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# Wisconsin Legislative Council

## AMENDMENT MEMO

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**2019 Senate Bill 515**

**Senate Substitute Amendment 1**

### CURRENT LAW

The Medical Examining Board is currently responsible for licensing and regulation of physician assistants. A Council on Physician Assistants exists under state law, but this council serves the Medical Examining Board in an advisory capacity and has no rule-making authority. Physician assistants are primarily regulated by administrative rules promulgated by the Medical Examining Board in ch. Med 8, Wis. Adm. Code.

### 2019 SENATE BILL 515

2019 Senate Bill 515 makes changes to the licensing, regulation, and practice of physician assistants. The bill creates a new, nine-member Physician Assistant Examining Board and transfers authority over regulation and licensing of physician assistants to the Examining Board. The bill also eliminates the Council on Physician Assistants, repeals the current administrative rules chapter regulating physician assistants, and grants rule-making authority to the new Examining Board.

Senate Bill 515 explicitly authorizes physician assistants to engage in certain activities, requires physician assistants to complete continuing education, and makes changes to physician oversight and management of physician assistants. Unlike current law, which requires physician assistants to practice under the supervision and direction of a physician, the bill allows a physician assistant to practice if either of the following apply: (1) pursuant to the physician assistant's employment, there is a physician primarily responsible for the overall direction and management of the physician assistant's professional activities and for assuring services provided are medically appropriate; or (2) the physician assistant has a written collaborative agreement with a physician describing the physician assistant's scope of practice, and any other information required by the Examining Board.

### SENATE SUBSTITUTE AMENDMENT 1

Senate Substitute Amendment 1 creates a Physician Assistant Affiliated Credentialing Board, which is attached to the Medical Examining Board, rather than an independent Physician Assistant Examining Board. The Physician Assistant Affiliated Credentialing Board has general rule-making authority, but must submit proposed rules to the Medical Examining Board for comment. Further, the substitute amendment prohibits the Physician Assistant Affiliated Credentialing Board from promulgating rules permitting physician assistants a broader scope of practice than otherwise allowed under the substitute amendment, and gives the Medical Examining Board authority to require the Physician Assistant Affiliated Credentialing Board to revise a proposed rule that exceeds that scope of practice.

The substitute amendment imposes additional requirements on a written collaborative agreement between a physician assistant and a physician. As under the bill, a physician assistant may practice under a written collaborative agreement describing the physician assistant's scope of

practice. However, unlike the bill, the substitute amendment also requires that the collaborative agreement:

- Includes a protocol for identifying an alternative collaborating physician when the collaborating physician is not available for consultation.
- May be terminated by either the physician assistant or physician by written notice at least 30 days prior to termination, or as otherwise agreed to by the parties.
- Specifies that the collaborating physician must be reasonably available by phone or electronic means within a medically appropriate time frame, and that the physician may designate an alternate collaborator when unavailable.
- Specifies an arrangement for physician consultation with a patient within a medically appropriate time frame, if requested by the patient or PA.
- Be signed by the physician assistant and the collaborating physician.

Finally, the substitute amendment distinguishes between physician assistants supervised by a podiatrist, and those working in collaboration with a physician. The substitute amendment maintains the current requirement that a physician assistant working with a podiatrist practice under the supervision and direction of the podiatrist, maintains authority of the Podiatry Affiliated Credentialing Board to establish practice standards for physician assistants working with podiatrists, and limits physician assistants working under podiatrist supervision to nonsurgical patient services.

## **BILL HISTORY**

Senate Substitute Amendment 1 was offered by Senator Bernier on February 11, 2020. On February 12, 2020, the Senate Committee on Elections, Ethics, and Rural Issues adopted Senate Substitute Amendment 1 on a vote of Ayes, 4; Noes, 0. The committee then passed Senate Bill 515, as amended, on a vote of Ayes, 3; Noes, 1.

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