



State of Wisconsin
2017 - 2018 LEGISLATURE

LRBs0204/1
MED:kjf

**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO ASSEMBLY BILL 582**

December 19, 2017 - Offered by Representative MURPHY.

1 **AN ACT** *to renumber* 448.05 (5) (a) 1. and 2.; *to renumber and amend* 448.05
2 (5) (a) (intro.); *to amend* 441.16 (6), 448.01 (6), 448.20 (1), 448.21 (1) (d), 448.21
3 (2), 448.21 (3) and Med 8.01 (2); and *to create* 448.015 (1u), 448.015 (1w),
4 448.20 (3m), 448.21 (4), 448.62 (2m), 448.62 (7) and 448.695 (4) of the statutes;
5 **relating to:** delegation of the practice of podiatry, practice of a physician
6 assistant under the supervision of a podiatrist, modifying administrative rules
7 of the Medical Examining Board relating to practice of physician assistants,
8 and providing an exemption from emergency rule procedures.

Analysis by the Legislative Reference Bureau

Generally, under current law, no person may practice podiatry unless the person is licensed as a podiatrist. This substitute amendment creates an exception to this prohibition for an advanced practice nurse prescriber who is providing nonsurgical patient services as directed, supervised, and inspected by a podiatrist.

The substitute amendment also modifies various provisions governing the practice of physician assistants that require a physician assistant to be supervised by a physician to instead allow for supervision of a physician assistant by a

podiatrist. The substitute amendment allows a physician assistant who is under the supervision of a podiatrist to engage in the practice of podiatry, except that, like an advanced practice nurse prescriber, the practice of the physician assistant is limited to providing nonsurgical patient services. The substitute amendment allows the Podiatry Affiliated Credentialing Board to promulgate rules regarding the practice of podiatry by physician assistants.

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

1 **SECTION 1.** 441.16 (6) of the statutes is amended to read:

2 441.16 **(6)** Nothing in this section prohibits a nurse from issuing a prescription
3 order as an act delegated by a physician, and nothing in this section prohibits an
4 advanced practice nurse certified under this section from issuing a prescription order
5 as an act delegated by a podiatrist.

6 **SECTION 2.** 448.01 (6) of the statutes is amended to read:

7 448.01 **(6)** “Physician assistant” means an individual licensed by the medical
8 examining board to provide medical care with physician supervision and direction
9 or to practice podiatry with podiatrist supervision and direction.

10 **SECTION 3.** 448.015 (1u) of the statutes is created to read:

11 448.015 **(1u)** “Podiatrist” has the meaning given in s. 448.60 (3).

12 **SECTION 4.** 448.015 (1w) of the statutes is created to read:

13 448.015 **(1w)** “Podiatry” has the meaning given in s. 448.60 (4).

14 **SECTION 5.** 448.05 (5) (a) (intro.) of the statutes is renumbered 448.05 (5) (a)
15 and amended to read:

16 448.05 **(5)** (a) The Except as provided in s. 448.695 (4), the board shall
17 promulgate rules establishing licensing standards and practice standards for
18 physician assistants and shall license persons under those rules.

1 **(b)** The board may not grant a license as a physician assistant to an applicant
2 unless the applicant submits evidence satisfactory to the board of all of the following:

3 **SECTION 6.** 448.05 (5) (a) 1. and 2. of the statutes are renumbered 448.05 (5)
4 (b) 1. and 2.

5 **SECTION 7.** 448.20 (1) of the statutes is amended to read:

6 448.20 **(1)** RECOMMEND LICENSING AND PRACTICE STANDARDS. The council on
7 physician assistants shall develop and recommend to the examining board licensing
8 and practice standards for physician assistants practicing under physicians and
9 shall develop and recommend to the podiatry affiliated credentialing board practice
10 standards for physician assistants practicing under podiatrists. In developing the
11 standards, the council shall consider the following factors: an individual's training,
12 wherever given; experience, however acquired, including experience obtained in a
13 hospital, a physician's or podiatrist's office, the armed services or the federal health
14 service of the United States, or their equivalent as found by the examining board; and
15 education, including that offered by a medical school and the technical college system
16 board.

17 **SECTION 8.** 448.20 (3m) of the statutes is created to read:

18 448.20 **(3m)** ADVISE PODIATRY AFFILIATED CREDENTIALING BOARD. The council
19 shall advise the podiatry affiliated credentialing board on revising practice
20 standards for physician assistants practicing podiatry.

21 **SECTION 9.** 448.21 (1) (d) of the statutes is amended to read:

22 448.21 **(1)** (d) The practice of podiatry ~~within the meaning of s. 448.60 (4),~~
23 except when the physician assistant is acting under the supervision and direction of
24 a podiatrist, subject to sub. (4) and the rules promulgated under s. 448.695 (4).

25 **SECTION 10.** 448.21 (2) of the statutes is amended to read:

1 448.21 (2) EMPLOYEE STATUS. No physician assistant may be self-employed.
2 The employer of a physician assistant shall assume legal responsibility for any
3 medical care, including the practice of podiatry, provided by the physician assistant
4 during the employment. The employer of a physician assistant, if other than a
5 licensed physician or podiatrist, shall provide for and not interfere with supervision
6 of the physician assistant by a licensed physician or podiatrist.

7 **SECTION 11.** 448.21 (3) of the statutes is amended to read:

8 448.21 (3) PRESCRIPTIVE AUTHORITY. A physician assistant may issue a
9 prescription order for a drug or device in accordance with guidelines established by
10 a supervising physician or podiatrist and the physician assistant and with rules
11 promulgated by the board. If any conflict exists between the guidelines and the rules,
12 the rules shall control.

13 **SECTION 12.** 448.21 (4) of the statutes is created to read:

14 448.21 (4) PRACTICE OF PODIATRY. A physician assistant who is acting under the
15 supervision and direction of a podiatrist shall be limited to providing nonsurgical
16 patient services.

17 **SECTION 13.** 448.62 (2m) of the statutes is created to read:

18 448.62 (2m) An advanced practice nurse who is certified to issue prescription
19 orders under s. 441.16 and who is providing nonsurgical patient services as directed,
20 supervised, and inspected by a podiatrist who has the power to direct, decide, and
21 oversee the implementation of the patient services rendered.

22 **SECTION 14.** 448.62 (7) of the statutes is created to read:

23 448.62 (7) A physician assistant who is acting under the supervision and
24 direction of a podiatrist, subject to s. 448.21 (4).

25 **SECTION 15.** 448.695 (4) of the statutes is created to read:

1 448.695 (4) The affiliated credentialing board shall promulgate rules
2 establishing all of the following:

3 (a) Practice standards for a physician assistant practicing podiatry as provided
4 in s. 448.21 (4).

5 (b) Requirements for a podiatrist who is supervising a physician assistant as
6 provided in s. 448.21 (4).

7 **SECTION 16.** Med 8.01 (2) of the statutes is amended to read:

8 Med 8.01 (2) Physician assistants provide health care services as part of
9 physician-led or podiatrist-led teams, the objectives of which include safe, efficient,
10 and economical health care. The realities of the modern practice of medicine and
11 surgery require supervising physicians and podiatrists and physician assistants to
12 use discretion in delivering health care services, typically at the level of general
13 supervision. The constant physical presence of a supervising physician or podiatrist
14 is often unnecessary. The supervising physician or podiatrist and the physician
15 assistant are jointly responsible for employing more intensive supervision when
16 circumstances require direct observation or hands-on assistance from the
17 supervising physician.

18 **SECTION 17.** Med 8.02 (5x) of the administrative code is created to read:

19 Med 8.02 (5x) “Podiatrist” has the meaning given in s. 448.60 (3), Stats.

20 **SECTION 18.** Med 8.05 (4) of the administrative code is amended to read:

21 Med 8.05 (4) LICENSURE; RENEWAL. At the time of licensure and each biennial
22 registration of licensure thereafter, a physician assistant shall list with the board the
23 name and address of the supervising physician or podiatrist and shall notify the
24 board within 20 days of any change of a supervising physician or podiatrist.

1 **SECTION 19.** Med 8.07 (1), (2) (i) and (3) of the administrative code are amended
2 to read:

3 Med 8.07 **(1) SCOPE AND LIMITATIONS.** In providing medical care, the entire
4 practice of any physician assistant shall be under the supervision of one or more
5 licensed physicians ~~or~~, physicians exempt from licensure requirements pursuant to
6 s. 448.03 (2) (b), Stats., or licensed podiatrists. The scope of practice is limited to
7 providing medical care as specified in sub. (2). A physician assistant's practice may
8 not exceed his or her educational training or experience and may not exceed the scope
9 of practice of the physician or podiatrist providing supervision. A medical care task
10 assigned by the supervising physician or podiatrist to a physician assistant may not
11 be delegated by the physician assistant to another person.

12 **(2) (i)** Issuing written prescription orders for drugs provided the physician
13 assistant has had an initial and at least annual thereafter, review of the physician
14 assistant's prescriptive practices by a physician or podiatrist providing supervision.
15 Such reviews shall be documented in writing, signed by the reviewing physician or
16 podiatrist and by the physician assistant, and made available to the Board for
17 inspection upon reasonable request.

18 **(3) IDENTIFYING SUPERVISING PHYSICIAN OR PODIATRIST.** The physician or
19 podiatrist providing supervision must be readily identifiable by the physician
20 assistant through procedures commonly employed in the physician assistant's
21 practice.

22 **SECTION 20.** Med 8.09 of the administrative code is amended to read:

23 **Med 8.09 Employee status.** No physician assistant may be self-employed.
24 If the employer of a physician assistant is other than a licensed physician or
25 podiatrist, the employer shall provide for, and may not interfere with, the

1 supervisory responsibilities of the physician or podiatrist, as defined in s. Med 8.02
2 (6) and required in ss. Med 8.07 (1) and 8.10.

3 **SECTION 21.** Med 8.10 of the administrative code is amended to read:

4 **Med 8.10 Physician or podiatrist to physician assistant ratio.** (1) No
5 physician or podiatrist may supervise more than 4 on-duty physician assistants at
6 any time unless a written plan to do so has been submitted to and approved by the
7 board. Nothing herein shall limit the number of physician assistants for whom a
8 physician or podiatrist may provide supervision over time. A physician assistant
9 may be supervised by more than one physician or podiatrist while on duty.

10 (2) A supervising physician or podiatrist shall be available to the physician
11 assistant at all times for consultation either in person or within 15 minutes of contact
12 by telecommunication or other means.

13 **SECTION 22. Nonstatutory provisions.**

14 (1) EMERGENCY RULES. Using the procedure under section 227.24 of the statutes,
15 the podiatry affiliated credentialing board may promulgate emergency rules under
16 section 448.695 (4). Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the
17 statutes, the board is not required to provide evidence that promulgating rules under
18 this subsection as emergency rules is necessary for the preservation of the public
19 peace, health, safety, or welfare and is not required to provide a finding of emergency
20 for rules promulgated under this subsection.

21 **SECTION 23. Effective dates.** This act takes effect on the day after publication,
22 except as follows:

23 (1) The modifications of administrative rules take effect as provided in section
24 227.265 of the statutes.

25 (END)