



State of Wisconsin  
2017 - 2018 LEGISLATURE

LRB-1397/P2  
MED&KP:kjf

DOA:.....Potts, BB0238 - DSPTS Board Consolidations

**FOR 2017-2019 BUDGET -- NOT READY FOR INTRODUCTION**

AN ACT ...; relating to: the budget.

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*Analysis by the Legislative Reference Bureau*

**SAFETY AND PROFESSIONAL SERVICES**

**PROFESSIONAL LICENSURE**

Under current law, various professions are regulated by DSPTS and various examining boards and affiliated credentialing boards are created under DSPTS. Affiliated credentialing boards are each attached to a specific examining board. This bill makes numerous changes to the laws governing DSPTS and the examining boards, affiliated credentialing boards, and councils under DSPTS, including all of the following:

**1. *Elimination of certain boards and transfer of their functions to the Medical Examining Board.***

Under current law, the Radiography Examining Board regulates the practice of radiographers and limited X-ray machine operators in Wisconsin, the Podiatry Affiliated Credentialing Board, which is attached to the Medical Examining Board, regulates the practice of podiatrists, and the Optometry Examining Board regulates the practice of optometrists. This bill eliminates each of those boards and transfers their functions to the Medical Examining Board.

**2. *Elimination of certain boards and transfer of their functions to the Medical Therapy Examining Board.***

Under current law, physical therapists and physical therapist assistants are regulated by the Physical Therapy Examining Board, occupational therapists and

occupational therapy assistants are regulated by the Occupational Therapists Affiliated Credentialing Board, athletic trainers are regulated by the Athletic Trainers Affiliated Credentialing Board, and massage therapists and bodywork therapists are regulated by the Massage Therapy and Bodywork Therapy Affiliated Credentialing Board.

This bill eliminates the aforementioned boards and transfers their functions to a newly created Medical Therapy Examining Board. Under the bill, the membership of the Medical Therapy Examining Board includes two physical therapists, two occupational therapists, two athletic trainers, and two massage therapists or bodywork therapists, as well as one public member.

***3. Elimination of sign language interpreter council and transfer of functions to Hearing and Speech Examining Board.***

Under current law, a license is generally required to perform sign language interpretation services, and a license to act as a sign language interpreter is issued by DSPS. However, also under current law, there is a Sign Language Interpreter Council that is required to perform certain duties, including advising DSPS on rule making regarding sign language interpreting and promulgating certain rules for sign language interpreters.

This bill eliminates the Sign Language Interpreter Council and transfers the duties of both DSPS and the Sign Language Interpreter Council regarding sign language interpreters to the Hearing and Speech Examining Board. In addition, the bill eliminates one of the hearing instrument specialist members on the Hearing and Speech Examining Board and adds to that board two sign language interpreters and one additional public member.

***4. Elimination of Medical Examining Board councils; creation of consolidated council.***

Under current law, there are four councils created to serve the Medical Examining Board in an advisory capacity regarding certain professions for which licenses or certificates are issued by the Medical Examining Board: 1) the Perfusionists Examining Council, which advises the Medical Examining Board regarding the practice of perfusion; 2) the Council on Physician Assistants, which advises the Medical Examining Board and the UW System Board of Regents regarding licensing, practice standards, and education and training for physician assistants; 3) the Council on Anesthesiologist Assistants, which advises the Medical Examining Board on the practice of anesthesiologist assistants; and 4) the Respiratory Care Practitioners Examining Council, which advises the Medical Examining Board on the regulation of respiratory care practitioners.

This bill eliminates these four councils and transfers their duties to a newly created council called the Medical Assistants Council. Under the bill, the Medical Assistants Council includes two licensed anesthesiologist assistants; two certified respiratory care practitioners; two licensed perfusionists; one physician; two physician assistants; and one public member.

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

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

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

15.08 **(1m)** (b) The public members of the chiropractic examining board, the dentistry examining board, the hearing and speech examining board, the medical examining board, the ~~physical~~ medical therapy examining board, ~~perfusionists examining the medical assistants council, respiratory care practitioners examining council and council on physician assistants,~~ the board of nursing, the nursing home administrator examining board, the veterinary examining board, ~~the optometry examining board,~~ the pharmacy examining board, the marriage and family therapy, professional counseling, and social work examining board, and the psychology examining board, ~~and the radiography examining board~~ shall not be engaged in any profession or occupation concerned with the delivery of physical or mental health care.

**SECTION 2.** 15.085 (1m) (b) of the statutes is repealed.

**SECTION 3.** 15.405 (6m) (dm) of the statutes is created to read:

15.405 **(6m)** (dm) Two interpreters licensed under s. 459.42.

**SECTION 4.** 15.405 (6m) (e) of the statutes is amended to read:

15.405 **(6m)** (e) ~~Two~~ Three public members. ~~One~~ Two of the public members shall be ~~a hearing aid user~~ deaf or hard of hearing individuals.

**SECTION 5.** 15.405 (7e) of the statutes is repealed.

**SECTION 6.** 15.405 (7r) of the statutes is repealed.

**SECTION 7.** 15.405 (8) of the statutes is repealed.

**SECTION 8.** 15.405 (10) of the statutes is created to read:

15.405 (10) **MEDICAL THERAPY EXAMINING BOARD.** There is created in the department of safety and professional services a medical therapy examining board consisting of the following members appointed for staggered 4-year terms:

- (a) Two physical therapists licensed under subch. I of ch. 464.
- (b) Two occupational therapists licensed under subch. II of ch. 464.
- (c) Two athletic trainers licensed under subch. III of ch. 464.
- (d) Two individuals, each of whom is a massage therapist or bodywork therapist licensed under subch. IV of ch. 464.

- (e) One public member.

**SECTION 9.** 15.406 (3) of the statutes is repealed.

**SECTION 10.** 15.406 (4) of the statutes is repealed.

**SECTION 11.** 15.406 (5) of the statutes is repealed.

**SECTION 12.** 15.406 (6) of the statutes is repealed.

**SECTION 13.** 15.407 (1m) of the statutes is repealed.

**SECTION 14.** 15.407 (2) of the statutes is repealed.

**SECTION 15.** 15.407 (2m) of the statutes is repealed.

**SECTION 16.** 15.407 (4) of the statutes is created to read:

15.407 (4) **MEDICAL ASSISTANTS COUNCIL.** There is created a medical assistants council in the department of safety and professional services and serving the medical examining board in an advisory capacity. The council shall consist of the following members appointed by the medical examining board for 3-year terms:

- (a) Two licensed anesthesiologist assistants.
- (b) Two certified respiratory care practitioners.
- (c) Two licensed perfusionists.

(d) One physician appointed by the chairperson of the medical examining board.

(e) Two physician assistants.

(f) One public member.

**SECTION 17.** 15.407 (7) of the statutes is repealed.

**SECTION 18.** 15.407 (9) of the statutes is repealed.

**SECTION 19.** 20.165 (1) (g) of the statutes is amended to read:

20.165 (1) (g) *General program operations.* The amounts in the schedule for the licensing, rule making, and regulatory functions of the department, other than the licensing, rule-making, and credentialing functions of the medical examining board and the affiliated credentialing boards attached to the medical examining board and except for preparing, administering, and grading examinations. Ninety percent of all moneys received under chs. 440 to 480, except chs. 449 and 462 and subchs. II and IV of ch. 448 and ss. 440.03 (13), 440.05 (1) (b), and, less \$10 of each renewal fee received under s. 452.12 (5); all moneys transferred from the appropriation under par. (i); and all moneys received under s. 440.055 (2), shall be credited to this appropriation.

**SECTION 20.** 20.165 (1) (hg) of the statutes is amended to read:

20.165 (1) (hg) *General program operations; medical examining board; interstate medical licensure compact; prescription drug monitoring program.* Biennially, the amounts in the schedule for the licensing, rule-making, and regulatory functions of the medical examining board and the dietitians affiliated credentialing boards attached to the medical examining board, except for preparing, administering, and grading examinations; for any costs associated with the interstate medical licensure compact under s. 448.980, including payment of

assessments under s. 448.980 (13) (a); and for the controlled substances board's operation of the prescription drug monitoring program under s. 961.385. Ninety percent of all moneys received for issuing and renewing credentials under chs. 449 and 462 and subchs. II and IV of ch. 448 shall be credited to this appropriation. All moneys received from the interstate medical licensure compact commission under s. 448.980 shall be credited to this appropriation.

**SECTION 21.** 20.165 (1) (hg) of the statutes, as affected by [2015 Wisconsin Act 116](#) and 2017 Wisconsin Act ... (this act), is repealed and recreated to read:

20.165 (1) (hg) *General program operations; medical examining board; prescription drug monitoring program.* Biennially, the amounts in the schedule for the licensing, rule-making, and regulatory functions of the medical examining board and the dietitians affiliated credentialing board, except for preparing, administering, and grading examinations; and for the controlled substances board's operation of the prescription drug monitoring program under s. 961.385. Ninety percent of all moneys received for issuing and renewing credentials under chs. 449 and 462 and subchs. II and IV of ch. 448 shall be credited to this appropriation.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation, but should not be reflected in the revised schedule in s. 20.005, stats., because of a delayed effective date.

**SECTION 22.** 46.90 (5m) (br) 5. of the statutes is amended to read:

46.90 (5m) (br) 5. Refer the case to the department of safety and professional services if the financial exploitation, neglect, self-neglect, or abuse involves an individual who is required to hold a credential, as defined in s. 440.01 (2) (a), under chs. 440 to 460 480.

**SECTION 23.** 48.78 (2) (g) of the statutes is amended to read:

48.78 (2) (g) Paragraph (a) does not prohibit an agency from disclosing information about an individual in its care or legal custody on the written request of the department of safety and professional services or of any interested examining board or affiliated credentialing board in that department for use in any investigation or proceeding relating to any alleged misconduct by any person who is credentialed or who is seeking credentialing under ch. 448, 455 ~~or~~, 457, or 464. Unless authorized by an order of the court, the department of safety and professional services and any examining board or affiliated credentialing board in that department shall keep confidential any information obtained under this paragraph and may not disclose the name of or any other identifying information about the individual who is the subject of the information disclosed, except to the extent that redisclosure of that information is necessary for the conduct of the investigation or proceeding for which that information was obtained.

**SECTION 24.** 49.45 (8) (a) 3. of the statutes is amended to read:

49.45 (8) (a) 3. “Occupational therapist” has the meaning given in s. 448.96 464.20 (4).

**SECTION 25.** 49.45 (8) (a) 5. of the statutes is amended to read:

49.45 (8) (a) 5. “Physical therapist” has the meaning given in s. 448.50 464.01 (3).

**SECTION 26.** 50.01 (2) of the statutes is amended to read:

50.01 (2) “Nurse aide” means a person who performs routine patient care duties delegated by a registered nurse or licensed practical nurse who supervises the person, for the direct health care of a patient or resident. “Nurse aide” does not mean a feeding assistant, as defined in s. 146.40 (1) (aw); a person who is licensed, permitted, certified, or registered under ch. 441, 448, 449, 450, 451, 455, 459, ~~or~~ 460,

or 464; or a person whose duties primarily involve skills that are different than those taught in instructional programs for nurse aides.

**SECTION 27.** 50.36 (3) (b) of the statutes is amended to read:

50.36 (3) (b) If, as a result of peer investigation or written notice thereof, a hospital staff member who is licensed by the medical examining board ~~or podiatry affiliated credentialing board~~, for any reasons that include the quality of or ability to practice, loses his or her hospital staff privileges, has his or her hospital staff privileges reduced, or resigns from the hospital staff, the hospital shall so notify the medical examining board ~~or podiatry affiliated credentialing board~~, whichever is applicable, within 30 days after the loss, reduction or resignation takes effect. Temporary suspension due to incomplete records need not be reported.

**SECTION 28.** 50.36 (3) (c) of the statutes is amended to read:

50.36 (3) (c) If, as a result of peer investigation or written notice thereof, a hospital staff member who is licensed by the medical examining board ~~or podiatry affiliated credentialing board~~, for reasons that do not include the quality of or ability to practice, loses his or her hospital staff privileges for 30 days or more, has his or her hospital staff privileges reduced for 30 days or more, or resigns from the hospital staff for 30 days or more, the hospital shall so notify the medical examining board ~~or podiatry affiliated credentialing board~~, whichever is applicable, within 30 days after the loss, reduction or resignation takes effect. Temporary suspension due to incomplete records need not be reported.

**SECTION 29.** 50.39 (3) of the statutes is amended to read:

50.39 (3) Facilities governed by ss. 45.50, 48.62, 49.70, 49.72, 50.02, 51.09, and 252.10, juvenile correctional facilities as defined in s. 938.02 (10p), correctional institutions governed by the department of corrections under s. 301.02, and the



offices and clinics of persons licensed to treat the sick under chs. 446, 447, and 448, and ~~464~~ are exempt from ss. 50.32 to 50.39. Sections 50.32 to 50.39 do not abridge the rights of the medical examining board, ~~physical~~ medical therapy examining board, ~~pediatry-affiliated credentialing board~~, dentistry examining board, pharmacy examining board, chiropractic examining board, and board of nursing in carrying out their statutory duties and responsibilities.

**SECTION 30.** 50.50 (7m) of the statutes is amended to read:

50.50 (7m) “Occupational therapy” has the meaning given in s. ~~448.96~~ 464.20 (5).

**SECTION 31.** 55.043 (4) (b) 5. of the statutes is amended to read:

55.043 (4) (b) 5. Refer the case to the department of safety and professional services or the department of agriculture, trade and consumer protection, as appropriate, if the financial exploitation, neglect, self-neglect, or abuse involves an individual who is required to hold a credential, as defined in s. 440.01 (2) (a), under chs. 440 to ~~460~~ 480 or to hold a license, certification, or permit issued under s. 89.06, 89.072, or 89.073.

**SECTION 32.** 118.135 (3) of the statutes is amended to read:

118.135 (3) To the extent feasible, the medical examining board ~~and the optometry examining board~~ shall encourage physicians and optometrists, for the purpose of this section, to conduct free eye examinations or evaluations of pupils who are in financial need and do not have insurance coverage for eye examinations or evaluations.

**SECTION 33.** 146.37 (1g) of the statutes is amended to read:

146.37 (1g) Except as provided in s. 153.76, no person acting in good faith who participates in the review or evaluation of the services of health care providers or

facilities or the charges for such services conducted in connection with any program organized and operated to help improve the quality of health care, to avoid improper utilization of the services of health care providers or facilities, or to determine the reasonable charges for such services, or who participates in the obtaining of health care information under subch. I of ch. 153, is liable for any civil damages as a result of any act or omission by such person in the course of such review or evaluation. Acts and omissions to which this subsection applies include, but are not limited to, acts or omissions by peer review committees or hospital governing bodies in censuring, reprimanding, limiting, or revoking hospital staff privileges or notifying the medical examining board or podiatry affiliated credentialing board under s. 50.36 or taking any other disciplinary action against a health care provider or facility and acts or omissions by a medical director in reviewing the performance of emergency medical technicians or ambulance service providers.

**SECTION 34.** 146.40 (1) (d) of the statutes is amended to read:

146.40 (1) (d) “Nurse aide” means an individual who performs routine patient care duties delegated by a registered nurse or licensed practical nurse who supervises the individual, for the direct health care of a patient or resident. “Nurse aide” does not mean a feeding assistant, an individual who is licensed, permitted, certified, or registered under ch. 441, 448, 449, 450, 451, 455, 459, ~~or 460, or 464~~, or an individual whose duties primarily involve skills that are different than those taught in instructional programs for nurse aides approved under sub. (3) or (3g) or evaluated by competency evaluation programs for nurse aides approved under sub. (3m).

**SECTION 35.** 146.81 (1) (dg) of the statutes is amended to read:

146.81 (1) (dg) A physical therapist or physical therapist assistant licensed under subch. III I of ch. 448 464.

**SECTION 36.** 146.81 (1) (eq) of the statutes is amended to read:

146.81 (1) (eq) An athletic trainer licensed under subch. VI III of ch. 448 464.

**SECTION 37.** 146.81 (1) (es) of the statutes is amended to read:

146.81 (1) (es) An occupational therapist or occupational therapy assistant licensed under subch. VII II of ch. 448 464.

**SECTION 38.** 146.81 (1) (hp) of the statutes is amended to read:

146.81 (1) (hp) A massage therapist or bodywork therapist licensed under subch. IV of ch. 460 464.

**SECTION 39.** 146.89 (1) (r) 1. of the statutes is amended to read:

146.89 (1) (r) 1. Licensed as a physician under ch. 448, a dentist or dental hygienist under ch. 447, a registered nurse, practical nurse, or nurse-midwife under ch. 441, an optometrist under ch. 449, a physician assistant under ch. 448, a pharmacist under ch. 450, a chiropractor under ch. 446, a podiatrist under subch. IV of ch. 448, or a physical therapist under subch. III I of ch. 448 464.

**SECTION 40.** 146.997 (1) (d) 4. of the statutes is amended to read:

146.997 (1) (d) 4. A physician, podiatrist, or perfusionist, ~~physical therapist,~~  
~~or physical therapist assistant~~ licensed under ch. 448.

**SECTION 41.** 146.997 (1) (d) 5. of the statutes is amended to read:

146.997 (1) (d) 5. ~~An occupational therapist, occupational therapy assistant,~~  
A physician assistant or respiratory care practitioner licensed or certified under ch. 448.

**SECTION 42.** 146.997 (1) (d) 13. of the statutes is renumbered 146.997 (1) (d) 13s. and amended to read:

146.997 (1) (d) 13s. A massage therapist or bodywork therapist licensed under subch. IV of ch. 460 464.

**SECTION 43.** 146.997 (1) (d) 13e. of the statutes is created to read:

146.997 (1) (d) 13e. A physical therapist or physical therapist assistant licensed under subch. I of ch. 464.

**SECTION 44.** 146.997 (1) (d) 13m. of the statutes is created to read:

146.997 (1) (d) 13m. An occupational therapist or occupational therapy assistant licensed under subch. II of ch. 464.

**SECTION 45.** 154.01 (3) of the statutes is amended to read:

154.01 (3) "Health care professional" means a person licensed, certified or registered under ch. 441, 448 ~~or~~, 455, or 464.

**SECTION 46.** 155.01 (7) of the statutes is amended to read:

155.01 (7) "Health care provider" means a nurse licensed or permitted under ch. 441, a chiropractor licensed under ch. 446, a dentist licensed under ch. 447, a physician, physician assistant, perfusionist, or podiatrist, ~~physical therapist, physical therapist assistant, occupational therapist, or occupational therapy assistant~~ licensed under ch. 448, a person practicing Christian Science treatment, an optometrist licensed under ch. 449, a psychologist licensed under ch. 455, a physical therapist, physical therapist assistant, occupational therapist, or occupational therapy assistant licensed under ch. 464, a partnership thereof, a corporation or limited liability company thereof that provides health care services, a cooperative health care association organized under s. 185.981 that directly provides services through salaried employees in its own facility, or a home health agency, as defined in s. 50.49 (1) (a).

**SECTION 47.** 180.1901 (1m) (ag) of the statutes is repealed.

**SECTION 48.** 180.1901 (1m) (b) of the statutes is amended to read:

180.1901 (**1m**) (b) Medical examining board under subch. II or IV of ch. 448 or ch. 449.

**SECTION 49.** 180.1901 (1m) (bg) of the statutes is renumbered 180.1901 (1m) (h) and amended to read:

180.1901 (**1m**) (h) ~~Physical~~ Medical therapy examining board under subch. ~~III~~ of ch. 448 464.

**SECTION 50.** 180.1901 (1m) (bk) of the statutes is repealed.

**SECTION 51.** 180.1901 (1m) (bs) of the statutes is repealed.

**SECTION 52.** 180.1901 (1m) (bu) of the statutes is repealed.

**SECTION 53.** 180.1901 (1m) (c) of the statutes is repealed.

**SECTION 54.** 231.01 (7) (d) 2. of the statutes is amended to read:

231.01 (**7**) (d) 2. Any office or clinic of a person licensed under ch. 446, 447, 448, 449, ~~or 455, or 464~~, or the substantially equivalent laws or rules of another state.

**SECTION 55.** 252.14 (1) (ar) 4e. of the statutes is renumbered 252.14 (1) (ar) 8e. and amended to read:

252.14 (**1**) (ar) 8e. A physical therapist or physical therapist assistant licensed under subch. ~~III~~ I of ch. 448 464.

**SECTION 56.** 252.14 (1) (ar) 4p. of the statutes is renumbered 252.14 (1) (ar) 8m. and amended to read:

252.14 (**1**) (ar) 8m. An occupational therapist or occupational therapy assistant licensed under subch. ~~VII~~ II of ch. 448 464.

**SECTION 57.** 252.14 (1) (ar) 4q. of the statutes is renumbered 252.14 (1) (ar) 8s. and amended to read:

252.14 (**1**) (ar) 8s. An athletic trainer licensed under subch. ~~VI~~ III of ch. 448 464.

**SECTION 58.** 252.14 (1) (ar) 9. of the statutes is amended to read:

252.14 (1) (ar) 9. An employee or agent of any provider specified under subds.

1. to ~~8.~~ 8s.

**SECTION 59.** 252.14 (1) (ar) 10. of the statutes is amended to read:

252.14 (1) (ar) 10. A partnership of any provider specified under subds. 1. to

~~8.~~ 8s.

**SECTION 60.** 252.14 (1) (ar) 11. of the statutes is amended to read:

252.14 (1) (ar) 11. A corporation of any provider specified under subds. 1. to ~~8.~~

8s. that provides health care services.

**SECTION 61.** 255.40 (2) (a) (intro.) of the statutes is amended to read:

255.40 (2) (a) (intro.) Any person licensed, certified or registered by the state under ch. 441, 448 ~~or~~, 455, or 464 who treats a patient suffering from any of the following shall report in accordance with par. (b):

**SECTION 62.** 440.03 (16) of the statutes is amended to read:

440.03 (16) Annually, the department shall distribute the form developed by ~~the medical and optometry examining boards~~ under [2001 Wisconsin Act 16](#), section [9143 \(3c\)](#), to all school districts and charter schools that offer kindergarten, to be used by pupils to provide evidence of eye examinations under s. 118.135.

**SECTION 63.** 440.032 (title) of the statutes is repealed.

**SECTION 64.** 440.032 (1) (intro.) of the statutes is renumbered 459.40 (intro.) and amended to read:

**459.40 Definitions.** (intro.) In this ~~section~~ subchapter:

**SECTION 65.** 440.032 (1) (a) of the statutes is renumbered 459.40 (1).

**SECTION 66.** 440.032 (1) (b) of the statutes is repealed.

**SECTION 67.** 440.032 (1) (c) of the statutes is renumbered 459.40 (3).

**SECTION 68.** 440.032 (1) (d) of the statutes is renumbered 459.40 (4) and amended to read:

459.40 (4) “Wisconsin interpreting and transliterating assessment” means a program administered by the department of health services to determine and verify the level of competence of communication access services providers who are not certified by the Registry of Interpreters for the Deaf, Inc., or its successor, the National Association of the Deaf or its successor, or ~~other~~ another similar nationally recognized certification organization, or a successor program administered by the department of health services.

**SECTION 69.** 440.032 (2) of the statutes is renumbered 459.41, and 459.41 (1), (2) (intro.) and (c) and (3), as renumbered, are amended to read:

459.41 (1) Except as provided in ~~pars. (b) and (c)~~ subs. (2) and (3), no person may, for compensation, provide sign language interpretation services for a client unless the person is licensed by the ~~department~~ examining board under ~~sub. (3)~~ s. 459.42.

(2) (intro.) No license is required under ~~this subsection~~ sub. (1) for any of the following:

(c) A person interpreting at a religious service or at a religious function, including educational or social events sponsored by a religious organization. This ~~subdivision~~ paragraph does not apply to a person interpreting for a religious organization at a professional service provided or sponsored by the religious organization.

(3) (a) The ~~council~~ examining board may grant a temporary exemption from the requirement under sub. (1) to an individual who is not a resident of this state that authorizes the individual to provide interpretation services for a period not to exceed

20 days, if the individual is certified by the Registry of Interpreters for the Deaf, Inc., or its successor, or the National Association of the Deaf or its successor. The ~~council~~ examining board may not grant an individual more than 2 temporary exemptions under this ~~subdivision~~ paragraph per year.

(b) The ~~council~~ examining board may grant a temporary or permanent exemption from the requirement under sub. (1) to an individual who is a resident of this state that authorizes the individual to provide interpretation services for a period specified by the ~~council~~ examining board or for persons specified by the ~~council~~ examining board.

**SECTION 70.** 440.032 (3) of the statutes is renumbered 459.42, and 459.42 (1) (a) (intro.) and 3., (b) and (c) and (2) (a) (intro.), (b) (intro.) and (c), as renumbered, are amended to read:

459.42 (1) (a) (intro.) The ~~department~~ examining board shall grant a license as a sign language interpreter to an applicant who submits an application on a form provided by the department, pays the fee determined by the department under s. 440.03 (9) (a), and submits evidence satisfactory to the ~~department~~ examining board that the applicant has received an associate degree in sign language interpretation or has received a certificate of completion of an education and training program regarding such interpretation, and the applicant has one of the following:

3. Any valid certification granted by any other organization that the ~~department~~ examining board determines is substantially equivalent to a certification specified in subd. 1. ~~a. or b. or 2.~~

(b) The ~~department~~ examining board shall grant a license as a sign language interpreter to an applicant who submits an application on a form provided by the department and pays the fee determined by the department under s. 440.03 (9) (a),



if the applicant has a certification specified in ~~subd. 1. a.~~ par. (a) 1. and if the applicant provides to the department examining board satisfactory evidence of a diagnosis by a physician that the applicant is deaf or hard of hearing.

(c) The department examining board shall grant a license as a sign language interpreter to an applicant who has not received an associate degree in sign language interpretation or a certificate of completion of an education and training program regarding such interpretation, but who otherwise satisfies the requirements in ~~subd. 1. par. (a)~~ (intro.), if, within 24 months after establishing residency in the state, the applicant provides evidence satisfactory to the department examining board that the applicant holds one of the certifications specified in ~~subd. 1. a., b., or c.~~ par. (a) 1., 2., or 3., that the applicant obtained the certification prior to establishing residency in the state, and that the applicant held the certification at the time the applicant established residency in the state.

**(2)** (a) (intro.) The department examining board shall grant a license as a sign language interpreter to an applicant who submits an application on a form provided by the department, pays the fee determined by the department under s. 440.03 (9) (a), and submits evidence satisfactory to the department examining board of all of the following:

(b) (intro.) The department examining board shall grant a restricted license as a sign language interpreter, authorizing the holder to provide interpretation services only under the supervision of an interpreter licensed under ~~par. (a)~~ sub. (1), to an applicant who submits an application on a form provided by the department, pays the fee determined by the department under s. 440.03 (9) (a), and submits evidence satisfactory to the department examining board of all of the following:

(c) A license granted under ~~subd. 1. or 2. par. (a) or (b)~~ may be renewed twice and is not valid upon the expiration of the 2nd renewal period.

**SECTION 71.** 440.032 (4) of the statutes is renumbered 459.44 and amended to read:

**459.44 Notification required.** A person who is licensed under ~~sub. (3) s. 459.42~~ shall notify the ~~department~~ examining board in writing within 30 days if the person's certification or membership specified in ~~sub. (3) s. 459.42~~ that is required for the license is revoked or invalidated. The ~~department~~ examining board shall revoke a license granted under ~~sub. (3) s. 459.42~~ if such a certification or membership is revoked or invalidated.

**SECTION 72.** 440.032 (5) of the statutes is renumbered 459.43 and amended to read:

**459.43 License renewal.** The renewal ~~dates~~ date for licenses granted under ~~sub. (3) (a) are s. 459.42 (1) is~~ specified in s. 440.08 (2) (a) 68c. Renewal applications shall be submitted to the ~~department~~ examining board on a form provided by the department and shall include the renewal fee determined by the department under s. 440.03 (9) (a) and evidence satisfactory to the ~~department~~ examining board that the person's certification or membership specified in ~~sub. (3) s. 459.42~~ that is required for the license has not been revoked or invalidated.

**SECTION 73.** 440.032 (6) (intro.) of the statutes is renumbered 459.45 (1) (intro.) and amended to read:

459.45 (1) ~~COUNCIL.~~ (intro.) ~~The council~~ Subject to sub. (2), the examining board shall do all of the following:

**SECTION 74.** 440.032 (6) (a) of the statutes is repealed.

**SECTION 75.** 440.032 (6) (b) of the statutes is renumbered 459.45 (1) (a) and amended to read:

459.45 (1) (a) ~~Advise the department regarding the promulgation and implementation of~~ Promulgate and implement rules regarding the practice of sign language interpreters.

**SECTION 76.** 440.032 (6) (c) of the statutes is renumbered 459.45 (1) (d).

**SECTION 77.** 440.032 (6) (d) of the statutes is renumbered 459.45 (1) (c) and amended to read:

459.45 (1) (c) Promulgate rules establishing a process and criteria for granting exemptions under ~~sub. (2) (e) 2. s. 459.41 (3) (b).~~

**SECTION 78.** 440.032 (6) (e) of the statutes is repealed.

**SECTION 79.** 440.032 (7) (title) of the statutes is repealed.

**SECTION 80.** 440.032 (7) (a) of the statutes is renumbered 459.45 (2) and amended to read:

459.45 (2) The department examining board may not promulgate rules that impose requirements for granting a license under s. 459.42 that are in addition to the requirements specified in ~~sub. (3) s. 459.42.~~

**SECTION 81.** 440.032 (7) (b) of the statutes is renumbered 459.45 (1) (b) and amended to read:

459.45 (1) (b) ~~After considering the recommendations of the council, the department shall promulgate~~ Promulgate rules that establish a code of ethics that governs the professional conduct of persons licensed under ~~sub. (3) s. 459.42.~~ In promulgating rules under this paragraph, the ~~department~~ examining board shall consider including as part or all of the rules part or all of the code of ethics established by the Registry of Interpreters for the Deaf, Inc., or its successor. The ~~department~~

examining board shall periodically review the code of ethics established by the Registry of Interpreters for the Deaf, Inc., or its successor, and, if appropriate, revise the rules promulgated under this paragraph to reflect revisions to that code of ethics.

**SECTION 82.** 440.032 (8) (title) of the statutes is renumbered 459.46 (title).

\*\*\*NOTE: This is reconciled s. 440.032 (8) (title). This SECTION has been affected by drafts with the following LRB numbers: -1397/P1 and -0497/P2.

**SECTION 83.** 440.032 (8) of the statutes is renumbered 459.46 (1) and amended to read:

459.46 (1) Subject to the rules promulgated under s. 440.03 (1), the ~~department~~ examining board may make investigations and conduct hearings to determine whether a violation of this ~~section~~ subchapter or any rule promulgated under this ~~section~~ subchapter has occurred and may reprimand a person who is licensed under ~~sub. (3) s. 459.42~~ or may deny, limit, suspend, or revoke a license granted under ~~sub. (3) s. 459.42~~ if it finds that the applicant or licensee has violated this ~~section~~ subchapter or any rule promulgated under this ~~section~~ subchapter.

\*\*\*NOTE: This is reconciled s. 440.032 (8). This SECTION has been affected by drafts with the following LRB numbers: -1397/P1 and -0497/P2.

**SECTION 84.** 440.032 (9) of the statutes is renumbered 459.47 and amended to read:

**459.47 Penalty.** A person who violates this ~~section~~ subchapter or any rule promulgated under this ~~section~~ subchapter may be fined not more than \$200 or imprisoned for not more than 6 months or both.

**SECTION 85.** 440.035 (2m) of the statutes is amended to read:

440.035 (2m) The medical examining board, ~~the podiatry affiliated credentialing board,~~ the board of nursing, or the dentistry examining board, ~~or the optometry examining board~~ may issue guidelines regarding best practices in

prescribing controlled substances, as defined in s. 961.01 (4), for persons credentialed by that board who are authorized to prescribe controlled substances.

**SECTION 86.** 448.05 (5) (c) of the statutes is amended to read:

448.05 (5) (c) In promulgating rules under par. (a), the board shall recognize the objective under s. 448.20 (4) (2m) (d).

**SECTION 87.** 448.20 (title) of the statutes is repealed and recreated to read:

**448.20 (title) Medical assistants council.**

**SECTION 88.** 448.20 of the statutes is renumbered 448.20 (2m), and 448.20 (2m) (title), (a), (c) (intro.) and (d), as renumbered, are amended to read:

448.20 **(2m)** (title) ~~COUNCIL ON~~ DUTIES: PHYSICIAN ASSISTANTS; ~~DUTIES~~. (a) *Recommend licensing and practice standards.* The council ~~on physician assistants~~ shall develop and recommend to the examining board licensing and practice standards for physician 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 technical college system board.

(c) *Advise board.* (intro.) The council shall advise the board on all of the following:

(d) *Adhere to program objectives.* In formulating standards under this ~~section~~ subsection, the council shall recognize that an objective of this program is to increase the existing pool of health personnel.

**SECTION 89.** 448.20 (1m) of the statutes is created to read:

448.20 (1m) DEFINITION. In this section, “council” means the medical assistants council.

**SECTION 90.** 448.20 (4m) of the statutes is created to read:

448.20 (4m) DUTIES; PERFUSIONISTS. The council shall consult with the board as provided in s. 448.40 (2) (b) and (c).

**SECTION 91.** 448.20 (5m) of the statutes is created to read:

448.20 (5m) DUTIES; RESPIRATORY CARE PRACTITIONERS. The council shall advise the board regarding the promulgation of rules relating to respiratory care practitioners.

**SECTION 92.** 448.23 of the statutes is renumbered 448.20 (3m) and amended to read:

448.20 (3m) ~~COUNCIL ON~~ DUTIES; ANESTHESIOLOGIST ASSISTANTS. The council ~~on anesthesiologist assistants~~ shall guide, advise, and make recommendations to the board regarding the scope of anesthesiologist assistant practice and promote the safe and competent practice of anesthesiologist assistants in the delivery of health care services.

**SECTION 93.** 448.40 (2) (b) of the statutes is amended to read:

448.40 (2) (b) Establishing the scope of the practice of perfusion. In promulgating rules under this paragraph, the board shall consult with the ~~perfusionists examining~~ medical assistants council.

**SECTION 94.** 448.40 (2) (c) of the statutes is amended to read:

448.40 (2) (c) Establishing continuing education requirements for renewal of a license to practice perfusion under s. 448.13 (2). In promulgating rules under this paragraph, the board shall consult with the ~~perfusionists examining~~ medical assistants council.

**SECTION 95.** Subchapter III (title) of chapter 448 [precedes 448.50] of the statutes is repealed.

**SECTION 96.** 448.50 of the statutes is renumbered 464.01, and 464.01 (1v) and (4) (b) 1., as renumbered, are amended to read:

464.01 (1v) “Examining board” means the ~~physical~~ medical therapy examining board.

(4) (b) 1. Using roentgen rays or radium for any purpose, except that “physical therapy” includes ordering X-rays to be performed by qualified persons, subject to s. ~~448.56 (7)~~ 464.08 (9) (a), and using X-ray results to determine a course of care or to determine whether a referral to another health care provider is necessary.

**SECTION 97.** 448.51 (title) of the statutes is renumbered 464.02 (title).

**SECTION 98.** 448.51 (1) of the statutes is renumbered 464.02 (1) (a) and amended to read:

464.02 (1) (a) Except as provided in s. ~~448.52 sub. (2)~~, no person may practice physical therapy unless the person is licensed as a physical therapist under this subchapter.

**SECTION 99.** 448.51 (1e) of the statutes is renumbered 464.02 (1) (b).

**SECTION 100.** 448.51 (1s) of the statutes is renumbered 464.02 (1) (c).

**SECTION 101.** 448.51 (2) of the statutes is renumbered 464.02 (1) (d) and amended to read:

464.02 (1) (d) Except as provided in s. ~~448.52 (2m) sub. (2) (b)~~, no person may claim to render physical therapy or physiotherapy services unless the person is licensed as a physical therapist under this subchapter.

**SECTION 102.** 448.52 (title) of the statutes is repealed.

**SECTION 103.** 448.52 (1m) of the statutes is renumbered 464.02 (2) (a).

**SECTION 104.** 448.52 (2m) of the statutes is renumbered 464.02 (2) (b), and 464.02 (2) (b) 1., as renumbered, is amended to read:

464.02 (2) (b) 1. Except as provided in ~~par. (b)~~ subd. 2., a chiropractor licensed under ch. 446 claiming to render physical therapy, if the physical therapy is provided by a physical therapist employed by the chiropractor.

**SECTION 105.** 448.522 of the statutes is renumbered 464.08 (7).

**SECTION 106.** 448.527 (title) of the statutes is repealed.

**SECTION 107.** 448.527 of the statutes is renumbered 464.03 (1) and amended to read:

464.03 (1) ~~The examining board shall promulgate~~ Promulgate rules establishing a code of ethics governing the professional conduct of physical therapists and physical therapist assistants.

**SECTION 108.** 448.53 of the statutes is renumbered 464.04, and 464.04 (1) (e), as renumbered, is amended to read:

464.04 (1) (e) Passes an examination under s. ~~448.54~~ 464.06.

**SECTION 109.** 448.535 of the statutes is renumbered 464.05, and 464.05 (1) (e), as renumbered, is amended to read:

464.05 (1) (e) Passes an examination under s. ~~448.54~~ 464.06.

**SECTION 110.** 448.54 of the statutes is renumbered 464.06, and 464.06 (3), as renumbered, is amended to read:

464.06 (3) Notwithstanding s. ~~448.53~~ 464.04 (1) (f), the examining board may not require an applicant for physical therapist licensure to take an oral examination or an examination to test proficiency in the English language for the sole reason that the applicant was educated at a physical therapy school that is not in the United



States if the applicant establishes, to the satisfaction of the examining board, that he or she satisfies the requirements under s. 448.53 464.04 (3).

**SECTION 111.** 448.55 of the statutes is renumbered 464.07, and 464.07 (2), as renumbered, is amended to read:

464.07 (2) The renewal dates for licenses granted under this subchapter, other than temporary licenses granted under rules promulgated under s. 448.53 464.04 (2), are specified under s. 440.08 (2) (a). Renewal applications shall be submitted to the department on a form provided by the department and shall include the renewal fee determined by the department under s. 440.03 (9) (a) and proof of compliance with the requirements established in any rules promulgated under sub. (3).

**SECTION 112.** 448.56 (title) of the statutes is renumbered 464.08 (title) and amended to read:

**464.08 (title) Practice requirements and restrictions.**

**SECTION 113.** 448.56 (1) of the statutes is renumbered 464.08 (1) (a) and amended to read:

464.08 (1) (a) Except as provided in this subsection paragraph and s. 448.52 464.02 (2), a person may practice physical therapy only upon the written referral of a physician, physician assistant, chiropractor, dentist, podiatrist, or advanced practice nurse prescriber certified under s. 441.16 (2). Written referral is not required if a physical therapist provides services in schools to children with disabilities, as defined in s. 115.76 (5), pursuant to rules promulgated by the department of public instruction; provides services as part of a home health care agency; provides services to a patient in a nursing home pursuant to the patient's plan of care; provides services related to athletic activities, conditioning, or injury prevention; or provides services to an individual for a previously diagnosed medical

condition after informing the individual's physician, physician assistant, chiropractor, dentist, podiatrist, or advanced practice nurse prescriber certified under s. 441.16 (2) who made the diagnosis. The examining board may promulgate rules establishing additional services that are excepted from the written referral requirements of this subsection paragraph.

**SECTION 114.** 448.56 (1m) (title) of the statutes is renumbered 464.08 (2) (title).

**SECTION 115.** 448.56 (1m) (a) of the statutes is renumbered 464.08 (2).

**SECTION 116.** 448.56 (1m) (b) of the statutes is renumbered 464.08 (1) (b) and amended to read:

464.08 (1) (b) The examining board shall promulgate rules establishing the requirements that a physical therapist must satisfy if a physician, physician assistant, chiropractor, dentist, podiatrist, or advanced practice nurse prescriber makes a written referral under ~~sub. (1) par. (a)~~. The purpose of the rules shall be to ensure continuity of care between the physical therapist and the health care practitioner.

**SECTION 117.** 448.56 (2) of the statutes is renumbered 464.08 (3) and amended to read:

464.08 (3) **FEE SPLITTING.** No licensee may give or receive, directly or indirectly, to or from any other person 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 a professional capacity, or for any professional services not actually rendered personally by the licensee or at the licensee's direction.

**SECTION 118.** 448.56 (3) to (5) of the statutes are renumbered 464.08 (4) to (6).

**SECTION 119.** 448.56 (6) of the statutes is renumbered 464.08 (8) and amended to read:

464.08 (8) PHYSICAL THERAPIST ASSISTANTS. A physical therapist assistant may assist a physical therapist in the practice of physical therapy if the physical therapist provides direct or general supervision of the physical therapist assistant. The examining board shall promulgate rules defining “direct or general supervision” for purposes of this subsection. Nothing in this subsection interferes with delegation authority under any other provision of this chapter or ch. 448.

**SECTION 120.** 448.56 (7) of the statutes is renumbered 464.08 (9).

**SECTION 121.** 448.565 (title) of the statutes is repealed.

**SECTION 122.** 448.565 of the statutes is renumbered 464.03 (2) and amended to read:

464.03 (2) ~~The examining board shall promulgate~~ Promulgate rules establishing procedures and requirements for filing complaints against licensees and shall publicize the procedures and requirements.

**SECTION 123.** 448.567 (title) of the statutes is repealed.

**SECTION 124.** 448.567 of the statutes is renumbered 464.03 (3) and amended to read:

464.03 (3) ~~The examining board shall promulgate~~ Promulgate rules that require the examining board on a periodic basis to conduct performance self-audits of its activities under this subchapter.

**SECTION 125.** 448.57 of the statutes is renumbered 464.09, and 464.09 (2) (intro.), (c), (d) and (f), as renumbered, are amended to read:

464.09 (2) (intro.) Subject to the rules promulgated under s. 440.03 (1), the examining board may reprimand a licensee or may deny, limit, suspend, or revoke

a license granted under this subchapter if it finds that the applicant or licensee has done any of the following:

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

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

(f) Engaged in unprofessional or unethical conduct in violation of the code of ethics established in the rules promulgated under s. ~~448.527~~ 464.03 (1).

**SECTION 126.** 448.58 (title) of the statutes is repealed.

**SECTION 127.** 448.58 of the statutes is renumbered 464.10 (2) and amended to read:

464.10 (2) If the examining board has reason to believe that any person is violating this subchapter or any rule promulgated under this subchapter, the examining board, the department, the attorney general, or the district attorney of the proper county may investigate and may, in addition to any other remedies, bring an action in the name and on behalf of this state to enjoin the person from the violation.

**SECTION 128.** 448.59 (title) of the statutes is repealed.

**SECTION 129.** 448.59 of the statutes is renumbered 464.10 (1).

**SECTION 130.** Subchapter IV (title) of chapter 448 [precedes 448.60] of the statutes is amended to read:

## **CHAPTER 448**

### **SUBCHAPTER IV**

#### **PODIATRY AFFILIATED**

#### **CREDENTIALING BOARD**

**SECTION 131.** 448.60 (1) of the statutes is amended to read:

448.60 (1) ~~“Affiliated credentialing board”~~ “Board” means the podiatry ~~affiliated credentialing~~ medical examining board.

**SECTION 132.** 448.60 (3) of the statutes is amended to read:

448.60 (3) “Podiatrist” means an individual possessing the degree of doctor of podiatric medicine or doctor of surgical chiropody or equivalent degree as determined by the ~~affiliated credentialing~~ board, and holding a license to practice podiatry or podiatric medicine and surgery granted by the ~~affiliated credentialing board~~ under this subchapter.

**SECTION 133.** 448.60 (5) of the statutes is amended to read:

448.60 (5) “Unprofessional conduct” means an act or attempted act of commission or omission, as defined by the ~~affiliated credentialing~~ board by rule under s. 448.695 (1), or an act by a podiatrist in violation of ch. 450 or 961.

**SECTION 134.** 448.63 (1) (intro.) of the statutes is amended to read:

448.63 (1) (intro.) Subject to sub. (4), the ~~affiliated credentialing~~ board shall grant a license as a podiatrist to a person who does all of the following:

**SECTION 135.** 448.63 (1) (c) of the statutes is amended to read:

448.63 (1) (c) Subject to ss. 111.321, 111.322, and 111.335, submits evidence satisfactory to the ~~affiliated credentialing~~ board that the applicant does not have an arrest or conviction record.

**SECTION 136.** 448.63 (1) (d) (intro.) of the statutes is amended to read:

448.63 (1) (d) (intro.) Submits evidence satisfactory to the ~~affiliated credentialing~~ board of all of the following:

**SECTION 137.** 448.63 (1) (d) 1. of the statutes is amended to read:

448.63 (1) (d) 1. That the applicant is a graduate of a school of podiatric medicine and surgery approved by the ~~affiliated credentialing~~ board and possesses

a diploma from such school conferring the degree of doctor of podiatric medicine, or equivalent degree as determined by the ~~affiliated credentialing~~ board, unless the ~~affiliated credentialing~~ board waives these requirements under sub. (2).

**SECTION 138.** 448.63 (1) (d) 2. of the statutes is amended to read:

448.63 (1) (d) 2. That the applicant has completed 2 years of postgraduate training in a program approved by the ~~affiliated credentialing~~ board or one year of postgraduate training in a program approved by the ~~affiliated credentialing~~ board if the one-year postgraduate training was completed by June 1, 2010.

**SECTION 139.** 448.63 (2) (intro.) of the statutes is amended to read:

448.63 (2) (intro.) The ~~affiliated credentialing~~ board may waive the requirement under sub. (1) (d) 1. for an applicant who establishes, to the satisfaction of the ~~affiliated credentialing~~ board, all of the following:

**SECTION 140.** 448.63 (3) of the statutes is amended to read:

448.63 (3) The ~~affiliated credentialing~~ board may promulgate rules providing for various classes of temporary licenses to practice podiatry.

**SECTION 141.** 448.63 (4) of the statutes is amended to read:

448.63 (4) The ~~affiliated credentialing~~ board may grant a limited license to an applicant for a license under sub. (1) if the ~~affiliated credentialing~~ board finds that the applicant has not demonstrated adequate education, training or performance on any past examination or in any past practice, and that, based upon considerations of public health and safety, the applicant does not qualify for full licensure under sub. (1).

**SECTION 142.** 448.64 (1) of the statutes is amended to read:

448.64 (1) The ~~affiliated credentialing~~ board shall conduct or arrange for examinations for podiatrist licensure at least semiannually and at times and places determined by the ~~affiliated credentialing~~ board.

**SECTION 143.** 448.64 (3) of the statutes is amended to read:

448.64 (3) The ~~affiliated credentialing~~ board may not require an applicant to take an oral examination or an examination to test proficiency in the English language for the sole reason that the applicant was educated at a podiatry school that is not in the United States if the applicant establishes, to the satisfaction of the ~~affiliated credentialing~~ board, that he or she satisfies the requirements under s. 448.63 (2).

**SECTION 144.** 448.64 (4) of the statutes is amended to read:

448.64 (4) The ~~affiliated credentialing~~ board may require an applicant who fails to appear for or to complete an examination under this section to reapply for licensure before being admitted to a subsequent examination.

**SECTION 145.** 448.64 (5) of the statutes is amended to read:

448.64 (5) An applicant who fails to pass an examination under this section 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 reexamination. An applicant who fails to pass an examination on the 2nd such reexamination may not be admitted to further examination until the applicant reapplies for licensure and submits evidence that shows, to the satisfaction of the ~~affiliated credentialing~~ board, that he or she has completed additional education or received additional professional training.

**SECTION 146.** 448.655 (1) (intro.) of the statutes is amended to read:

448.655 (1) (intro.) A licensed podiatrist shall annually submit to the ~~affiliated credentialing~~ board evidence satisfactory to the ~~affiliated credentialing~~ board that the podiatrist satisfies one of the following:

**SECTION 147.** 448.655 (1) (b) 3. a. of the statutes is amended to read:

448.655 (1) (b) 3. a. At least the minimum amount of malpractice liability insurance coverage that is required under the laws of the state in which the ~~affiliated credentialing~~ board determines that his or her principal place of practice is located.

**SECTION 148.** 448.655 (1) (b) 3. b. of the statutes is amended to read:

448.655 (1) (b) 3. b. If the podiatrist is not required under the laws of the state in which the ~~affiliated credentialing~~ board determines that his or her principal place of practice is located to have in effect a minimum amount of malpractice liability insurance coverage, at least the minimum amount of malpractice liability insurance coverage that the ~~affiliated credentialing~~ board determines is necessary to protect the public.

**SECTION 149.** 448.655 (2) (intro.) of the statutes is amended to read:

448.655 (2) (intro.) For purposes of sub. (1), a podiatrist's principal place of practice is not in this state if the ~~affiliated credentialing~~ board determines that, during the following 12 months, any of the following applies:

**SECTION 150.** 448.655 (3) of the statutes is amended to read:

448.655 (3) The ~~affiliated credentialing~~ board may suspend, revoke, or refuse to issue or renew the license of a podiatrist who fails to procure or to submit proof of the malpractice liability insurance coverage required under sub. (1).

**SECTION 151.** 448.665 of the statutes is amended to read:

**448.665 Continuing education.** The ~~affiliated credentialing~~ board shall promulgate rules establishing requirements and procedures for licensees to



complete continuing education programs or courses of study in order to qualify for renewal of a license granted under this subchapter. The rules shall require a licensee to complete at least 30 hours of continuing education programs or courses of study within each 2-year period immediately preceding the renewal date specified under s. 440.08 (2) (a). The ~~affiliated credentialing~~ board may waive all or part of these requirements for the completion of continuing education programs or courses of study if the ~~affiliated credentialing~~ board determines that prolonged illness, disability or other exceptional circumstances have prevented a licensee from completing the requirements.

**SECTION 152.** 448.675 (1) (a) of the statutes is amended to read:

448.675 (1) (a) The ~~affiliated credentialing~~ board shall investigate allegations of unprofessional conduct and negligence in treatment by a licensee. Information contained in reports filed with the ~~affiliated credentialing~~ board under s. 49.45 (2) (a) 12r., 50.36 (3) (b), 609.17, or 632.715, or under [42 CFR 1001.2005](#), shall be investigated by the ~~affiliated credentialing~~ board. Information contained in a report filed with the ~~affiliated credentialing~~ board under s. 50.36 (3) (c) may, within the discretion of the ~~affiliated credentialing~~ board, be used as the basis of an investigation of a person named in the report. The ~~affiliated credentialing~~ board may require a licensee to undergo and may consider the results of a physical, mental, or professional competency examination if the ~~affiliated credentialing~~ board believes that the results of the examination may be useful to the ~~affiliated credentialing~~ board in conducting its investigation.

**SECTION 153.** 448.675 (1) (b) of the statutes is amended to read:

448.675 (1) (b) After an investigation, if the ~~affiliated credentialing~~ board finds that there is probable cause to believe that the person is guilty of unprofessional

conduct or negligence in treatment, the ~~affiliated credentialing~~ board shall hold a hearing on such conduct. The ~~affiliated credentialing~~ board may require a licensee to undergo and may consider the results of a physical, mental, or professional competency examination if the ~~affiliated credentialing~~ board believes that the results of the examination may be useful to the ~~affiliated credentialing~~ board in conducting its hearing. A finding by a court that a podiatrist has acted negligently in treating a patient is conclusive evidence that the podiatrist is guilty of negligence in treatment. A certified copy of the order of a court is presumptive evidence that the finding of negligence in treatment was made. The ~~affiliated credentialing~~ board shall render a decision within 90 days after the date on which the hearing is held or, if subsequent proceedings are conducted under s. 227.46 (2), within 90 days after the date on which those proceedings are completed.

**SECTION 154.** 448.675 (1) (c) of the statutes is amended to read:

448.675 (1) (c) After a disciplinary hearing, the ~~affiliated credentialing~~ board may, when it determines that a court has found that a person has been negligent in treating a patient or when it finds a person guilty of unprofessional conduct or negligence in treatment, do one or more of the following: warn or reprimand that person, or limit, suspend, or revoke a license granted by the ~~affiliated credentialing board~~ under this subchapter to that person. The ~~affiliated credentialing~~ board may condition the removal of limitations on a license, or the restoration of a suspended or revoked license, upon obtaining minimum results specified by the ~~affiliated credentialing~~ board on a physical, mental, or professional competency examination if the ~~affiliated credentialing~~ board believes that obtaining the minimum results is related to correcting one or more of the bases upon which the limitation, suspension, or revocation was imposed.

**SECTION 155.** 448.675 (1) (d) 2. of the statutes is amended to read:

448.675 (1) (d) 2. Appear before the ~~affiliated credentialing~~ board or its officers or agents at such times and places designated by the ~~affiliated credentialing~~ board.

**SECTION 156.** 448.675 (1) (d) 3. of the statutes is amended to read:

448.675 (1) (d) 3. Fully disclose to the ~~affiliated credentialing~~ board or its officers or agents the nature of the person's practice and conduct.

**SECTION 157.** 448.675 (1) (d) 4. of the statutes is amended to read:

448.675 (1) (d) 4. Fully comply with the limits placed on his or her practice and conduct by the ~~affiliated credentialing~~ board.

**SECTION 158.** 448.675 (1) (d) 5. of the statutes is amended to read:

448.675 (1) (d) 5. Obtain additional training, education, or supervision required by the ~~affiliated credentialing~~ board.

**SECTION 159.** 448.675 (1) (d) 6. of the statutes is amended to read:

448.675 (1) (d) 6. Cooperate with the ~~affiliated credentialing~~ board.

**SECTION 160.** 448.675 (1) (e) of the statutes is amended to read:

448.675 (1) (e) Unless a suspended license is revoked during the period of suspension, upon expiration of the period of suspension the ~~affiliated credentialing~~ board shall reinstate the person's license, except that the ~~affiliated credentialing~~ board may, as a condition precedent to the reinstatement of the license, require the person to pass the examinations required for the original grant of the license.

**SECTION 161.** 448.675 (1) (f) of the statutes is amended to read:

448.675 (1) (f) The ~~affiliated credentialing~~ board shall comply with rules of procedure for the investigation, hearing, and action promulgated by the department under s. 440.03 (1).

**SECTION 162.** 448.675 (1) (g) of the statutes is amended to read:

448.675 (1) (g) Nothing in this subsection prohibits the ~~affiliated credentialing~~ board, in its discretion, from investigating and conducting disciplinary proceedings on allegations of unprofessional conduct by a licensee when the allegations of unprofessional conduct may also constitute allegations of negligence in treatment.

**SECTION 163.** 448.675 (2) of the statutes is amended to read:

448.675 (2) **SUSPENSION PENDING HEARING.** The ~~affiliated credentialing~~ board may summarily suspend a license granted by the ~~affiliated credentialing~~ board under this subchapter for a period not to exceed 30 days pending hearing if the ~~affiliated credentialing~~ board has in its possession evidence establishing probable cause to believe that the licensee has violated the provisions of this subchapter and that it is necessary to suspend the license immediately to protect the public health, safety, or welfare. The licensee shall be granted an opportunity to be heard during the determination of whether or not probable cause exists. The ~~affiliated credentialing~~ board may designate any of its officers to exercise the authority granted by this subsection to suspend summarily a license, for a period not exceeding 72 hours. If a license has been summarily suspended by the ~~affiliated credentialing~~ board or any of its officers, the ~~affiliated credentialing~~ board may, while the hearing is in progress, extend the initial period of suspension for not more than an additional 30 days. If the licensee has caused a delay in the hearing process, the ~~affiliated credentialing~~ board may subsequently suspend the license from the time the hearing is commenced until a final decision is issued or may delegate such authority to the hearing examiner.

**SECTION 164.** 448.675 (3) of the statutes is amended to read:

448.675 (3) **VOLUNTARY SURRENDER.** A licensee may voluntarily surrender his or her license to the ~~secretary of the affiliated credentialing~~ board, but the ~~secretary~~

board may refuse to accept the surrender if the ~~affiliated credentialing~~ board has received an allegation of unprofessional conduct against the licensee. The ~~affiliated credentialing~~ board may negotiate stipulations in consideration for accepting the surrender of a license.

**SECTION 165.** 448.675 (4) of the statutes is amended to read:

448.675 (4) RESTORATION OF LICENSE, CERTIFICATE OR LIMITED PERMIT. The ~~affiliated credentialing~~ board may restore a license ~~which~~ that has been voluntarily surrendered or revoked under this subchapter on such terms and conditions as it considers appropriate.

**SECTION 166.** 448.68 (1) of the statutes is amended to read:

448.68 (1) Within 30 days after receipt of a report under s. 50.36 (3) (c), the ~~affiliated credentialing~~ board shall notify the licensee, in writing, of the substance of the report. The licensee and the licensee's authorized representative may examine the report and may place into the record a statement, of reasonable length, of the licensee's view of the correctness or relevance of any information in the report. The licensee may institute an action in circuit court to amend or expunge any part of the licensee's record related to the report.

**SECTION 167.** 448.68 (2) of the statutes is amended to read:

448.68 (2) If the ~~affiliated credentialing~~ board determines that a report submitted under s. 50.36 (3) (c) is without merit or that the licensee has sufficiently improved his or her conduct, the ~~affiliated credentialing~~ board shall remove the report from the licensee's record. If no report about a licensee is filed under s. 50.36 (3) (c) for 2 consecutive years, the licensee may petition the ~~affiliated credentialing~~ board to remove any prior reports, which did not result in disciplinary action, from his or her record.

**SECTION 168.** 448.68 (3) of the statutes is amended to read:

448.68 (3) Upon the request of a hospital, the ~~affiliated-credentialing~~ board shall provide the hospital with all information relating to a licensee's loss, reduction or suspension of staff privileges from other hospitals and all information relating to the licensee's being found guilty of unprofessional conduct. In this subsection, "hospital" has the meaning specified under s. 50.33 (2).

**SECTION 169.** 448.685 of the statutes is amended to read:

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

**SECTION 170.** 448.69 (2) of the statutes is amended to read:

448.69 (2) APPEAL. A person aggrieved by an action taken under this subchapter by the ~~affiliated-credentialing~~ board, or 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 ~~affiliated-credentialing~~ board within 30 days. No court of this state may enter an ex parte stay of an action taken by the ~~affiliated-credentialing~~ board under this subchapter.

**SECTION 171.** 448.695 (1) (intro.) of the statutes is amended to read:

448.695 (1) (intro.) The ~~affiliated-credentialing~~ board shall promulgate all of the following rules:

**SECTION 172.** 448.695 (2) of the statutes is amended to read:

448.695 (2) The ~~affiliated credentialing~~ board may promulgate rules to carry out the purposes of this subchapter.

**SECTION 173.** 448.695 (3) of the statutes is amended to read:

448.695 (3) The ~~affiliated credentialing~~ board shall promulgate rules specifying the requirements for a course of instruction related to X-ray examinations by persons under the direct supervision of a podiatrist under s. 462.02 (2) (f). In promulgating the rules, the ~~affiliated credentialing~~ board shall ~~consult with the radiography examining board~~ and shall examine laws and rules in other states. The ~~affiliated credentialing~~ board shall approve courses that meet the requirements set forth in the rules.

**SECTION 174.** Subchapter VI (title) of chapter 448 [precedes 448.95] of the statutes is renumbered subchapter III (title) of chapter 464 [precedes 464.40] and amended to read:

## **CHAPTER 464**

### **SUBCHAPTER III**

#### **ATHLETIC TRAINERS AFFILIATED**

#### **CREDENTIALING BOARD**

**SECTION 175.** 448.95 (intro.) of the statutes is renumbered 464.40 (intro.).

**SECTION 176.** 448.95 (1) of the statutes is repealed.

**SECTION 177.** 448.95 (4) of the statutes is renumbered 464.40 (1).

**SECTION 178.** 448.95 (5) of the statutes is renumbered 464.40 (2), and 464.40 (2) (a), as renumbered, is amended to read:

464.40 (2) (a) Preventing, recognizing, and evaluating injuries or illnesses sustained while participating in physical activity.

**SECTION 179.** 448.95 (5m) of the statutes is renumbered 464.40 (3) and amended to read:

464.40 (3) “Consulting physician” means a person licensed as a physician under subch. II of ch. 448 who consults with an athletic trainer while the athletic trainer is engaging in athletic training.

**SECTION 180.** 448.95 (6) of the statutes is renumbered 464.40 (5).

**SECTION 181.** 448.95 (7) of the statutes is renumbered 464.40 (6).

**SECTION 182.** 448.951 (title) of the statutes is repealed.

**SECTION 183.** 448.951 of the statutes is renumbered 464.41 (1) and amended to read:

464.41 (1) Except as provided in s. ~~448.952~~ sub. (2), no person may designate himself or herself as an athletic trainer or use or assume the title “athletic trainer”, “licensed athletic trainer”, “certified athletic trainer,” or “registered athletic trainer” or append to the person’s name any other title, letters, or designation that represents or may tend to represent the person as an athletic trainer unless the person is licensed under this subchapter.

**SECTION 184.** 448.952 (title) of the statutes is repealed.

**SECTION 185.** 448.952 of the statutes is renumbered 464.41 (2), and 464.41 (2) (a), as renumbered, is amended to read:

464.41 (2) (a) Any person lawfully practicing within the scope of a license, permit, registration, or certification granted by this state or the federal government, if the person does not represent himself or herself as an athletic trainer.

**SECTION 186.** 448.9525 of the statutes is renumbered 464.42, and 464.42 (title), (1) (intro.), (c) and (e) and (2), as renumbered, are amended to read:



**464.42 (title) Duties of ~~affiliated credentialing~~ examining board. (1)**

(intro.) The ~~affiliated credentialing~~ examining board shall do all of the following:

(c) Prescribe a form for the recording of a protocol required under s. 448.956 ~~464.47~~ (1).

(e) Promulgate rules requiring each applicant for a license under this subchapter to submit evidence satisfactory to the ~~affiliated credentialing~~ examining board that the applicant has current proficiency in the use of an automated external defibrillator achieved through instruction provided by an individual, organization, or institution of higher education approved under s. 46.03 (38) to provide such instruction.

(2) Subject to s. 448.956 ~~464.47~~ (1), (4) and (5), the ~~affiliated credentialing~~ examining board and the medical examining board shall jointly promulgate rules relating to the minimum requirements of a protocol required under s. 448.956 ~~464.47~~ (1).

**SECTION 187.** 448.953 of the statutes is renumbered 464.43, and 464.43 (1) (intro.), (c), (d), (e), (f), (h) and (i), (2) (intro.) and (5) (b) (intro.), as renumbered, are amended to read:

464.43 (1) (intro.) The ~~affiliated credentialing~~ examining board shall grant an athletic trainer license to a person who does all of the following:

(c) Subject to ss. 111.321, 111.322 and 111.335, submits evidence satisfactory to the ~~affiliated credentialing~~ examining board that he or she does not have an arrest or conviction record.

(d) Subject to ss. 111.321, 111.322 and 111.335, submits evidence satisfactory to the ~~affiliated credentialing~~ examining board that he or she does not have a history of alcohol or other drug abuse.

(e) Submits evidence satisfactory to the ~~affiliated credentialing~~ examining board that he or she has received at least a bachelor's degree from an accredited college or university.

(f) Submits evidence satisfactory to the ~~affiliated credentialing~~ examining board that he or she has met the requirements for certification established by the National Athletic Trainers' Association Board of Certification, Inc., or its successor agency, and has passed the certification examination administered by the National Athletic Trainers' Association Board of Certification, Inc., or its successor agency.

(h) Passes an examination under s. ~~448.954~~ 464.44.

(i) Submits evidence satisfactory to the ~~affiliated credentialing~~ examining board that he or she has current proficiency in the use of an automated external defibrillator achieved through instruction provided by an individual, organization, or institution of higher education approved under s. 46.03 (38) to provide such instruction.

**(2)** (intro.) The ~~affiliated credentialing~~ examining board may waive the requirements under sub. (1) (c) to (i) for an applicant for a license under sub. (1) who establishes to the satisfaction of the ~~affiliated credentialing~~ examining board all of the following:

**(5)** (b) (intro.) A statement that the applicant authorizes the ~~affiliated credentialing~~ examining board to have access to any of the following:

**SECTION 188.** 448.954 of the statutes is renumbered 464.44 and amended to read:

**464.44 Examination.** **(1)** ~~The affiliated credentialing~~ Except as provided in sub. (2), the examining board shall conduct or arrange for examinations for athletic trainer licensure at least semiannually and at times and places determined by the

~~affiliated credentialing~~ examining board. Examinations shall consist of written or oral tests, or both, requiring applicants to demonstrate minimum competency in subjects substantially related to athletic training.

(2) In lieu of an examination under sub. (1), the ~~affiliated credentialing~~ examining board may accept the results of an examination administered by the National Athletic Trainers' Association Board of Certification, Inc., or its successor agency.

**SECTION 189.** 448.9545 of the statutes is renumbered 464.45, and 464.45 (1) (a) and (2) (intro.) and (b) 2., as renumbered, are amended to read:

464.45 (1) (a) To be eligible for renewal of a license issued under s. ~~448.953~~ 464.43 (1) or (2), a licensee shall, during the 2-year period immediately preceding the renewal date specified under s. 440.08 (2) (a), complete not less than 30 credit hours of continuing education in courses of study approved by the ~~affiliated credentialing~~ examining board.

(2) (intro.) The ~~affiliated credentialing~~ examining board may approve any of the following courses for continuing education credit:

(b) 2. Each member of the course faculty has expertise in the subject area of the course because he or she has received a degree from an accredited college or university relating to the subject area, has experience or special training in the subject area covered by the course, or has previously taught the subject area covered by the course.

**SECTION 190.** 448.955 of the statutes is renumbered 464.46, and 464.46 (1), (2) (intro.), (a) and (c) and (3) (c), as renumbered, are amended to read:

464.46 (1) The renewal ~~dates~~ date for licenses granted under this subchapter ~~are~~ is specified under s. 440.08 (2) (a).

(2) (intro.) Renewal applications shall be submitted to the department on a form provided, subject to sub. (3), by the department and shall include the renewal fee determined by the department under s. 440.03 (9) (a) and evidence satisfactory to the ~~affiliated credentialing~~ examining board that the licensee has all of the following:

(a) Completed, during the 2-year period immediately preceding the renewal date specified in s. 440.08 (2) (a), the continuing education requirements specified in s. ~~448.9545~~ 464.45.

(c) Liability insurance or a surety bond in at least the minimum amount required by the rules promulgated under s. ~~448.9525~~ 464.42 (1) (d).

(3) (c) A statement, signed by the licensee and the licensee's consulting physician, that a current copy of the protocol required under s. ~~448.956~~ 464.47 (1) is on file at the place of employment of the athletic trainer and of the consulting physician.

**SECTION 191.** 448.956 of the statutes is renumbered 464.47, and 464.47 (1) (a), (1m), (3) (intro.) and (4), as renumbered, are amended to read:

464.47 (1) (a) A licensee may engage in athletic training only in accordance with an evaluation and treatment protocol that is established by the athletic trainer and approved by the consulting physician in accordance with the rules promulgated under s. ~~448.9525~~ 464.42 (2) and recorded on a protocol form prescribed by the ~~affiliated credentialing~~ examining board under s. ~~448.9525~~ 464.42 (1) (c).

(1m) Subject to sub. (1) (a), a licensee may provide athletic training to an individual without a referral, except that a licensee may not provide athletic training as described under s. ~~448.95~~ 464.40 (5) (d) or (e) in an outpatient rehabilitation setting unless the licensee has obtained a written referral for the individual from a

practitioner licensed or certified under ~~subch. II, III, IV, V, or VII of this chapter~~ subch. I or II of this chapter; under ch. 446; under subch. II, IV, or V of ch. 448; or under s. 441.16 (2).

(3) (intro.) When working on behalf of his or her employer, a licensee may, in accordance with a protocol established under sub. (1) (a), do all any of the following:

(4) If a licensee or the consulting physician of the licensee determines that a patient's medical condition is beyond the scope of practice of the licensee, the licensee shall, in accordance with the protocol established under sub. (1) (a), refer the patient to a health care practitioner who is licensed under subch. I of this chapter; under ch. 446 ~~or~~; under ch. 447; or under subch. II, ~~III~~ or IV of ch. 448 and who can provide appropriate treatment to the patient.

**SECTION 192.** 448.957 of the statutes is renumbered 464.48, and 464.48 (1), (2) (intro.), (c), (d) and (h) and (3), as renumbered, are amended to read:

464.48 (1) Subject to the rules promulgated under s. 440.03 (1), the ~~affiliated credentialing~~ examining board may make investigations and conduct hearings to determine whether a violation of this subchapter or any rule promulgated under this subchapter has occurred.

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

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

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

(h) Failed to cooperate with the ~~affiliated credentialing~~ examining board in an investigation under this section.

(3) In addition to or in lieu of the penalties provided under sub. (2), the ~~affiliated credentialing~~ examining board may assess against an applicant or licensee a forfeiture of not more than \$10,000 for each violation specified under sub. (2).

**SECTION 193.** 448.958 (title) of the statutes is repealed.

**SECTION 194.** 448.958 of the statutes is renumbered 464.49 (2) and amended to read:

464.49 (2) If the ~~affiliated credentialing~~ examining board has reason to believe that any person is violating this subchapter or any rule promulgated under this subchapter, the ~~affiliated credentialing~~ examining board, the department, the attorney general, or the district attorney of the proper county may investigate and may, in addition to any other remedies, bring an action in the name and on behalf of this state to enjoin the person from the violation.

**SECTION 195.** 448.959 (title) of the statutes is repealed.

**SECTION 196.** 448.959 of the statutes is renumbered 464.49 (1).

**SECTION 197.** Subchapter VII (title) of chapter 448 [precedes 448.96] of the statutes is renumbered subchapter II (title) of chapter 464 [precedes 464.20] and amended to read:

## **CHAPTER 464**

### **SUBCHAPTER II**

#### **OCCUPATIONAL THERAPISTS**

#### **~~AFFILIATED CREDENTIALING~~**

#### **BOARD THERAPY**

**SECTION 198.** 448.96 of the statutes is renumbered 464.20, and 464.20 (1), (3), (4), (5) and (6), as renumbered, are amended to read:

464.20 (1) ~~“Affiliated credentialing~~ “Examining board” means the ~~occupational therapists affiliated credentialing~~ medical therapy examining board.

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

(4) “Occupational therapist” means an individual who is licensed by the ~~affiliated credentialing~~ examining board to practice occupational therapy.

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

(6) “Occupational therapy assistant” means an individual who is licensed by the ~~affiliated credentialing~~ examining board to assist in the practice of occupational therapy under the supervision of an occupational therapist.

**SECTION 199.** 448.961 (title) of the statutes is renumbered 464.21 (title).

**SECTION 200.** 448.961 (1) of the statutes is renumbered 464.21 (1) (a) and amended to read:

464.21 (1) (a) ~~Except as provided in s. 448.962 (1) sub. (2) (a),~~ a person who is not licensed as an occupational therapist may not practice occupational therapy, designate himself or herself as an occupational therapist, claim to render occupational therapy services, or use the abbreviation “O.T.” or “O.T.R.” after the person’s name.

**SECTION 201.** 448.961 (2) of the statutes is renumbered 464.21 (1) (b) and amended to read:

464.21 (1) (b) Except as provided in s. 448.962 (2) ~~sub. (2) (b)~~, a person who is not licensed as an occupational therapy assistant may not assist in the practice of occupational therapy, describe himself or herself as an occupational therapy assistant, or claim to render occupational therapy services as an occupational therapy assistant or use the abbreviation "O.T.A." or "C.O.T.A." after the person's name.

**SECTION 202.** 448.962 (intro.) of the statutes is repealed.

**SECTION 203.** 448.962 (1) of the statutes is renumbered 464.21 (2) (a), and 464.21 (2) (a) (intro.), 3. (intro.), 4. and 5., as renumbered, are amended to read:

464.21 (2) (a) (intro.) ~~Require any of the following~~ None of the following is required to be licensed as an occupational therapist under this subchapter:

3. (intro.) Any person performing occupational therapy services in this state under a limited permit, as provided under s. 448.963 ~~464.22~~ (4), if at least one of the following applies:

4. Any person lawfully practicing within the scope of a license, permit, registration, or certification granted by this state or the federal government.

5. Any person assisting an occupational therapist or occupational therapy assistant in practice under the direct, immediate, and on-premises supervision of the occupational therapist or occupational therapy assistant.

**SECTION 204.** 448.962 (2) of the statutes is renumbered 464.21 (2) (b), and 464.21 (2) (b) (intro.), 3. and 4., as renumbered, are amended to read:

464.21 (2) (b) (intro.) ~~Require any of the following~~ None of the following is required to be licensed as an occupational therapy assistant under this subchapter:



3. (intro.) Any person performing occupational therapy services in this state under a limited permit, as provided under s. 448.963 464.22 (4), if at least one of the following applies:

4. Any person lawfully practicing within the scope of a license, permit, registration, or certification granted by this state or the federal government.

**SECTION 205.** 448.963 of the statutes is renumbered 464.22, and 464.22 (2) (intro.), (b) (intro.), 1. and 3. and (c), (3) (intro.), (b) (intro.), 1. and 3. and (c) and (4) (intro.), (a) and (b), as renumbered, are amended to read:

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

(b) (intro.) Submits evidence satisfactory to the ~~affiliated credentialing~~ examining board that he or she has done any of the following:

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

3. Been initially certified as an occupational therapist by the National Board for Certification in Occupational Therapy, if the ~~affiliated credentialing~~ examining board determines that the requirements for the certification are equivalent to the requirements under subds. 1. and 2.

(c) Passes an examination under s. 448.964 464.23.

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

(b) (intro.) Submits evidence satisfactory to the ~~affiliated credentialing~~ examining board that he or she has done any of the following:

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

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

(c) Passes an examination under s. ~~448.964~~ 464.23.

**(4)** (intro.) The ~~affiliated credentialing~~ examining board may, upon application, issue a permit for a limited period of time designated by the ~~affiliated credentialing~~ examining board to any of the following:

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

(b) A person who presents evidence satisfactory to the ~~affiliated credentialing~~ examining board of having met the requirements under sub. (3) (b) 1. or 2., to assist in the practice of occupational therapy under the supervision of an occupational therapist.

**SECTION 206.** 448.964 of the statutes is renumbered 464.23, and 464.23 (1), as renumbered, is amended to read:

464.23 (1) The ~~affiliated credentialing~~ examining board shall conduct or arrange for examinations required for occupational therapist and occupational therapy assistant licensure under s. 448.963 464.22 (2) (c) and (3) (c) at times and places determined by the affiliated credentialing board.

**SECTION 207.** 448.965 of the statutes is renumbered 464.24, and 464.24 (title), (1) (intro.) and (b) and (2), as renumbered, are amended to read:

**464.24 (title) Duties and powers of affiliated credentialing examining board.** (1) (intro.) The ~~affiliated credentialing~~ examining board shall promulgate rules that establish each of the following:

(b) Continuing education requirements for license renewal for an occupational therapist or occupational therapy assistant under s. 448.967 464.25 (2).

(2) The ~~affiliated credentialing~~ examining board may promulgate rules that define the scope of practice of occupational therapy or the scope of assisting in the practice of occupational therapy.

**SECTION 208.** 448.966 of the statutes is renumbered 464.234 and amended to read:

**464.234 Reciprocal licensure.** (1) Upon application and payment of the fee specified in s. 440.05 (2), the ~~affiliated credentialing~~ examining board shall grant a license as an occupational therapist to a person who holds a similar certificate or license in another state or territory of the United States if the ~~affiliated credentialing~~ examining board determines that the requirements for receiving the certificate or license in the other state or territory are substantially equivalent to the requirements under s. 448.963 464.22 (2).

(2) Upon application and payment of the fee specified in s. 440.05 (2), the ~~affiliated credentialing~~ examining board shall grant a license as an occupational

therapy assistant to a person who holds a similar certificate or license in another state or territory of the United States if the ~~affiliated credentialing~~ examining board determines that the requirements for receiving the certificate or license in the other state or territory are substantially equivalent to the requirements under s. ~~448.963~~ 464.22 (3).

**SECTION 209.** 448.967 of the statutes is renumbered 464.25, and 464.25 (2), as renumbered, is amended to read:

464.25 (2) The renewal dates for licenses granted under this subchapter are specified under s. 440.08 (2) (a). Renewal applications shall be submitted to the department on a form provided by the department and shall include the renewal fee determined by the department under s. 440.03 (9) (a) and a statement attesting compliance with the continuing education requirements established in rules promulgated under s. ~~448.965~~ 464.24 (1) (b).

**SECTION 210.** 448.968 of the statutes is renumbered 464.26, and 464.26 (1) and (2) (intro.), (c), (d) and (f), as renumbered, are amended to read:

464.26 (1) Subject to the rules promulgated under s. 440.03 (1), the ~~affiliated credentialing~~ examining board may make investigations and conduct hearings to determine whether a violation of this subchapter or any rule promulgated under this subchapter has occurred.

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

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

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

(f) Engaged in unprofessional or unethical conduct in violation of the code of ethics established in the rules promulgated under s. 448.965 ~~464.24~~ (1) (c).

**SECTION 211.** 448.969 (title) of the statutes is repealed.

**SECTION 212.** 448.969 of the statutes is renumbered 464.27 (3) and amended to read:

464.27 (3) If the ~~affiliated credentialing~~ examining board has reason to believe that any person is violating this subchapter or any rule promulgated under this subchapter, the ~~affiliated credentialing~~ examining board, the department, the attorney general, or the district attorney of the proper county may investigate and may, in addition to any other remedies, bring an action in the name and on behalf of this state to enjoin the person from the violation.

**SECTION 213.** 448.970 (title) of the statutes is repealed.

**SECTION 214.** 448.970 (1) of the statutes is renumbered 464.27 (1).

**SECTION 215.** 448.970 (2) of the statutes is renumbered 464.27 (2) and amended to read:

464.27 (2) Any person aggrieved by any action taken under this subchapter by the ~~affiliated credentialing~~ examining 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 ~~affiliated credentialing~~ examining board within 30 days. No court of this state may enter an ex parte stay of any action taken by the ~~affiliated credentialing~~ examining board under this subchapter.

**SECTION 216.** 449.01 (4) of the statutes is amended to read:

449.01 (4) EXAMINING BOARD. In this chapter, “examining board” means ~~optometry examining board~~ the medical examining board.

**SECTION 217.** 450.10 (3) (a) 5. of the statutes is amended to read:

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

**SECTION 218.** 450.10 (3) (a) 5q. of the statutes is renumbered 450.10 (3) (a) 14. and amended to read:

450.10 (3) (a) 14. An athletic trainer licensed under subch. ~~VI~~ III of ch. 448 ~~464~~.

**SECTION 219.** 450.10 (3) (a) 12. of the statutes is created to read:

450.10 (3) (a) 12. A physical therapist or physical therapist assistant licensed under subch. I of ch. 464.

**SECTION 220.** 450.10 (3) (a) 13. of the statutes is created to read:

450.10 (3) (a) 13. An occupational therapist or occupational therapist assistant licensed under subch. II of ch. 464.

**SECTION 221.** 450.11 (8) (b) of the statutes is amended to read:

450.11 (8) (b) The medical examining board, insofar as this section applies to physicians ~~and, physician assistants, and podiatrists~~.

**SECTION 222.** 450.11 (8) (bm) of the statutes is repealed.

**SECTION 223.** 451.02 (1) of the statutes is amended to read:

451.02 (1) An individual holding a license, permit or certificate under ch. 441, 446, 447, 448 ~~or, 449, or 464~~ who engages in a practice of acupuncture that is also included within the scope of his or her license, permit or certificate.

**SECTION 224.** Subchapter III (title) of chapter 459 [precedes 459.40] of the statutes is created to read:

## **CHAPTER 459**

### **SUBCHAPTER III**

LICENSURE OF SIGN  
LANGUAGE INTERPRETERS

**SECTION 225.** 459.40 (2) of the statutes is created to read:

459.40 (2) “Examining board” means the hearing and speech examining board.

**SECTION 226.** 459.45 (title) of the statutes is created to read:

**459.45 (title) Powers and duties of examining board.**

**SECTION 227.** Chapter 460 (title) of the statutes is renumbered subchapter IV (title) of chapter 464 [precedes 464.60].

**SECTION 228.** 460.01 (intro.) of the statutes is renumbered 464.60 (intro.) and amended to read:

**464.60 Definitions.** (intro.) In this ~~chapter~~ subchapter:

**SECTION 229.** 460.01 (1g) of the statutes is renumbered 464.60 (1).

**SECTION 230.** 460.01 (1r) of the statutes is renumbered 464.60 (2) and amended to read:

464.60 (2) “~~Affiliated credentialing~~ Examining board” means the ~~massage therapy and bodywork therapy affiliated credentialing~~ medical therapy examining board.

**SECTION 231.** 460.01 (2m) of the statutes is renumbered 464.60 (3) and amended to read:

464.60 (3) “License holder” means a person granted a license under this ~~chapter~~ subchapter.

**SECTION 232.** 460.01 (3) of the statutes is renumbered 464.60 (4).

**SECTION 233.** 460.01 (4) of the statutes is renumbered 464.60 (5).

**SECTION 234.** 460.01 (5) of the statutes is renumbered 464.60 (6).

**SECTION 235.** 460.01 (6) of the statutes is renumbered 464.60 (7).

**SECTION 236.** 460.01 (7) of the statutes is renumbered 464.60 (8).

**SECTION 237.** 460.02 (title) of the statutes is renumbered 464.61 (title).

**SECTION 238.** 460.02 of the statutes is renumbered 464.61 (1) and amended to read:

464.61 (1) Except as provided in s. ~~460.03~~ sub. (2), no person may provide massage therapy or bodywork therapy, designate himself or herself as a massage therapist or bodywork therapist or masseur or masseuse, or use or assume the title “massage therapist and bodywork therapist” or “massage therapist” or “bodywork therapist” or “masseur” or “masseuse” or any title that includes “massage therapist,” “bodywork therapist,” or “bodyworker,” or append to the person’s name the letters “M.T.,” “R.M.T.,” “L.M.T.,” “C.M.T.,” “B.T.,” “B.W.,” “L.B.W.,” “R.B.W.,” or “C.B.W.,” or use any other title or designation that represents or may tend to represent that he or she is licensed under this ~~chapter~~ subchapter, unless the person is licensed under this ~~chapter~~ subchapter.

**SECTION 239.** 460.03 (title) of the statutes is repealed.

**SECTION 240.** 460.03 of the statutes is renumbered 464.61 (2), and 464.61 (2) (intro.), (a), (b) and (bm) 1. (intro.) and 3., as renumbered, are amended to read:

464.61 (2) (intro.) A license under this ~~chapter~~ subchapter is not required for any of the following:

(a) A person holding a license, permit, registration, or certification granted by this state or the federal government who engages in a practice of massage therapy or bodywork therapy within the scope of his or her license, permit, registration, or certification and who does not imply that he or she is licensed under this ~~chapter~~ subchapter. A person who is exempt from licensure under this ~~subsection~~ paragraph



may use the terms “bodywork,” “bodyworker,” and “bodywork therapy” to identify his or her practice.

(b) A person who is authorized to practice massage therapy or bodywork therapy in another state or country and is providing a consultation to or demonstration with a license holder. A person who is exempt from licensure under this subsection paragraph may use the terms “bodywork,” “bodyworker,” and “bodywork therapy” to identify his or her practice.

(bm) 1. (intro.) A person who does any of the following and who satisfies the requirements of ~~par. (b)~~ subd. 2.:

3. A person who is exempt from licensure under this ~~subsection~~ paragraph may use the terms “bodywork,” “bodyworker,” and “bodywork therapy” to identify his or her practice.

**SECTION 241.** 460.04 (title) of the statutes is renumbered 464.62 (title) and amended to read:

**464.62** (title) **Duties of affiliated ~~credentialing~~ examining board.**

**SECTION 242.** 460.04 (1m) of the statutes is renumbered 464.62 (intro.) and amended to read:

**464.62** (intro.) The ~~affiliated-credentialing~~ examining board shall ~~prepare~~ do all of the following:

**(1)** Prepare an examination on state laws and administrative rules governing massage therapy and bodywork therapy.

**SECTION 243.** 460.04 (2) of the statutes is renumbered 464.62 (2), and 464.62 (2) (intro.), (b), (c), (d), (e), (f) and (g), as renumbered, are amended to read:

464.62 **(2)** (intro.) ~~The affiliated-credentialing board shall promulgate~~ Promulgate rules that establish all of the following:

(b) Criteria for approving a training program for purposes of s. ~~460.05~~ 464.63

(1) (e) 1. Rules promulgated under this paragraph shall require the training program to meet the requirements under s. ~~460.095~~ 464.73 and to consist of at least 600 classroom hours.

(c) Requirements and procedures for obtaining the informed consent of a client under s. ~~460.11~~ 464.69 (1) and for making a report required under s. ~~460.12~~ 464.70 (1).

(d) A definition of “sexually oriented business” for purposes of s. ~~460.11~~ 464.69 (3).

(e) A requirement that an applicant for a license under this ~~chapter~~ subchapter submit evidence satisfactory to the ~~affiliated credentialing~~ examining board that the applicant has current proficiency in the use of an automated external defibrillator achieved through instruction provided by an individual, organization, or institution of higher education approved under s. 46.03 (38) to provide such instruction.

(f) Requirements to be satisfied by a person seeking a temporary license under s. ~~460.08~~ 464.67. The rules promulgated under this ~~subsection~~ paragraph shall require the person to be a graduate of a massage therapy or bodywork therapy school or program and may require the holder of a temporary license to make disclosures to clients and to practice under the supervision of a massage therapist or bodywork therapist licensed under this ~~chapter~~ subchapter.

(g) A requirement that an applicant for a license under this ~~chapter~~ subchapter pass an examination on state laws and administrative rules governing massage therapy and bodywork therapy.

**SECTION 244.** 460.05 (1) of the statutes is renumbered 464.63 (1), and 464.63 (1) (intro.), (c), (e), (f) and (g), as renumbered, are amended to read:

464.63 (1) (intro.) The ~~affiliated credentialing~~ examining board shall grant a license as a massage therapist or bodywork therapist to a person who satisfies all of the following:

(c) The person submits an application for the license to the ~~affiliated credentialing~~ examining board on a form provided by the ~~affiliated credentialing~~ examining board.

(e) Except as provided in sub. (2), the person submits evidence satisfactory to the ~~affiliated credentialing~~ examining board that he or she has done all of the following:

1. Graduated from a school of massage therapy or bodywork therapy approved by the educational approval board under s. 38.50 that meets the requirements under s. 460.095 464.73 or completed a training program approved by the ~~affiliated credentialing~~ examining board under the rules promulgated under s. 460.04 464.62 (2) (b).

2. Completed at least 6 classroom hours in the laws of this state and rules of the ~~affiliated credentialing~~ examining board relating to the practice of massage therapy or bodywork therapy in a course of instruction approved by the ~~affiliated credentialing~~ examining board.

(f) The person passes the examinations under s. 460.06 464.64.

(g) The person submits evidence satisfactory to the ~~affiliated credentialing~~ examining board that he or she has in effect malpractice liability insurance coverage in an amount that is not less than \$1,000,000 per occurrence and \$1,000,000 for all occurrences in one year.

**SECTION 245.** 460.05 (2) of the statutes is renumbered 464.63 (2) and amended to read:

464.63 (2) The ~~affiliated credentialing~~ examining board may waive a requirement specified in sub. (1) (e) if a person establishes, to the satisfaction of the ~~affiliated credentialing~~ examining board, that he or she has education, training, or other experience that is substantially equivalent to the requirement.

**SECTION 246.** 460.05 (4) of the statutes is repealed.

**SECTION 247.** 460.06 of the statutes is renumbered 464.64 and amended to read:

**464.64 Examinations.** The ~~affiliated credentialing~~ examining board may not grant a license under this chapter ~~chapter~~ subchapter unless the applicant achieves a passing grade on the following examinations:

(1) A nationally administered, entry-level competency examination for therapeutic massage and bodywork therapy that meets generally accepted psychometric principles and standards or a substantially equivalent examination approved by the ~~affiliated credentialing~~ examining board.

(2) The examination on state laws and administrative rules governing massage therapy and bodywork therapy required under s. 460.04 ~~464.62~~ (2) (g).

**SECTION 248.** 460.07 (title) of the statutes is repealed.

**SECTION 249.** 460.07 (1) of the statutes is renumbered 464.69 (4) and amended to read:

464.69 (4) ~~Each person who is licensed under this chapter~~ A license holder shall conspicuously display the his or her license in the place of business where he or she practices massage therapy or bodywork therapy so that the license can easily be seen and read.

**SECTION 250.** 460.07 (2) of the statutes is renumbered 464.65, and 464.65 (2), (3) and (4), as renumbered, are amended to read:

464.65 (2) If applicable, proof of completion of continuing education under s. 460.10 ~~464.68~~.

(3) Evidence satisfactory to the ~~affiliated-credentialing~~ examining board that the applicant has in effect malpractice liability insurance coverage in an amount that is not less than \$1,000,000 per occurrence and \$1,000,000 for all occurrences in one year.

(4) Evidence satisfactory to the ~~affiliated-credentialing~~ examining board that the applicant has current proficiency in the use of an automated external defibrillator achieved through instruction provided by an individual, organization, or institution of higher education approved under s. 46.03 (38) to provide such instruction.

**SECTION 251.** 460.08 of the statutes is renumbered 464.67 and amended to read:

**464.67 Temporary license.** The ~~affiliated-credentialing~~ examining board may grant a temporary license for a period not to exceed 6 months to an applicant who satisfies the requirements established in the rules under s. 460.04 ~~464.62~~ (2) (f). A temporary license may not be renewed.

**SECTION 252.** 460.09 of the statutes is renumbered 464.66 and amended to read:

**464.66 Reciprocal license.** Upon application and payment of the fee specified in s. 440.05 (2), the ~~affiliated-credentialing~~ examining board shall grant a massage therapist or bodywork therapist license to a person who holds a similar license in another state or territory of the United States or another country if the ~~affiliated-credentialing~~ examining board determines that the requirements for

receiving the license in the other state, territory, or country are substantially equivalent to the requirements under s. 460.05 ~~464.63~~.

**SECTION 253.** 460.095 of the statutes is renumbered 464.73, and 464.73 (2) and (4) (intro.), as renumbered, are amended to read:

464.73 (2) Administer, score, and require, as a prerequisite to graduation, the examination required under s. 460.06 ~~464.64~~ (2).

(4) (intro.) Ensure that each instructor hired by the school or training program on or after December 1, 2010, to teach courses in theory and the practice of massage therapy or bodywork therapy is licensed under this ~~chapter~~ subchapter and has at least one of the following:

**SECTION 254.** 460.10 of the statutes is renumbered 464.68, and 464.68 (1) (intro.) and (2), as renumbered, are amended to read:

464.68 (1) (intro.) The ~~affiliated-credentialing~~ examining board may promulgate rules establishing all of the following:

(2) The ~~affiliated-credentialing~~ examining board may waive all or part of any requirement established in rules promulgated under sub. (1) (a) if it determines that prolonged illness, disability, or other exceptional circumstances have prevented a license holder from completing the requirement.

**SECTION 255.** 460.11 of the statutes is renumbered 464.69, and 464.69 (title) and (3), as renumbered, are amended to read:

**464.69** (title) **Practice requirements and restrictions.**

(3) A license holder may not, whether for compensation or not, practice massage therapy or bodywork therapy for a sexually oriented business, as defined by the ~~affiliated-credentialing~~ examining board by rule.

**SECTION 256.** 460.12 of the statutes is renumbered 464.70, and 464.70 (1), (2), (3), (4) and (5) (b), as renumbered, are amended to read:

**464.70 Duty to make reports. (1)** A license holder shall submit a report to the ~~affiliated credentialing~~ examining board if he or she has reasonable cause to believe that another license holder has committed a crime relating to prostitution under ss. 944.30 to 944.34 or has had sexual contact or sexual intercourse with a client. If the report relates to sexual contact or sexual intercourse with a client, the report may not identify the client unless the client has provided written consent for disclosure of this information.

**(2)** The ~~affiliated credentialing~~ examining board may use a report made under sub. (1) as the basis for an investigation under s. ~~460.14~~ 464.71 (1). If, after an investigation, the ~~affiliated credentialing~~ examining board has reasonable cause to believe that a license holder has committed a crime, the ~~affiliated credentialing~~ examining board shall report the belief to the district attorney for the county in which the crime, in the opinion of the ~~affiliated credentialing~~ examining board, occurred.

**(3)** If, after an investigation, the ~~affiliated credentialing~~ examining board determines that a report submitted under sub. (1) is without merit, the ~~affiliated credentialing~~ examining board shall remove the report from the record of the license holder who is the subject of the report.

**(4)** All reports and records made from reports under sub. (1) and maintained by the ~~affiliated credentialing~~ examining board, the department, district attorneys, and other persons, officials, and institutions shall be confidential and are exempt from disclosure under s. 19.35 (1). Information regarding the identity of a client with whom a license holder is suspected of having sexual contact or sexual intercourse

shall not be disclosed by persons who have received or have access to a report or record unless disclosure is consented to in writing by the client. The report of information under sub. (1) and the disclosure of a report or record under this subsection does not violate any person's responsibility for maintaining the confidentiality of patient health care records, as defined in s. 146.81 (4) and as required under s. 146.82. Reports and records may be disclosed only to the ~~affiliated~~ credentialing examining board, the department, and the appropriate staff of a district attorney or a law enforcement agency within this state for purposes of investigation or prosecution.

**(5)** (b) A license holder shall submit a written report to the ~~affiliated~~ credentialing examining board if he or she is convicted of a felony or misdemeanor, or is found to have committed a violation, in this state or elsewhere, and if the circumstances of the felony, misdemeanor, or violation substantially relate to the practice of massage therapy or bodywork therapy. The report shall identify the date, place, and nature of the conviction or finding and shall be submitted within 30 days after the entry of the judgment of conviction or the judgment finding that he or she committed the violation. If the report is submitted by mail, the report is considered to be submitted on the date that it is mailed.

**SECTION 257.** 460.13 (title) of the statutes is repealed.

**SECTION 258.** 460.13 of the statutes is renumbered 464.69 (5) and amended to read:

464.69 **(5)** Except as provided in s. ~~460.03 (1) and (2)~~ 464.61 (2) (a) and (b), a license holder may not advertise that he or she practices massage therapy or bodywork therapy unless the advertisement includes a statement that the license



holder is a “licensed massage therapist and bodywork therapist” or “licensed massage therapist” or “licensed bodywork therapist.”

**SECTION 259.** 460.14 of the statutes is renumbered 464.71, and 464.71 (1), (2) (intro.), (f), (g) and (j), (2m) (intro.) and (3), as renumbered, are amended to read:

464.71 (1) Subject to the rules promulgated under s. 440.03 (1), the affiliated credentialing examining board may make investigations and conduct hearings to determine whether a violation of this ~~chapter~~ subchapter or any rule promulgated under this ~~chapter~~ subchapter has occurred.

(2) (intro.) Subject to the rules promulgated under s. 440.03 (1), the affiliated credentialing examining board may reprimand a license holder or deny, limit, suspend, or revoke a license under this ~~chapter~~ subchapter if it finds that the applicant or license holder has done any of the following:

(f) Intentionally made a false statement in a report submitted under s. ~~460.12~~ 464.70 (1).

(g) Engaged in unprofessional conduct in violation of the standards established in rules promulgated under s. ~~460.04~~ 464.62 (2) (a).

(j) Violated this ~~chapter~~ subchapter or any rule promulgated under this ~~chapter~~ subchapter.

(2m) (intro.) Subject to the rules promulgated under s. 440.03 (1), the affiliated credentialing examining board shall revoke a license under this ~~chapter~~ subchapter if the license holder is convicted of any of the following:

(3) The ~~affiliated credentialing~~ examining board may restore a license that has been suspended or revoked on such terms and conditions as the affiliated credentialing examining board may deem appropriate.

**SECTION 260.** 460.15 of the statutes is renumbered 464.74 and amended to read:

**464.74 Penalty Violations and penalty.** Any person who violates this chapter subchapter or any rule promulgated under this chapter subchapter shall forfeit not more than \$1,000 for each violation.

**SECTION 261.** 460.17 of the statutes is renumbered 66.0440 and amended to read:

**66.0440 Local regulation Massage and bodywork therapy.** A city, village, town, or county may not enact an ordinance that regulates the practice of massage therapy or bodywork therapy, as defined in s. 464.60 (5), by a person who is licensed by the affiliated credentialing medical therapy examining board under this chapter subch. IV of ch. 464. No provision of any ordinance enacted by a city, village, town, or county that is in effect before February 1, 1999, and that relates to the practice of massage therapy or bodywork therapy, may be enforced against a person who is licensed by the affiliated credentialing medical therapy examining board under this chapter subch. IV of ch. 464.

**SECTION 262.** 462.01 (1) of the statutes is amended to read:

462.01 (1) "Board" means the radiography medical examining board.

**SECTION 263.** 462.02 (2) (f) of the statutes is amended to read:

462.02 (2) (f) A podiatrist licensed under s. 448.63 or a person under the direct supervision of such a podiatrist, if the person has successfully completed a course of instruction approved by the podiatrists-affiliated credentialing board related to X-ray examinations under s. 448.695 (3).

**SECTION 264.** 462.04 of the statutes is amended to read:

**462.04 Prescription or order required.** A person who holds a license or limited X-ray machine operator permit under this chapter may not use diagnostic X-ray equipment on humans for diagnostic purposes unless authorized to do so by prescription or order of a physician licensed under s. 448.04 (1) (a), a dentist licensed under s. 447.04 (1), a podiatrist licensed under s. 448.63, a chiropractor licensed under s. 446.02, an advanced practice nurse certified under s. 441.16 (2), a physician assistant licensed under s. 448.04 (1) (f), or, subject to s. ~~448.56 (7)~~ 464.08 (9) (a), a physical therapist licensed under s. ~~448.53~~ 464.04.

**SECTION 265.** Chapter 464 (title) of the statutes is created to read:

#### **CHAPTER 464**

#### **MEDICAL THERAPY EXAMINING BOARD**

**SECTION 266.** Subchapter I (title) of chapter 464 [precedes 464.01] of the statutes is created to read:

#### **CHAPTER 464**

#### **SUBCHAPTER I**

#### **PHYSICAL THERAPY**

**SECTION 267.** 464.03 (intro.) of the statutes is created to read:

**464.03 Other duties of examining board.** (intro.) The examining board shall do all of the following:

**SECTION 268.** 464.10 (title) of the statutes is created to read:

**464.10 (title) Violations and penalties.**

**SECTION 269.** 464.27 (title) of the statutes is created to read:

**464.27 (title) Violations and penalties.**

**SECTION 270.** 464.40 (4) of the statutes is created to read:

**464.40 (4)** “Examining board” means the medical therapy examining board.

**SECTION 271.** 464.41 (title) of the statutes is created to read:

**464.41 (title) License required.**

**SECTION 272.** 464.49 (title) of the statutes is created to read:

**464.49 (title) Violations and penalties.**

**SECTION 273.** 464.63 (1) (e) 1. of the statutes, as affected by 2017 Wisconsin Act ... (this act), is amended to read:

464.63 (1) (e) 1. Graduated from a school of massage therapy or bodywork therapy approved by the educational approval board under s. 38.50 department under s. 440.52 that meets the requirements under s. 464.73 or completed a training program approved by the examining board under the rules promulgated under s. 464.62 (2) (b).

\*\*\*\*NOTE: This draft reconciles LRB-1397/P1 and LRB-0943/4 by inserting into this draft the treatment of s. 460.05 (1) (e) 1. (renumbered s. 464.63 (1) (e) 1.) from LRB-0943/4 and deleting the treatment from that draft. Because of the delayed effective date in LRB-0943/4, a change is also made to the effective date, section 9438 (1), of this draft.

**SECTION 274.** 464.65 (title) of the statutes is created to read:

**464.65 (title) License renewal.**

**SECTION 275.** 632.895 (12m) (b) 7. of the statutes is amended to read:

632.895 (12m) (b) 7. An occupational therapist, as defined in s. 448.96 464.20 (4).

**SECTION 276.** 655.45 (1) of the statutes is amended to read:

655.45 (1) For the quarter beginning on July 1, 1986, and for each quarter thereafter, the director of state courts shall file reports complying with sub. (2) with the medical examining board, the ~~physical~~ medical therapy examining board, the ~~podiatry-affiliated credentialing board~~, the board of nursing, and the department, respectively, regarding health care providers licensed by the respective bodies.

**SECTION 277.** 895.48 (1m) (a) of the statutes is amended to read:

895.48 **(1m)** (a) Except as provided in par. (b), any physician, physician assistant, or podiatrist, ~~or athletic trainer~~ licensed under ch. 448, chiropractor licensed under ch. 446, dentist licensed under ch. 447, athletic trainer licensed under subch. III of ch. 464, emergency medical technician licensed under s. 256.15, first responder certified under s. 256.15 (8), registered nurse licensed under ch. 441, or a massage therapist or bodywork therapist licensed under ~~ch. 460~~ subch. IV of ch. 464 who renders voluntary health care to a participant in an athletic event or contest sponsored by a nonprofit corporation, as defined in s. 66.0129 (6) (b), a private school, as defined in s. 115.001 (3r), a tribal school, as defined in s. 115.001 (15m), a public agency, as defined in s. 46.856 (1) (b), or a school, as defined in s. 609.655 (1) (c), is immune from civil liability for his or her acts or omissions in rendering that care if all of the following conditions exist:

1. The health care is rendered at the site of the event or contest, during transportation to a health care facility from the event or contest, or in a locker room or similar facility immediately before, during, or immediately after the event or contest.

2. The physician, podiatrist, athletic trainer, chiropractor, dentist, emergency medical technician, first responder, physician assistant, registered nurse, massage therapist, or bodywork therapist does not receive compensation for the health care, other than reimbursement for expenses.

**SECTION 278.** 905.015 (2) (intro.) of the statutes is amended to read:

905.015 **(2)** (intro.) In addition to the privilege under sub. (1), a person who is licensed as an interpreter under s. ~~440.032 (3)~~ 459.42 may not disclose any aspect of

a confidential communication facilitated by the interpreter unless one of the following conditions applies:

**SECTION 279.** 938.78 (2) (g) of the statutes is amended to read:

938.78 (2) (g) Paragraph (a) does not prohibit an agency from disclosing information about an individual in its care or legal custody on the written request of the department of safety and professional services or of any interested examining board or affiliated credentialing board in that department for use in any investigation or proceeding relating to any alleged misconduct by any person who is credentialed or who is seeking credentialing under ch. 448, 455 ~~or~~, 457, or 464. Unless authorized by an order of the court, the department of safety and professional services and any examining board or affiliated credentialing board in that department shall keep confidential any information obtained under this paragraph and may not disclose the name of or any other identifying information about the individual who is the subject of the information disclosed, except to the extent that redisclosure of that information is necessary for the conduct of the investigation or proceeding for which that information was obtained.

**SECTION 9139. Nonstatutory provisions; Safety and Professional Services.**

(1) ELIMINATION OF CERTAIN BOARDS AND TRANSFER OF THEIR FUNCTIONS TO THE MEDICAL EXAMINING BOARD.

(a) *Assets and liabilities.* On the effective date of this paragraph, all assets and liabilities of the podiatry affiliated credentialing board, radiography examining board, and optometry examining board become the assets and liabilities of the medical examining board.

(b) *Tangible personal property.* On the effective date of this paragraph, all records and other tangible personal property of the podiatry affiliated credentialing board, radiography examining board, and optometry examining board are transferred to the medical examining board.

(c) *Contracts.* All contracts entered into by the podiatry affiliated credentialing board, radiography examining board, and optometry examining board remain in effect and are transferred to the medical examining board. The medical examining board shall carry out any obligations under such a contract until the contract is modified or rescinded by the medical examining board to the extent allowed under the contract.

(d) *Rules and orders.* All rules promulgated by the podiatry affiliated credentialing board, radiography examining board, and optometry examining board that are in effect on the effective date of this paragraph remain in effect until their specified expiration dates or until amended or repealed by the medical examining board. All orders issued by those boards that are in effect on the effective date of this paragraph remain in effect until their specified expiration dates or until modified or rescinded by the medical examining board.

(e) *Pending matters.* All matters pending with the podiatry affiliated credentialing board, radiography examining board, and optometry examining board on the effective date of this paragraph are transferred to the medical examining board and all materials submitted to or actions taken by those boards with respect to the pending matters are considered as having been submitted to or taken by the medical examining board.

(2) TRANSFER OF REGULATION OF SIGN LANGUAGE INTERPRETERS.

(a) *Transfer of functions.*

1. 'Rules and orders.' All rules promulgated by the department of safety and professional services and of the sign language interpreter council under the authority of section 440.032 of the statutes and that are in effect on the effective date of this subdivision remain in effect until their specified expiration date or until amended or repealed by the hearing and speech examining board. All orders issued by the department of safety and professional services under the authority of section 440.032 of the statutes or of the sign language interpreter council that are in effect on the effective date of this subdivision remain in effect until their specified expiration date or until modified or rescinded by the hearing and speech examining board.

2. 'Pending matters.' Any matter pending with the department of safety and professional services under the authority of section 440.032 of the statutes or of the sign language interpreter council on the effective date of this subdivision is transferred to the hearing and speech examining board, and all materials submitted to or actions taken by the department of safety and professional services or the sign language interpreter council with respect to the pending matter are considered as having been submitted to or taken by the hearing and speech examining board.

3. 'Contracts.' All contracts entered into by the department of safety and professional services under the authority of section 440.032 of the statutes or of the sign language interpreter council in effect on the effective date of this subdivision remain in effect and are transferred to the hearing and speech examining board. The hearing and speech examining board shall carry out any obligations under such a contract until the contract is modified or rescinded by the hearing and speech examining board to the extent allowed under the contract.

(b) *Board membership.*



1. 'Initial appointments.' Notwithstanding the length of terms specified for the members of the hearing and speech examining board under section 15.405 (6m) of the statutes, the new member appointed to the hearing and speech examining board under section 15.405 (6m) (e) of the statutes, as affected by this act, shall be appointed for a term expiring on July 1, 2021; one of the 2 new members appointed to the hearing and speech examining board under section 15.405 (6m) (dm) of the statutes shall be appointed for a term expiring on July 1, 2021; and one of the 2 new members appointed to the hearing and speech examining board under section 15.405 (6m) (dm) of the statutes shall be appointed for a term expiring on July 1, 2020.

2. 'Provisional appointments.' Notwithstanding section 15.08 (1) of the statutes, the governor may provisionally appoint the new members of the hearing and speech examining board under section 15.405 (6m) (dm) and (e) of the statutes. Those provisional appointments remain in force until withdrawn by the governor or acted upon by the senate, and if confirmed by the senate shall continue for the remainder of the unexpired term, if any, of the member and until a successor is chosen and qualifies. A provisional appointee may exercise all the powers and duties of board membership to which the person is appointed during the time in which the appointee qualifies.

(3) ELIMINATION OF CERTAIN COUNCILS; CREATION OF MEDICAL ASSISTANTS COUNCIL.

(a) *Initial appointments.* Notwithstanding the length of terms specified for the members of the medical assistants council under section 15.407 (4) of the statutes, initial appointments to the medical assistants council shall be made as follows:

1. One of the members under section 15.407 (4) (a) of the statutes, one of the members under section 15.407 (4) (b) of the statutes, and the member under section 15.407 (4) (f) of the statutes shall be appointed for terms expiring on July 1, 2018.

2. One of the members under section 15.407 (4) (b) of the statutes, one of the members under section 15.407 (4) (c) of the statutes, and one of the members under section 15.407 (4) (e) of the statutes shall be appointed for terms expiring on July 1, 2019.

3. One of the members under section 15.407 (4) (a) of the statutes, one of the members under section 15.407 (4) (c) of the statutes, and one of the members under section 15.407 (4) (e) of the statutes shall be appointed for terms expiring on July 1, 2020.

(b) *Provisional appointments.* Notwithstanding section 15.09 (1) of the statutes, the governor may provisionally appoint initial members of the medical assistants council under section 15.407 (4) (a) to (c), (e), and (f) of the statutes. Those provisional appointments remain in force until withdrawn by the governor or acted upon by the senate, and if confirmed by the senate shall continue for the remainder of the unexpired term, if any, of the member and until a successor is chosen and qualifies. A provisional appointee may exercise all the powers and duties of board membership to which the person is appointed during the time in which the appointee qualifies.

(4) ELIMINATION OF CERTAIN CREDENTIALING BOARDS; CREATION OF MEDICAL THERAPY EXAMINING BOARD.

(a) *Transfer of functions.*

1. 'Rules and orders.' All rules promulgated by the physical therapy examining board, the athletic trainers affiliated credentialing board, the occupational therapists affiliated credentialing board, and the massage therapy and bodywork therapy affiliated credentialing board and that are in effect on the effective date of this subdivision remain in effect until their specified expiration date or until

amended or repealed by the medical therapy examining board. All orders issued by the physical therapy examining board, the athletic trainers affiliated credentialing board, the occupational therapists affiliated credentialing board, and the massage therapy and bodywork therapy affiliated credentialing board that are in effect on the effective date of this subdivision remain in effect until their specified expiration date or until modified or rescinded by the medical therapy examining board.

2. 'Pending matters.' Any matter pending with the physical therapy examining board, the athletic trainers affiliated credentialing board, the occupational therapists affiliated credentialing board, or the massage therapy and bodywork therapy affiliated credentialing board on the effective date of this subdivision is transferred to the medical therapy examining board, and all materials submitted to or actions taken by the physical therapy examining board, the athletic trainers affiliated credentialing board, the occupational therapists affiliated credentialing board, or the massage therapy and bodywork therapy affiliated credentialing board with respect to the pending matter are considered as having been submitted to or taken by the medical therapy examining board.

3. 'Contracts.' All contracts entered into by the physical therapy examining board, the athletic trainers affiliated credentialing board, the occupational therapists affiliated credentialing board, or the massage therapy and bodywork therapy affiliated credentialing board in effect on the effective date of this subdivision remain in effect and are transferred to the medical therapy examining board. The medical therapy examining board shall carry out any obligations under such a contract until the contract is modified or rescinded by the medical therapy examining board to the extent allowed under the contract.

4. 'Tangible personal property.' On the effective date of this subdivision, all tangible personal property, including records, of the physical therapy examining board, the athletic trainers affiliated credentialing board, the occupational therapists affiliated credentialing board, and the massage therapy and bodywork therapy affiliated credentialing board is transferred to the medical therapy examining board.

(b) *Medical therapy examining board membership; initial appointments.* Notwithstanding the length of terms specified for the members of the medical therapy examining board under section 15.405 (10) of the statutes, initial appointments to the medical therapy examining board shall be made as follows:

1. One of the members under section 15.405 (10) (a) of the statutes, one of the members under section 15.405 (10) (b) of the statutes, and one of the members under section 15.405 (10) (c) of the statutes shall be appointed for terms expiring on July 1, 2022.

2. One of the members under section 15.405 (10) (b) of the statutes, one of the members under section 15.405 (10) (c) of the statutes, and one of the members under section 15.405 (10) (d) of the statutes shall be appointed for terms expiring on July 1, 2021.

3. One of the members under section 15.405 (10) (a) of the statutes, one of the members under section 15.405 (10) (d) of the statutes, and the member under section 15.405 (10) (e) of the statutes shall be appointed for terms expiring on July 1, 2020.

(c) *Medical therapy examining board membership; provisional appointments.* Notwithstanding section 15.08 (1) of the statutes, the governor may provisionally appoint initial members of the medical therapy examining board under section 15.405 (10) of the statutes. Those provisional appointments remain in force until

withdrawn by the governor or acted upon by the senate, and if confirmed by the senate shall continue for the remainder of the unexpired term, if any, of the member and until a successor is chosen and qualifies. A provisional appointee may exercise all the powers and duties of board membership to which the person is appointed during the time in which the appointee qualifies.

**SECTION 9439. Effective dates; Safety and Professional Services.**

(1) DSPS BOARD CONSOLIDATIONS; APPROPRIATION CHANGE.

(a) The repeal and recreation of section 20.165 (1) (hg) of the statutes takes effect on December 16, 2019.

(b) The treatment of section 464.63 (1) (e) 1. (by SECTION 273) of the statutes takes effect on January 1, 2018, or on the day after publication, whichever is later.

(END)