951 stats., as in effect prior to such date and subject to the other provisions of this chapter.

448.11 Injunction. If it appears upon complaint to the board by any person or if it is known to the board that any person is violating this chapter, or rules adopted by the board under this chapter, the board or the attorney general may investigate and may, in addition to any other remedies, bring action in the name and on behalf of the state against any such person to enjoin such person from such violation. The attorney general shall represent the board in all proceedings.

448.12 Malpractice. Anyone practicing medicine, surgery, osteopathy, or any other form or system of treating the sick without having a license or a certificate of registration authorizing him so to do, shall be liable to the penalties and liabilities for malpractice; and ignorance on his part shall not lessen such liability for failing to perform or for negligently or unskillfully performing or attempting to perform any duty assumed, and which is ordinarily performed by authorized practitioners.

448.20 Council on physician's assistants; duties. (1) **RECOMMEND CERTIFICATION AND PRACTICE STANDARDS.** Within 3 months after the selection of all its initial members, the council on physician's assistants shall develop and recommend to the examining board certification and practice standards for physician's assistants. In developing the standards, the council shall consider the following factors: an individual's training, wherever given; experience, however acquired, including experience obtained in a hospital, a physician's office, the armed services or the federal health service of the United States, or their equivalent as found by the examining board; and education, including that offered by a medical school and the board of vocational, technical and adult education.

(2) **ADVISE BOARD OF REGENTS.** The council shall advise and cooperate with the board of regents of the university of Wisconsin system in establishing an educational program for physician's assistants on the undergraduate level. The council shall

suggest criteria for admission requirements, program goals and objectives, curriculum requirements, and criteria for credit for past educational experience or training in health fields.

(3) **ADVISE BOARD.** The council shall advise the board on:

(a) Revising physician's assistant certification and practice standards and on matters pertaining to the education, training and certification of physician's assistants.

(b) Developing criteria for physician's assistant training program approval, giving consideration to and encouraging utilization of equivalency and proficiency testing and other mechanisms whereby full credit is given to trainees for past education and experience in health fields.

(4) **ADHERE TO PROGRAM OBJECTIVES.** In formulating standards under this section, the council shall recognize that an objective of this program is to increase the existing pool of health personnel.

448.21 Physician's assistants. (1) **PROHIBITED PRACTICES.** No physician's assistant may perform patient services, except routine screening, in:

(a) The practice of dentistry or dental hygiene within the meaning of ch. 447.

(b) The practice of optometry within the meaning of ch. 449.

(c) The practice of chiropractic within the meaning of ch. 446.

(d) The practice of podiatry within the meaning of s. 448.01 (8).

(2) **EMPLOYEE STATUS.** No physician's assistant may be self-employed. The employer of a physician's assistant shall assume legal responsibility for any patient care undertaken by such assistant during his employment. The employer of a physician's assistant, if other than a licensed physician, shall provide for and not interfere with supervision of such physician's assistant by a licensed physician.

(3) **REPORT OF BOARD.** No later than within 2 weeks of the commencement of each legislative biennium the board shall report to the legislature:

(a) The number and types of programs which it has approved and a description of each.

(b) The number of physician's assistants who have been certified under this section.

(c) Its criteria for certifying physician's assistants and programs.

(d) Recommendations for changes in the statutes pertaining to physician's assistants.

448.40 Rules. The board may adopt rules pursuant to ch. 227 to carry out the purposes of this chapter.

SECTION 4. Cross references. In the sections listed below in column A, the cross references shown in column B are changed to the cross references shown in column C:

A Statute Sections	B Old Cross References	C New Cross References
15.251 (intro.)	448.17	448.11
49.45 (11) (f)	448.10 (1)	448.01 (8)
102.13 (1)	448.10 (1)	448.01 (8)
140.27 (2)	448.06	448.05 and 448.06
143.06 (4)	448.16 (2)	448.03 (2) (g)
143.07 (5)	448.16 (2)	448.03 (2) (g)
(13)	448.16 (2)	448.03 (2) (g)
143.14 (4)	448.16 (2)	448.03 (2) (g)

SECTION 5. Initial appointments. Initial appointments to the podiatrists examining council under section 15.407 (1) (b) of the statutes as created by this act,

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one appointment shall be for a one-year term, one shall be for a 2-year term and one shall be for a 3-year term.
