



State of Wisconsin  
2023 - 2024 LEGISLATURE

LRB-4980/1  
JPC:amn

## 2023 SENATE BILL 823

December 19, 2023 - Introduced by Senators STAFSHOLT and TOMCZYK, cosponsored by Representatives GUSTAFSON, BEHNKE, BODDEN, GREEN, GUNDRUM, MAGNAFICI and MURPHY. Referred to Committee on Health.

1     **AN ACT to create** 440.18 of the statutes; **relating to:** registration of out-of-state  
2           health care providers to provide telehealth services and granting rule-making  
3           authority.

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### *Analysis by the Legislative Reference Bureau*

This bill allows an individual who possesses a credential as a health care provider in another state to provide health care services by telehealth in this state within the scope of practice established under the laws and rules of this state by registering with the Department of Safety and Professional Services or an applicable credentialing board. In general, under current law, no person may provide health care services in this state for which a credential is required unless the person possesses a credential issued in this state issued by DSPS or a credentialing board. This bill requires DSPS and any applicable credentialing board to register an out-of-state health care provider who does not possess a credential in this state as a telehealth provider who may provide health care services in this state by telehealth if the health care provider meets certain criteria, including 1) that the health care provider possesses a credential issued by a governmental authority in another state, the District of Columbia, or a possession or territory of the United States that is active and unencumbered and that entitles the health care provider to perform health care services that are substantially similar to health care services that may be performed by a health care provider who possesses a credential issued in this state; 2) that the health care provider has not been subject to any disciplinary action relating to his or her credential during the five-year period immediately preceding

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submission of the health care provider's application for registration in this state that has resulted in his or her credential being limited, suspended, or revoked; and 3) that the health care provider designates an agent upon whom service of process may be made in this state. A health care provider registered to provide telehealth services under the bill may not open an office in this state and may not provide in-person health care services to patients located in this state unless the health care provider obtains a credential in this state. The bill requires individuals registered to provide telehealth services in this state to maintain and have in effect malpractice liability insurance coverage that covers services provided to patients in this state if the health care services that the individual may provide are substantially similar to services provided by a health care provider in this state who is required under law to maintain and have in effect malpractice liability insurance.

The bill requires individuals registered under the bill to provide telehealth services in this state to notify DSPS or the applicable credentialing board of any restrictions placed on his or her credential in any state or jurisdiction and of any disciplinary action taken or pending against him or her in any state or jurisdiction within 5 business days after the restriction is placed or disciplinary action is initiated or taken. The bill allows DSPS and applicable credentialing boards to take disciplinary action against a health care provider registered to provide telehealth services under the bill if the registrant fails to notify DSPS or the applicable credentialing board of any adverse actions taken against his or her credential, if the registrant has restrictions placed on his or her credential, if disciplinary action has been commenced against the registrant in any state or jurisdiction, if the registrant violates any provision under the bill, or if the registrant commits any act that constitutes grounds for disciplinary action applicable to the registrant's health care practice in this state.

Finally, the bill requires DSPS to publish on its website a list of all health care providers registered to provide telehealth services under the bill and include, to the extent applicable, certain information including the registrant's name, the registrant's health care occupation, a brief explanation of the registrant's training and education, including completion dates and any certificates or degrees obtained, the registrant's out-of-state health care license, permit, certificate, or other approval, including any identification number associated with the registrant's license, permit, certificate, or other approval, the registrant's specialty, a 5-year disciplinary history of the registrant, the registrant's medical malpractice insurance provider and any policy limits under the registrant's medical malpractice insurance coverage, and the name and address of the registrant's agent designated for service of process in this state.

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:***

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1           **SECTION 1.** 440.18 of the statutes is created to read:

2           **440.18 Registration of out-of-state telehealth providers.** (1) An  
3 individual who possesses a license, permit, registration, or other approval as a health  
4 care provider in another state may provide health care services by telehealth to  
5 patients located in this state if the health care provider registers with the  
6 department or any credentialing board, as applicable to the health care provider's  
7 practice, and provides health care services within the scope of practice established  
8 under the laws and rules of this state that apply to the health care provider's practice.

9           (2) The department or any credentialing board, as applicable, shall register a  
10 health care provider who does not possess a credential in this state as a telehealth  
11 provider under this section if the health care provider satisfies all of the following:

12           (a) The health care provider submits an application on a form prescribed by the  
13 department and pays the applicable fee under s. 440.05 (2).

14           (b) The health care provider possesses a license, permit, certificate, or other  
15 approval issued by a governmental authority in another state, the District of  
16 Columbia, or a possession or territory of the United States that is active and  
17 unencumbered and that entitles the health care provider to perform health care  
18 services that are substantially similar to health care services that may be performed  
19 by a health care provider who possesses a credential issued by the department or a  
20 credentialing board in this state.

21           (c) The health care provider has not been subject to any disciplinary action  
22 relating to his or her license, permit, certificate, or other approval during the 5-year  
23 period immediately preceding submission of the health care provider's application  
24 under par. (a) that has resulted in his or her license, permit, certificate, or other  
25 approval being limited, suspended, or revoked.

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1 (d) The health care provider designates an agent upon whom service of process  
2 may be made in this state on a form prescribed by the department.

3 (e) The health care provider demonstrates to the department or any  
4 credentialing board, as applicable, that the health care provider is in compliance  
5 with sub. (5).

6 **(3)** A health care provider registered to provide telehealth services in this state  
7 under sub. (2) shall be issued a unique telehealth provider identification number.

8 **(4)** A health care provider registered to provide telehealth services under this  
9 section shall notify the department or credentialing board, as applicable, of  
10 restrictions placed on his or her license, permit, certificate, or other approval in any  
11 state or jurisdiction and of any disciplinary action taken or pending against him or  
12 her in any state or jurisdiction. Notification under this subsection shall be provided  
13 within 5 business days after the restriction is placed or disciplinary action is initiated  
14 or taken.

15 **(5)** If a health care provider registered under this section possesses a license,  
16 permit, certificate, or other approval issued by a governmental authority in another  
17 state, the District of Columbia, or a possession or territory of the United States that  
18 entitles the health care provider to perform health care services that are  
19 substantially similar to health care services that may be performed by a health care  
20 provider who possesses a credential issued by the department or a credentialing  
21 board in this state and who is required under law to maintain and have in effect  
22 malpractice liability insurance, the health care provider registered under this  
23 section shall maintain and have in effect malpractice liability insurance coverage  
24 that covers services provided to patients in this state evidenced by one of the  
25 following:

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- 1 (a) Personal liability coverage in the amounts specified under s. 655.23 (4).
- 2 (b) Coverage under a group liability policy providing individual coverage for the  
3 health care provider in the amounts specified under s. 655.23 (4).
- 4 **(6)** A health care provider registered to provide telehealth services under this  
5 section may not open an office in this state and may not provide in-person health care  
6 services to patients located in this state unless the health care provider obtains a  
7 credential in this state and provides in-person health care services only within the  
8 scope of that credential.
- 9 **(7)** The department shall publish on its website a list of all health care  
10 providers registered to provide telehealth services under this section and include, to  
11 the extent applicable, all of the following:
- 12 (a) The registrant's name.
- 13 (b) The registrant's health care occupation.
- 14 (c) A brief explanation of the registrant's training and education, including  
15 completion dates and any certificates or degrees obtained.
- 16 (d) The registrant's out-of-state health care license, permit, certificate, or  
17 other approval, including any identification number associated with the registrant's  
18 license, permit, certificate, or other approval.
- 19 (e) The registrant's telehealth provider identification number issued under  
20 sub. (3).
- 21 (f) The registrant's specialty.
- 22 (g) Whether the registrant is board certified and by which board the registrant  
23 is board certified.
- 24 (h) A 5-year disciplinary history of the registrant.

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1 (i) The registrant's medical malpractice insurance provider and any policy  
2 limits under the registrant's medical malpractice insurance coverage.

3 (j) The name and address of the registrant's agent designated for service of  
4 process in this state under sub. (2) (d).

5 **(8)** (a) The department or the applicable credentialing board may take  
6 disciplinary action against a health care provider registered to provide telehealth  
7 services under this section if any of the following applies to the registrant:

8 1. The registrant fails to notify the department or the applicable credentialing  
9 board of any adverse actions taken against his or her license, permit, certificate, or  
10 other approval as required under sub. (4).

11 2. The registrant has restrictions placed on his or her license, permit,  
12 certificate, or other approval or disciplinary action has been commenced against the  
13 registrant in any state or jurisdiction.

14 3. The registrant violates any of the requirements under this section.

15 4. The registrant commits any act that constitutes grounds for disciplinary  
16 action applicable to the registrant's health care practice in this state.

17 (b) Disciplinary action taken by the department or the applicable credentialing  
18 board against a health care provider registered to provide telehealth services under  
19 this section may include suspension or revocation of the registrant's registration  
20 under this section. A suspension of the registration of a health care provider  
21 registered to provide telehealth services under this section may be accompanied by  
22 a corrective action plan as determined by the department or the applicable  
23 credentialing board, the completion of which may lead to the suspended registration  
24 being reinstated.

