



2009 ASSEMBLY BILL 275

May 19, 2009 - Introduced by Representatives BERNARD SCHABER, BERCEAU, BLACK, DANOU, DAVIS, GUNDERSON, HILGENBERG, KAUFERT, MASON, MILROY, MOLEPSKE JR., NERISON, NEWCOMER, A. OTT, PASCH, RICHARDS, SEIDEL, SOLETSKI, TOWNSEND, VAN ROY, M. WILLIAMS, ZEPNICK and ZIEGELBAUER, cosponsored by Senators ROBSON, COGGS, DARLING, S. FITZGERALD, HOLPERIN and TAYLOR. Referred to Committee on Health and Healthcare Reform.

1 **AN ACT to renumber and amend** 15.406 (1) and 448.50 (1); and **to amend** 15.08
2 (1m) (b), 15.085 (1m) (b), 50.39 (3), 180.1901 (1m) (bg), subchapter III (title) of
3 chapter 448 [precedes s. 448.50], 448.50 (3), 448.50 (3m), 448.527, 448.53 (1)
4 (intro.), (c), (d) and (f), 448.53 (1) (c), 448.53 (1) (d), 448.53 (1) (f), 448.53 (2),
5 448.53 (3) (intro.), 448.535 (1) (intro.), (c) and (d), 448.535 (1) (c), 448.535 (1) (d),
6 448.535 (2), 448.54 (1), 448.54 (3), 448.55 (3), 448.56 (1), 448.56 (1m) (b), 448.56
7 (6), 448.565, 448.567, 448.57 (1), 448.57 (2) (intro.), 448.57 (3) (a), 448.57 (3) (b),
8 448.57 (4), 448.57 (5), 448.58 and 655.45 (1) of the statutes; **relating to:** the
9 Physical Therapists Affiliated Credentialing Board.

Analysis by the Legislative Reference Bureau

Under current law, physical therapists and physical therapist assistants are licensed by the Physical Therapists Affiliated Credentialing Board. An affiliated credentialing board is a body that is attached to an examining board to regulate a profession that does not practice independently of, or that practices in collaboration with, the profession regulated by the examining board.

The Physical Therapists Affiliated Credentialing Board is attached to the Medical Examining Board and, with the advice of the Medical Examining Board, sets

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standards of professional competence and conduct for physical therapists and physical therapist assistants, assesses qualifications and grants credentials, and takes disciplinary actions.

This bill changes the Physical Therapists Affiliated Credentialing Board to the Physical Therapy Examining Board. Except that the board will no longer be attached to, or be advised by, the Medical Examining Board, the Physical Therapy Examining Board's duties and responsibilities remain the same under the bill.

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

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

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

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

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

17 **SECTION 3.** 15.406 (1) of the statutes is renumbered 15.405 (7r), and 15.405 (7r)
18 (intro.), as renumbered, is amended to read:

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1 **SECTION 7.** 448.50 (1) of the statutes is renumbered 448.50 (1v) and amended
2 to read:

3 448.50 (1v) “~~Affiliated credentialing~~ Examining board” means the physical
4 ~~therapists affiliated credentialing~~ therapy examining board.

5 **SECTION 8.** 448.50 (3) of the statutes is amended to read:

6 448.50 (3) “Physical therapist” means an individual who has been graduated
7 from a school of physical therapy and holds a license to practice physical therapy
8 granted by the ~~affiliated credentialing~~ examining board.

9 **SECTION 9.** 448.50 (3m) of the statutes is amended to read:

10 448.50 (3m) “Physical therapist assistant” means an individual who holds a
11 license as a physical therapist assistant granted by the ~~affiliated credentialing~~
12 examining board.

13 **SECTION 10.** 448.527 of the statutes is amended to read:

14 **448.527 Code of ethics.** The ~~affiliated credentialing~~ examining board shall
15 promulgate rules establishing a code of ethics governing the professional conduct of
16 physical therapists and physical therapist assistants.

17 **SECTION 11.** 448.53 (1) (intro.), (c), (d) and (f) of the statutes are amended to
18 read:

19 448.53 (1) (intro.) The ~~affiliated credentialing~~ examining board shall grant a
20 license as a physical therapist to a person who does all of the following:

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

24 (d) Submits evidence satisfactory to the ~~affiliated credentialing~~ examining
25 board that the applicant is a graduate of a school of physical therapy approved by the

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1 ~~affiliated credentialing~~ examining board, unless the ~~affiliated credentialing~~
2 examining board waives this requirement under sub. (3).

3 (f) If the person was educated at a physical therapy school that is not in the
4 United States, the person satisfies any additional requirements for demonstrating
5 competence to practice physical therapy that the ~~affiliated credentialing~~ examining
6 board may establish by rule.

7 **SECTION 12.** 448.53 (1) (c) of the statutes is amended to read:

8 448.53 (1) (c) Subject to ss. 111.321, 111.322 and 111.335, submits evidence
9 satisfactory to the ~~affiliated credentialing~~ examining board that the applicant does
10 not have an arrest or conviction record.

11 **SECTION 13.** 448.53 (1) (d) of the statutes is amended to read:

12 448.53 (1) (d) Submits evidence satisfactory to the ~~affiliated credentialing~~
13 examining board that the applicant is a graduate of a school of physical therapy
14 approved by the ~~affiliated credentialing~~ examining board, unless the ~~affiliated~~
15 ~~credentialing~~ examining board waives this requirement under sub. (3).

16 **SECTION 14.** 448.53 (1) (f) of the statutes is amended to read:

17 448.53 (1) (f) If the person was educated at a physical therapy school that is not
18 in the United States, the person satisfies any additional requirements for
19 demonstrating competence to practice physical therapy that the ~~affiliated~~
20 ~~credentialing~~ examining board may establish by rule.

21 **SECTION 15.** 448.53 (2) of the statutes is amended to read:

22 448.53 (2) The ~~affiliated credentialing~~ examining board may promulgate rules
23 providing for various classes of temporary licenses to practice physical therapy.

24 **SECTION 16.** 448.53 (3) (intro.) of the statutes is amended to read:

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1 448.53 (3) (intro.) The ~~affiliated credentialing~~ examining board may waive the
2 requirement under sub. (1) (d) for an applicant who establishes, to the satisfaction
3 of the ~~affiliated credentialing~~ examining board, all of the following:

4 **SECTION 17.** 448.535 (1) (intro.), (c) and (d) of the statutes are amended to read:

5 448.535 (1) (intro.) The ~~affiliated credentialing~~ examining board shall grant a
6 license as a physical therapist assistant to a person who does all of the following:

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

10 (d) Submits evidence satisfactory to the ~~affiliated credentialing~~ examining
11 board that the applicant is a graduate of a physical therapist assistant educational
12 program accredited by an agency that is approved by the ~~affiliated credentialing~~
13 examining board.

14 **SECTION 18.** 448.535 (1) (c) of the statutes is amended to read:

15 448.535 (1) (c) Subject to ss. 111.321, 111.322, and 111.335, submits evidence
16 satisfactory to the ~~affiliated credentialing~~ examining board that the applicant does
17 not have an arrest or conviction record.

18 **SECTION 19.** 448.535 (1) (d) of the statutes is amended to read:

19 448.535 (1) (d) Submits evidence satisfactory to the ~~affiliated credentialing~~
20 examining board that the applicant is a graduate of a physical therapist assistant
21 educational program accredited by an agency that is approved by the ~~affiliated~~
22 ~~credentialing~~ examining board.

23 **SECTION 20.** 448.535 (2) of the statutes is amended to read:

24 448.535 (2) The ~~affiliated credentialing~~ examining board may waive a
25 requirement under sub. (1) (d) or (e), or both, for an applicant who establishes to the

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1 satisfaction of the ~~affiliated credentialing~~ examining board that he or she is licensed
2 as a physical therapist assistant by another licensing jurisdiction in the United
3 States. The ~~affiliated credentialing~~ examining board shall promulgate rules for
4 granting a waiver under this subsection. The rules may require an applicant to
5 satisfy additional requirements as a condition for granting a waiver.

6 **SECTION 21.** 448.54 (1) of the statutes is amended to read:

7 448.54 (1) The ~~affiliated credentialing~~ examining board shall conduct or
8 arrange for examinations for physical therapist and physical therapist assistant
9 licensure at least semiannually and at times and places determined by the ~~affiliated~~
10 ~~credentialing~~ examining board.

11 **SECTION 22.** 448.54 (3) of the statutes is amended to read:

12 448.54 (3) Notwithstanding s. 448.53 (1) (f), the ~~affiliated credentialing~~
13 examining board may not require an applicant for physical therapist licensure to
14 take an oral examination or an examination to test proficiency in the English
15 language for the sole reason that the applicant was educated at a physical therapy
16 school that is not in the United States if the applicant establishes, to the satisfaction
17 of the ~~affiliated credentialing~~ examining board, that he or she satisfies the
18 requirements under s. 448.53 (3).

19 **SECTION 23.** 448.55 (3) of the statutes is amended to read:

20 448.55 (3) The ~~affiliated credentialing~~ examining board shall promulgate rules
21 that require an applicant for renewal of a license to demonstrate continued
22 competence as a physical therapist or physical therapist assistant.

23 **SECTION 24.** 448.56 (1) of the statutes is amended to read:

24 448.56 (1) WRITTEN REFERRAL. Except as provided in this subsection and s.
25 448.52, a person may practice physical therapy only upon the written referral of a

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1 physician, chiropractor, dentist, podiatrist, or advanced practice nurse prescriber
2 certified under s. 441.16 (2). Written referral is not required if a physical therapist
3 provides services in schools to children with disabilities, as defined in s. 115.76 (5),
4 pursuant to rules promulgated by the department of public instruction; provides
5 services as part of a home health care agency; provides services to a patient in a
6 nursing home pursuant to the patient's plan of care; provides services related to
7 athletic activities, conditioning, or injury prevention; or provides services to an
8 individual for a previously diagnosed medical condition after informing the
9 individual's physician, chiropractor, dentist, podiatrist, or advanced practice nurse
10 prescriber certified under s. 441.16 (2) who made the diagnosis. The ~~affiliated~~
11 ~~credentialing~~ examining board may promulgate rules establishing additional
12 services that are excepted from the written referral requirements of this subsection.

13 **SECTION 25.** 448.56 (1m) (b) of the statutes is amended to read:

14 448.56 (1m) (b) The ~~affiliated credentialing~~ examining board shall promulgate
15 rules establishing the requirements that a physical therapist must satisfy if a
16 physician, chiropractor, dentist, podiatrist, or advanced practice nurse prescriber
17 makes a written referral under sub. (1). The purpose of the rules shall be to ensure
18 continuity of care between the physical therapist and the health care practitioner.

19 **SECTION 26.** 448.56 (6) of the statutes is amended to read:

20 448.56 (6) PHYSICAL THERAPIST ASSISTANTS. A physical therapist assistant may
21 assist a physical therapist in the practice of physical therapy if the physical therapist
22 provides direct or general supervision of the physical therapist assistant. The
23 ~~affiliated credentialing~~ examining board shall promulgate rules defining "direct or
24 general supervision" for purposes of this subsection. Nothing in this subsection
25 interferes with delegation authority under any other provision of this chapter.

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1 **SECTION 27.** 448.565 of the statutes is amended to read:

2 **448.565 Complaints.** The ~~affiliated-credentialing~~ examining board shall
3 promulgate rules establishing procedures and requirements for filing complaints
4 against licensees and shall publicize the procedures and requirements.

5 **SECTION 28.** 448.567 of the statutes is amended to read:

6 **448.567 Performance audits.** The ~~affiliated-credentialing~~ examining board
7 shall promulgate rules that require the ~~affiliated-credentialing~~ examining board on
8 a periodic basis to conduct performance self-audits of its activities under this
9 subchapter.

10 **SECTION 29.** 448.57 (1) of the statutes is amended to read:

11 448.57 (1) Subject to the rules promulgated under s. 440.03 (1), the ~~affiliated~~
12 ~~credentialing~~ examining board may make investigations and conduct hearings to
13 determine whether a violation of this subchapter or any rule promulgated under this
14 subchapter has occurred.

15 **SECTION 30.** 448.57 (2) (intro.) of the statutes is amended to read:

16 448.57 (2) (intro.) Subject to the rules promulgated under s. 440.03 (1), the
17 ~~affiliated-credentialing~~ examining board may reprimand a licensee or may deny,
18 limit, suspend or revoke a license granted under this subchapter if it finds that the
19 applicant or licensee has done any of the following:

20 **SECTION 31.** 448.57 (3) (a) of the statutes is amended to read:

21 448.57 (3) (a) A licensee may voluntarily surrender his or her license to the
22 ~~affiliated-credentialing~~ examining board, which may refuse to accept the surrender
23 if the ~~affiliated-credentialing~~ examining board has received allegations of
24 unprofessional conduct against the licensee. The ~~affiliated-credentialing~~ examining

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1 board may negotiate stipulations in consideration for accepting the surrender of
2 licenses.

3 **SECTION 32.** 448.57 (3) (b) of the statutes is amended to read:

4 448.57 (3) (b) The ~~affiliated credentialing~~ examining board may restore a
5 license that has been voluntarily surrendered under par. (a) on such terms and
6 conditions as it considers appropriate.

7 **SECTION 33.** 448.57 (4) of the statutes is amended to read:

8 448.57 (4) The ~~affiliated credentialing~~ examining board shall prepare and
9 disseminate to the public an annual report that describes final disciplinary action
10 taken against licensees during the preceding year.

11 **SECTION 34.** 448.57 (5) of the statutes is amended to read:

12 448.57 (5) The ~~affiliated credentialing~~ examining board may report final
13 disciplinary action taken against a licensee to any national database that includes
14 information about disciplinary action taken against health care professionals.

15 **SECTION 35.** 448.58 of the statutes is amended to read:

16 **448.58 Injunctive relief.** If the ~~affiliated credentialing~~ examining board has
17 reason to believe that any person is violating this subchapter or any rule
18 promulgated under this subchapter, the ~~affiliated credentialing~~ examining board,
19 the department, the attorney general or the district attorney of the proper county
20 may investigate and may, in addition to any other remedies, bring an action in the
21 name and on behalf of this state to enjoin the person from the violation.

22 **SECTION 36.** 655.45 (1) of the statutes is amended to read:

23 655.45 (1) For the quarter beginning on July 1, 1986, and for each quarter
24 thereafter, the director of state courts shall file reports complying with sub. (2) with
25 the medical examining board, the physical therapists ~~affiliated credentialing~~

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1 therapy examining board, the podiatrists affiliated credentialing board, the board of
2 nursing and the department, respectively, regarding health care providers licensed
3 by the respective bodies.

4 **SECTION 37. Nonstatutory provisions.**

5 (1) TRANSITIONAL PROVISIONS. All members serving terms on the physical
6 therapists affiliated credentialing board on the effective date of this subsection are
7 transferred on the effective date to the physical therapy examining board; each
8 member's term on the physical therapy examining board shall expire on the date it
9 would have expired on the physical therapists affiliated credentialing board. Any
10 matter pending with the physical therapists affiliated credentialing board on the
11 effective date of this subsection is transferred to the physical therapy examining
12 board and all materials submitted to or actions taken by the physical therapists
13 affiliated credentialing board with respect to the pending matter are considered as
14 having been submitted to or taken by the physical therapy examining board.

15 (END)