

State of Wisconsin



1997 Senate Bill 156

Date of enactment: April 2, 1998
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1997 WISCONSIN ACT 67

AN ACT to repeal 448.05 (5) (b); to renumber and amend 448.03 (1) and 448.05 (5) (d); to amend 146.81 (1) (d), 146.81 (1) (e), 146.89 (1), 155.01 (7), 252.14 (1) (ar) 14., 253.07 (4) (d), 341.14 (1a), 341.14 (1e) (a), 341.14 (1m), 341.14 (1q), 343.51 (1), 448.01 (6), 448.01 (11), 448.02 (1), 448.02 (2), 448.03 (2) (e), 448.03 (3) (e), 448.04 (1) (f), 448.05 (5) (title), 448.05 (5) (a) (intro.), 448.05 (5) (a) 1., 448.05 (5) (a) 2., 448.05 (5) (c), 448.20 (1), 448.20 (3) (a), 448.21 (1) (intro.), 448.21 (2), 450.10 (3) (a) 5., 560.184 (1) (b), 895.48 (1m) (intro.), 908.03 (6m) (a) and 961.01 (19) (a); and to create 448.03 (1) (b), 448.03 (1) (c), 448.21 (3) and 448.40 (2) (f) of the statutes; relating to: regulation of physician assistants, the authority of physician assistants to prescribe drugs and devices and granting rule-making authority.

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

SECTION 1. 146.81 (1) (d) of the statutes is amended to read:

146.81 (1) (d) A physician, physician assistant, podiatrist or physical therapist licensed under ch. 448.

SECTION 2. 146.81 (1) (e) of the statutes is amended to read:

146.81 (1) (e) An occupational therapist, occupational therapy assistant, ~~physician assistant~~ or respiratory care practitioner certified under ch. 448.

SECTION 3. 146.89 (1) of the statutes is amended to read:

146.89 (1) In this section, "volunteer health care provider" means an individual who is licensed as a physician under ch. 448, dentist under ch. 447, registered nurse, practical nurse or nurse-midwife under ch. 441 or optometrist under ch. 449 or ~~certified as a physician's physician~~ physician assistant under ch. 448 and who receives no income from the practice of that health care profession or who receives no income from the practice of that health care

profession when providing services at the nonprofit agency specified under sub. (3).

SECTION 4. 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, podiatrist or physical therapist licensed or a ~~physician assistant~~, an occupational therapist or occupational therapy assistant licensed or certified under ch. 448, a person practicing Christian Science treatment, an optometrist licensed under ch. 449, a psychologist licensed under ch. 455, a partnership thereof, a corporation or limited liability company thereof that provides health care services, an operational cooperative sickness care plan organized under ss. 185.981 to 185.985 that directly provides services through salaried employes in its own facility, or a home health agency, as defined in s. 50.49 (1) (a).

SECTION 5. 252.14 (1) (ar) 14. of the statutes is amended to read:

* Section 991.11, WISCONSIN STATUTES 1995-96: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

252.14 (1) (ar) 14. A physician assistant certified licensed under ch. 448.

SECTION 6. 253.07 (4) (d) of the statutes is amended to read:

253.07 (4) (d) For each fiscal year, \$31,500 as grants to applying family planning agencies under this section for employment in communities of licensed registered nurses, licensed practical nurses, certified nurse–midwives or certified licensed physician assistants who are members of a racial minority.

SECTION 7. 341.14 (1a) of the statutes is amended to read:

341.14 (1a) If any resident of this state, who is registering or has registered an automobile or station wagon, or a motor truck, dual purpose motor home or dual purpose farm truck which has a gross weight of not more than 8,000 pounds, a farm truck which has a gross weight of not more than 12,000 pounds or a motor home, submits a statement once every 4 years, as determined by the department, from a physician licensed to practice medicine in any state, from an advanced practice nurse licensed to practice nursing in any state, from a physician assistant licensed or certified to practice in any state, from a chiropractor licensed to practice chiropractic in any state or from a Christian Science practitioner residing in this state and listed in the Christian Science journal certifying to the department that the resident is a person with a disability that limits or impairs the ability to walk, the department shall procure, issue and deliver to the disabled person plates of a special design in lieu of plates which ordinarily would be issued for the vehicle, and shall renew the plates. The plates shall be so designed as to readily apprise law enforcement officers of the fact that the vehicle is owned by a nonveteran disabled person and is entitled to the parking privileges specified in s. 346.50 (2a). No charge in addition to the registration fee shall be made for the issuance or renewal of such plates.

SECTION 8. 341.14 (1e) (a) of the statutes is amended to read:

341.14 (1e) (a) If any resident of this state, who is registering or has registered a motorcycle, submits a statement once every 4 years, as determined by the department, from a physician licensed to practice medicine in any state, from an advanced practice nurse licensed to practice nursing in any state, from a physician assistant licensed or certified to practice in any state, from a chiropractor licensed to practice chiropractic in any state, from a Christian Science practitioner residing in this state and listed in the Christian Science journal or from the U.S. department of veterans affairs certifying to the department that the resident is a person with a disability that limits or impairs the ability to walk, the department shall procure, issue and deliver to the disabled person a plate of a special design in lieu of the plate which ordinarily would be issued for the motorcycle, and shall renew the plate. The statement shall state whether the disability is permanent

or temporary and, if temporary, the opinion of the physician, advanced practice nurse, physician assistant, chiropractor, practitioner or U.S. department of veterans affairs as to the duration of the disability. The plate shall be so designed as to readily apprise law enforcement officers of the fact that the motorcycle is owned by a disabled person and is entitled to the parking privileges specified in s. 346.50 (2a). No charge in addition to the registration fee may be made for the issuance or renewal of the plate.

SECTION 9. 341.14 (1m) of the statutes is amended to read:

341.14 (1m) If any licensed driver submits to the department a statement once every 4 years, as determined by the department, from a physician licensed to practice medicine in any state, from an advanced practice nurse licensed to practice nursing in any state, from a physician assistant licensed or certified to practice in any state, from a chiropractor licensed to practice chiropractic in any state or from a Christian Science practitioner residing in this state and listed in the Christian Science journal certifying that another person who is regularly dependent on the licensed driver for transportation is a person with a disability that limits or impairs the ability to walk, the department shall issue and deliver to the licensed driver plates of a special design in lieu of the plates which ordinarily would be issued for the automobile or station wagon, or motor truck, dual purpose motor home or dual purpose farm truck having a gross weight of not more than 8,000 pounds, farm truck having a gross weight of not more than 12,000 pounds or motor home, and shall renew the plates. The plates shall be so designed as to readily apprise law enforcement officers of the fact that the vehicle is operated by a licensed driver on whom a disabled person is regularly dependent and is entitled to the parking privileges specified in s. 346.50 (2a). No charge in addition to the registration fee may be made for the issuance or renewal of the plates. The plates shall conform to the plates required in sub. (1a).

SECTION 10. 341.14 (1q) of the statutes is amended to read:

341.14 (1q) If any employer who provides an automobile or station wagon, or a motor truck, dual purpose motor home or dual purpose farm truck which has a gross weight of not more than 8,000 pounds, a farm truck which has a gross weight of not more than 12,000 pounds or a motor home, whether owned or leased by the employer, for an employe's use submits to the department a statement once every 4 years, as determined by the department, from a physician licensed to practice medicine in any state, from an advanced practice nurse licensed to practice nursing in any state, from a physician assistant licensed or certified to practice in any state, from a chiropractor licensed to practice chiropractic in any state or from a Christian Science practitioner residing in this state and listed in the Christian Science journal certifying that the employe is a person with a disability that limits or

impairs the ability to walk, the department shall issue and deliver to such employer plates of a special design in lieu of the plates which ordinarily would be issued for the vehicle, and shall renew the plates. The plates shall be so designed as to readily apprise law enforcement officers of the fact that the vehicle is operated by a disabled person and is entitled to the parking privileges specified in s. 346.50 (2a). No charge in addition to the registration fee may be made for the issuance or renewal of the plates. The plates shall conform to the plates required in sub. (1a).

SECTION 11. 343.51 (1) of the statutes is amended to read:

343.51 (1) Any person who qualifies for registration plates of a special design under s. 341.14 (1), (1a), (1m), (1q) or (1r) (a) or any other person with a disability that limits or impairs the ability to walk may request from the department a special identification card that will entitle any motor vehicle, other than a motorcycle, parked by, or under the direction of, the person, or a motor vehicle, other than a motorcycle, operated by or on behalf of the organization when used to transport such a person, to parking privileges under s. 346.50 (2), (2a) and (3). The department shall issue the card at a fee to be determined by the department, upon submission by the applicant, if the applicant is an individual rather than an organization, of a statement from a physician licensed to practice medicine in any state, from an advanced practice nurse licensed to practice nursing in any state, from a physician assistant licensed or certified to practice in any state, from a chiropractor licensed to practice chiropractic in any state or from a Christian Science practitioner residing in this state and listed in the Christian Science journal that the person is a person with a disability that limits or impairs the ability to walk. The statement shall state whether the disability is permanent or temporary and, if temporary, the opinion of the physician, advanced practice nurse, physician assistant, chiropractor or practitioner as to the duration of the disability. The department shall issue the card upon application by an organization on a form prescribed by the department if the department believes that the organization meets the requirements under this subsection.

SECTION 12. 448.01 (6) of the statutes is amended to read:

448.01 (6) "Physician assistant" means an individual certified licensed by the board to ~~perform patient services under the~~ provide medical care with physician supervision and direction ~~of a licensed physician~~.

SECTION 13. 448.01 (11) of the statutes is amended to read:

448.01 (11) "Unprofessional conduct" means those acts or attempted acts of commission or omission defined as unprofessional conduct by the board under the authority delegated to the board by s. 15.08 (5) (b) and any act by a physician, physician assistant or podiatrist in violation of ch. 450 or 961.

SECTION 14. 448.02 (1) of the statutes is amended to read:

448.02 (1) LICENSE. The board may grant licenses, including various classes of temporary licenses, to practice medicine and surgery, to practice as a physician assistant and to practice podiatric medicine and surgery.

SECTION 15. 448.02 (2) of the statutes is amended to read:

448.02 (2) CERTIFICATE. The board may certify ~~physician assistants~~, occupational therapists, occupational therapy assistants and respiratory care practitioners.

SECTION 16. 448.03 (1) of the statutes is renumbered 448.03 (1) (a) and amended to read:

448.03 (1) (a) No person may practice medicine and surgery, ~~or podiatry~~, or attempt to do so or make a representation as authorized to do so, without a license to practice medicine and surgery granted by the board.

SECTION 17. 448.03 (1) (b) of the statutes is created to read:

448.03 (1) (b) No person may practice as a physician assistant unless he or she is licensed by the board as a physician assistant.

SECTION 18. 448.03 (1) (c) of the statutes is created to read:

448.03 (1) (c) No person may practice podiatry, or attempt to do so or make a representation as authorized to do so, without a license to practice podiatry granted by the board.

SECTION 19. 448.03 (2) (e) of the statutes is amended to read:

448.03 (2) (e) Any person other than a physician assistant who is providing patient services as directed, supervised and inspected by a physician or podiatrist who has the power to direct, decide and oversee the implementation of the patient services rendered.

SECTION 20. 448.03 (3) (e) of the statutes is amended to read:

448.03 (3) (e) No person may designate himself or herself as a "physician assistant" or use or assume the title "physician assistant" or append to the person's name the words or letters "physician assistant" or "P.A." or any other titles, letters or designation which represents or may tend to represent the person as a physician assistant unless ~~certified~~ he or she is licensed as a physician assistant by the board.

SECTION 21. 448.04 (1) (f) of the statutes is amended to read:

448.04 (1) (f) (title) *Certificate as physician* Physician assistant license. The board shall ~~certify~~ license as a physician assistant an individual who meets the requirements for ~~certification~~ licensure under s. 448.05 (5). The board may, by rule, provide for various classes of temporary ~~certificates~~ licenses to practice as physician assistants.

SECTION 22. 448.05 (5) (title) of the statutes is amended to read:

448.05 (5) (title) CERTIFICATE AS A PHYSICIAN PHYSICIAN ASSISTANT LICENSE.

SECTION 23. 448.05 (5) (a) (intro.) of the statutes is amended to read:

448.05 (5) (a) (intro.) The board shall promulgate rules establishing certification licensing standards and practice standards for physician assistants and shall certify license persons under those rules. The board may not grant a certificate license as a physician assistant to an applicant unless the applicant submits evidence satisfactory to the board of all of the following:

SECTION 24. 448.05 (5) (a) 1. of the statutes is amended to read:

448.05 (5) (a) 1. That the applicant ~~is certified to assist primary care physicians~~ has passed the certifying examination administered by the national commission on certification of physician assistants National Commission on Certification of Physician Assistants.

SECTION 25. 448.05 (5) (a) 2. of the statutes is amended to read:

448.05 (5) (a) 2. That the applicant has satisfactorily completed a physician assistant training program that is ~~certified under par. (b)~~ accredited by the American Medical Association's Committee on Allied Health Education and Accreditation or its successor.

SECTION 26. 448.05 (5) (b) of the statutes is repealed.

SECTION 27. 448.05 (5) (c) of the statutes is amended to read:

448.05 (5) (c) In promulgating rules under ~~pars. par. (a) and (b)~~, the board shall recognize the objective under s. 448.20 (4).

SECTION 28. 448.05 (5) (d) of the statutes is renumbered 448.03 (2) (k) and amended to read:

448.03 (2) (k) ~~Nothing in this subsection shall be construed as requiring certification under this subsection of other~~ Any persons other than physician assistants who assist physicians.

SECTION 29. 448.20 (1) of the statutes is amended to read:

448.20 (1) (title) RECOMMEND CERTIFICATION LICENSING AND PRACTICE STANDARDS. ~~Within 3 months after the selection of all its initial members, the~~ The council on physician assistants shall develop and recommend to the examining board certification 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.

SECTION 30. 448.20 (3) (a) of the statutes is amended to read:

448.20 (3) (a) Revising physician assistant ~~certification licensing~~ and practice standards and on matters pertaining to the education, training and ~~certification licensing~~ licensing of physician assistants.

SECTION 31. 448.21 (1) (intro.) of the statutes is amended to read:

448.21 (1) **PROHIBITED PRACTICES.** (intro.) No physician assistant may ~~perform patient services~~ provide medical care, except routine screening, in:

SECTION 32. 448.21 (2) of the statutes is amended to read:

448.21 (2) **EMPLOYEE STATUS.** No physician assistant may be self-employed. The employer of a physician assistant shall assume legal responsibility for any ~~patient medical care undertaken~~ provided by the physician assistant during the employment. The employer of a physician assistant, if other than a licensed physician, shall provide for and not interfere with supervision of the physician assistant by a licensed physician.

SECTION 33. 448.21 (3) of the statutes is created to read:

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

SECTION 33m. 448.40 (2) (f) of the statutes is created to read:

448.40 (2) (f) Establishing requirements for prescription orders issued by physician assistants under s. 448.21 (3).

SECTION 34. 450.10 (3) (a) 5. of the statutes is amended to read:

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

SECTION 35. 560.184 (1) (b) of the statutes is amended to read:

560.184 (1) (b) "Health care provider" means a physician's physician assistant, nurse-midwife or nurse practitioner.

SECTION 36. 895.48 (1m) (intro.) of the statutes is amended to read:

895.48 (1m) (intro.) Any physician licensed under ch. 448, chiropractor licensed under ch. 446, dentist licensed under ch. 447, emergency medical technician licensed under s. 146.50, physician assistant ~~certified~~ licensed under ch. 448 or registered nurse licensed under ch. 441 who renders voluntary health care to a participant in an athletic event or contest sponsored by a nonprofit corporation, as defined in s. 46.93 (1m) (c), a private school, as defined in s. 115.001 (3r), a public agency, as defined in s. 46.93 (1m) (e), or a school, as defined in s.

1997 Senate Bill 156

– 5 –

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:

SECTION 37. 908.03 (6m) (a) of the statutes is amended to read:

908.03 (6m) (a) *Definition.* In this subsection, “health care provider” means a chiropractor licensed under ch. 446, a dentist licensed under ch. 447, a physician assistant ~~certified~~ licensed under ch. 448 or a health care provider as defined in s. 655.001 (8).

SECTION 38. 961.01 (19) (a) of the statutes is amended to read:

961.01 (19) (a) A physician, advanced practice nurse, dentist, veterinarian, podiatrist, optometrist, scientific investigator or, subject to s. 448.21 (3), a physician assistant, or other person licensed, registered, certified or otherwise permitted to distribute, dispense, con-

duct research with respect to, administer or use in teaching or chemical analysis a controlled substance in the course of professional practice or research in this state.

SECTION 38m. Nonstatutory provisions.

(1) Notwithstanding sections 448.04 (1) (f) and 448.05 (5) (a) (intro.), 1. and 2. and (c) of the statutes, as affected by this act, the medical examining board shall issue a certificate of licensure or temporary licensure, as appropriate, under section 448.04 (1) (f) of the statutes, as affected by this act, to any person who, on the effective date of this subsection, holds a valid certificate as a physician assistant granted by the medical examining board before the effective date of this subsection.

SECTION 39. Effective date.

(1) This act takes effect on the first day of the 10th month beginning after publication.
