

2001 DRAFTING REQUEST

Bill

Received: 10/31/2001

Received By: **kunkemd**

Wanted: **As time permits**

Identical to LRB:

For: **John Gard (608) 266-2343**

By/Representing: **Jeff Schoenfeldt**

This file may be shown to any legislator: **NO**

Drafter: **kunkemd**

May Contact:

Addl. Drafters:

Subject: **Occupational Reg. - prof lic**

Extra Copies:

Submit via email: **NO**

Pre Topic:

No specific pre topic given

Topic:

Regulation of physical therapists and physical therapist assistants

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	kunkemd 10/31/2001	gilfokm 10/31/2001		_____			State
/1			pgreensl 10/31/2001	_____	lrb_docadmin 10/31/2001	lrb_docadmin 10/31/2001 lrb_docadmin 10/31/2001	

FE Sent For:

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→ At Intro.

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By MONDAY
11/5

D-NOTE

4160/1

2001 SENATE BILL

Companion bill
- no changes

RM
NOT
RUN

1 **AN ACT** *to repeal* 448.52 (3); *to renumber and amend* 448.50 (4) and 448.54
2 (2); *to amend* 48.981 (2), 146.81 (1) (dg), 146.997 (1) (d) 4., 155.01 (7), 252.14
3 (1) (ar) 4e., 448.51 (1), 448.51 (2) (a), 448.51 (2) (b), 448.52 (4), 448.54 (1), 448.54
4 (3), 448.55 (2), 448.57 (2) (b), 448.57 (2) (e), 448.57 (2) (f), 448.57 (2) (g) and
5 450.10 (3) (a) 5.; and *to create* 15.406 (1) (am), 440.08 (2) (a) 57m., 448.50 (1m),
6 448.50 (1r), 448.50 (3m), 448.50 (4) (a) to (d), 448.50 (5), 448.50 (6), 448.51 (1e),
7 448.51 (1s), 448.527, 448.53 (1) (f), 448.535, 448.54 (2) (b), 448.55 (3), 448.56
8 (1m), 448.56 (4), 448.56 (5), 448.56 (6), 448.565, 448.567, 448.57 (2) (am), 448.57
9 (2) (bm), 448.57 (2) (fm), 448.57 (3), 448.57 (4) and 448.57 (5) of the statutes;
10 **relating to:** licensing of physical therapists and physical therapist assistants
11 and granting rule-making authority.

Analysis by the Legislative Reference Bureau

This bill makes certain changes to the regulation of physical therapists and physical therapist assistants.

SENATE BILL***Physical therapists***

Under current law, with certain exceptions, a person may not practice physical therapy or designate that he or she is a physical therapist, unless the physical therapists affiliated credentialing board (board) has granted the person a physical therapist license. In addition, only a licensed physical therapist may use the title “physical therapist,” “physiotherapist,” or “physical therapy technician,” or append to his or her name the letters “P. T.,” “P. T. T.,” or “R. P. T.” Under this bill, the following additional titles may only be used by a licensed physical therapist: registered physical therapist; master of physical therapy; master of science in physical therapy; or doctorate in physical therapy. In addition, only a licensed physical therapist may append to his or her name the following additional letters: “M.P.T.,” “M.S.P.T.,” or “D.P.T.”

Current law defines “physical therapy” as the branch or system of treating the sick that is limited to therapeutic exercises with or without assistive devices, and physical measures including heat, cold, air, water, light, sound, electricity, and massage. However, “physical therapy” does not include the use of roentgen rays and radium for any purpose, and the use of electricity for surgical purposes, including cauterization. This bill replaces the foregoing definition with one that defines “physical therapy” to mean any of the following:

1. Examining, evaluating, or testing individuals with mechanical, physiological, or developmental impairments, functional limitations relating to physical movement or mobility, disabilities, or other movement-related health conditions, in order to determine a diagnosis, prognosis, or plan of therapeutic intervention or to assess the ongoing effects of intervention.
2. Alleviating impairments or functional limitations by instructing patients or designing, implementing, or modifying therapeutic interventions.
3. Reducing the risk of injury, impairment, functional limitation, or disability, including by promoting or maintaining fitness, health, or quality of life in all age populations.
4. Engaging in administration, consultation, or research that is related to any activity described above.

Current law also requires an applicant for a physical therapist license to satisfy certain requirements, including education and examination requirements. In addition, different requirements apply, depending on whether or not the applicant graduated from a physical therapy school approved by the board. Under this bill, the board is allowed to promulgate rules that require an applicant who graduated from a foreign physical therapy school to satisfy additional requirements for demonstrating competence to practice physical therapy. However, as under current law, the board is not allowed to require an applicant to take an oral or English proficiency examination for the sole reason that the applicant graduated from a foreign physical therapy school, if the applicant satisfies the requirements under current law for an applicant who has not graduated from a school approved by the board.

Also under current law, with certain exceptions, a licensed physical therapist may practice physical therapy only upon the written referral of a physician,

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chiropractor, dentist, or podiatrist. This bill requires the board to promulgate rules establishing requirements that a physical therapist must satisfy if such a referral is made. The purpose of the rules is to ensure continuity of care. Also, the bill requires a physical therapist to refer a patient to an appropriate health care practitioner if the physical therapist has reasonable cause to believe that symptoms or conditions are present that require services that are beyond the scope of practice of physical therapy.

The bill also provides that a physical therapist is responsible for managing all aspects of the physical therapy care of each patient under his or her care. In addition, the bill requires a physical therapist to create and maintain a patient record for every patient that the physical therapist examines or treats.

Physical therapist assistants

Under current law, a “physical therapist assistant” is defined as a person who has graduated from a physical therapy assistant associate degree program approved by the American Physical Therapy Association. No license from the board is required for a physical therapist assistant to assist a physical therapist in practice, if the assistance is under the general supervision of the physical therapist. The board is required to promulgate rules that define what constitutes “general supervision.”

This bill eliminates the above provisions and prohibits a person from representing that he or she is a physical therapist assistant unless he or she is licensed by the board. In addition, the bill provides that only a licensed physical therapist assistant may append to his or her name the letters “P. T. A.”

To qualify for a physical therapy assistant license under the bill, a person must satisfy certain requirements, including graduating from a physical therapist assistant educational program that is accredited by an agency approved by the board. Also, the person must not have an arrest or conviction, the circumstances of which substantially relate to the activities of a physical therapist assistant. In addition, a person must pass an examination for demonstrating minimum competency in the technical application of physical therapy services.

A different examination requirement applies to certain persons who apply for a license before the bill goes into effect, which is 24 months after publication of the bill. Such a person may obtain a license if he or she passes an examination on state laws and administrative rules relating to physical therapy, instead of an examination on competency. Also, such a person must do the following: 1) submit letters of recommendation from two licensed physical therapists who have personal knowledge of the person’s assistance of a physical therapist in practice; and 2) show that, during at least two years of the five-year period immediately preceding the publication of the bill, he or she was a physical therapist assistant, as defined under current law.

The bill also allows the board to grant a license to a person who is licensed as a physical therapist assistant in another jurisdiction of the United States. The board may waive the examination or graduation requirement, or both, for such a person. In addition, the board may promulgate rules that establish additional requirements that such a person must satisfy for a waiver.

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The bill allows a licensed physical therapist assistant to assist in the practice of physical therapy only under the direct or general supervision of a physical therapist. The board is required to promulgate rules that define what constitutes "direct or general supervision." In addition, the bill allows the board to take disciplinary action, including suspending or revoking a license, if a physical therapist assistant engages in prohibited conduct.

The bill also does each of the following: 1) makes current law regarding the preservation, destruction, and confidentiality of patient health care records applicable to records of a physical therapist assistant; 2) includes a physical therapist assistant as a health care provider for the requirements under current law for powers of attorney for health care and for the prohibition under current law on discrimination related to acquired immunodeficiency syndrome; 3) requires a physical therapist assistant, like other professionals under current law, to make certain reports regarding abused or neglected children; 4) provides to physical therapist assistants the same protection from discipline under current law that is available to other health care providers who make certain reports regarding violations of law or clinical or ethical standards by health care facilities, health care providers, or employees of such facilities or providers; and 5) provides the same immunity that is available under current law to other health care professionals who make certain reports regarding violations of laws applicable to pharmacists or controlled substances.

Other changes

The bill also makes other changes, including each of the following:

1. The bill creates new grounds for disciplinary action by the board against physical therapists and physical therapist assistants, including engaging in sexual misconduct with a patient.

2. The bill allows the board to accept the voluntary surrender of a license when the board receives allegations of unprofessional conduct.

3. The bill requires the board to prepare an annual report on disciplinary action.

4. The bill requires the board to promulgate rules that do each of the following: a) establish a code of ethics for physical therapists and physical therapist assistants; b) establish procedures and requirements for filing complaints against physical therapists and physical therapist assistants; c) require the board to conduct periodic performance self-audits; and d) require a physical therapist or physical therapist assistant who applies to renew his or her license to demonstrate continued competence. Under current law, licenses must be renewed every two years.

5. Adds one physical therapist assistant member to the board. Under current law, the board has three physical therapist members and one public member.

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

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

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1 **SECTION 1.** 15.406 (1) (am) of the statutes is created to read:

2 15.406 (1) (am) One physical therapist assistant licensed under subch. III of
3 ch. 448.

4 **SECTION 2.** 48.981 (2) of the statutes is amended to read:

5 48.981 (2) **PERSONS REQUIRED TO REPORT.** A physician, coroner, medical
6 examiner, nurse, dentist, chiropractor, optometrist, acupuncturist, other medical or
7 mental health professional, social worker, marriage and family therapist,
8 professional counselor, public assistance worker, including a financial and
9 employment planner, as defined in s. 49.141 (1) (d), school teacher, administrator or
10 counselor, mediator under s. 767.11, child care worker in a day care center or child
11 caring institution, day care provider, alcohol or other drug abuse counselor, member
12 of the treatment staff employed by or working under contract with a county
13 department under s. 46.23, 51.42, or 51.437, physical therapist, physical therapist
14 assistant, occupational therapist, dietitian, speech–language pathologist,
15 audiologist, emergency medical technician, first responder or police or law
16 enforcement officer having reasonable cause to suspect that a child seen in the course
17 of professional duties has been abused or neglected or having reason to believe that
18 a child seen in the course of professional duties has been threatened with abuse or
19 neglect and that abuse or neglect of the child will occur shall, except as provided
20 under sub. (2m), report as provided in sub. (3). A court–appointed special advocate
21 having reasonable cause to suspect that a child seen in the course of the
22 court–appointed special advocate’s activities under s. 48.236 (3) has been abused or
23 neglected or having reason to believe that a child seen in the course of those activities
24 has been threatened with abuse and neglect and that abuse or neglect of the child
25 will occur shall, except as provided in sub. (2m), report as provided in sub. (3). Any

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1 other person, including an attorney, having reason to suspect that a child has been
2 abused or neglected or reason to believe that a child has been threatened with abuse
3 or neglect and that abuse or neglect of the child will occur may make such a report.
4 Any person, including an attorney, having reason to suspect that an unborn child has
5 been abused or reason to believe that an unborn child is at substantial risk of abuse
6 may report as provided in sub. (3). No person making a report under this subsection
7 may be discharged from employment for so doing.

8 **SECTION 3.** 146.81 (1) (dg) of the statutes is amended to read:

9 146.81 (1) (dg) A physical therapist or physical therapist assistant licensed
10 under subch. III of ch. 448.

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

12 146.997 (1) (d) 4. A physician, podiatrist ~~or~~, physical therapist, or physical
13 therapist assistant licensed under ch. 448.

14 **SECTION 5.** 155.01 (7) of the statutes is amended to read:

15 155.01 (7) "Health care provider" means a nurse licensed or permitted under
16 ch. 441, a chiropractor licensed under ch. 446, a dentist licensed under ch. 447, a
17 physician, physician assistant, podiatrist, physical therapist, physical therapist
18 assistant, occupational therapist, or occupational therapy assistant licensed under
19 ch. 448, a person practicing Christian Science treatment, an optometrist licensed
20 under ch. 449, a psychologist licensed under ch. 455, a partnership thereof, a
21 corporation or limited liability company thereof that provides health care services,
22 an operational cooperative sickness care plan organized under ss. 185.981 to 185.985
23 that directly provides services through salaried employees in its own facility, or a
24 home health agency, as defined in s. 50.49 (1) (a).

25 **SECTION 6.** 252.14 (1) (ar) 4e. of the statutes is amended to read:

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1 252.14 (1) (ar) 4e. A physical therapist or physical therapist assistant licensed
2 under subch. III of ch. 448.

3 **SECTION 7.** 440.08 (2) (a) 57m. of the statutes is created to read:

4 440.08 (2) (a) 57m. Physical therapist assistant: November 1 of each
5 odd-numbered year; \$44.

6 **SECTION 8.** 448.50 (1m) of the statutes is created to read:

7 448.50 (1m) "Business entity" has the meaning given in s. 452.01 (3j).

8 **SECTION 9.** 448.50 (1r) of the statutes is created to read:

9 448.50 (1r) "Diagnosis" means the result of an evaluation of a condition or
10 impairment by neuromusculoskeletal examination or study of its symptoms for the
11 purpose of a therapeutic intervention.

12 **SECTION 10.** 448.50 (3m) of the statutes is created to read:

13 448.50 (3m) "Physical therapist assistant" means an individual who holds a
14 license as a physical therapist assistant granted by the affiliated credentialing
15 board.

16 **SECTION 11.** 448.50 (4) of the statutes is renumbered 448.50 (4) (intro.) and
17 amended to read:

18 448.50 (4) (intro.) "Physical therapy" means ~~that branch or system of treating~~
19 ~~the sick which is limited to therapeutic exercises with or without assistive devices,~~
20 ~~and physical measures including heat and cold, air, water, light, sound, electricity~~
21 ~~and massage; and physical testing and evaluation. The use of roentgen rays and~~
22 ~~radium for any purpose, and the use of electricity for surgical purposes including~~
23 ~~cauterization, are not part of physical therapy. any of the following:~~

24 **SECTION 12.** 448.50 (4) (a) to (d) of the statutes are created to read:

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1 448.50 (4) (a) Examining, evaluating, or testing individuals with mechanical,
2 physiological, or developmental impairments, functional limitations related to
3 physical movement and mobility, disabilities, or other movement-related health
4 conditions, in order to determine a diagnosis, prognosis, or plan of therapeutic
5 intervention or to assess the ongoing effects of intervention. In this paragraph,
6 “testing” means using standardized methods or techniques for gathering data about
7 a patient.

8 (b) Alleviating impairments or functional limitations by instructing patients
9 or designing, implementing, or modifying therapeutic interventions.

10 (c) Reducing the risk of injury, impairment, functional limitation, or disability,
11 including by promoting or maintaining fitness, health, or quality of life in all age
12 populations.

13 (d) Engaging in administration, consultation, or research that is related to any
14 activity specified in pars. (a) to (c).

15 **SECTION 13.** 448.50 (5) of the statutes is created to read:

16 448.50 (5) “Sexual misconduct with a patient” means any of the following:

17 (a) Engaging in or soliciting a consensual or nonconsensual sexual relationship
18 with a patient.

19 (b) Making sexual advances toward, requesting sexual favors from, or engaging
20 in other verbal conduct or physical contact of a sexual nature with a patient.

21 (c) Intentionally viewing a completely or partially disrobed patient during the
22 course of treatment if the viewing is not related to diagnosis or treatment.

23 **SECTION 14.** 448.50 (6) of the statutes is created to read:

24 448.50 (6) “Therapeutic intervention” means the purposeful and skilled
25 interaction between a physical therapist, patient, and, if appropriate, individuals

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1 involved in the patient's care, using physical therapy procedures or techniques that
2 are intended to produce changes in the patient's condition and that are consistent
3 with diagnosis and prognosis.

4 **SECTION 15.** 448.51 (1) of the statutes is amended to read:

5 448.51 (1) Except as provided in s. 448.52, no person may practice physical
6 therapy ~~or designate himself or herself as a physical therapist or use or assume the~~
7 ~~title "physical therapist" or "physiotherapist" or "physical therapy technician" or~~
8 ~~append to the person's name the letters "P.T.," "P.T.T." or "R.P.T." or any other title,~~
9 ~~letters or designation which represents or may tend to represent the person as a~~
10 ~~physical therapist unless the person is licensed as a physical therapist under this~~
11 ~~subchapter.~~

12 **SECTION 16.** 448.51 (1e) of the statutes is created to read:

13 448.51 (1e) No person may designate himself or herself as a physical therapist
14 or use or assume the title "physical therapist," "physiotherapist," "physical therapy
15 technician," "licensed physical therapist," "registered physical therapist," "master of
16 physical therapy," "master of science in physical therapy," or "doctorate in physical
17 therapy," or append to the person's name the letters "P.T.," "P.T.T.," "L.P.T.," "R.P.T.,"
18 "M.P.T.," "M.S.P.T.," or "D.P.T.," or any other title, letters, or designation which
19 represents or may tend to represent the person as a physical therapist, unless the
20 person is licensed as a physical therapist under this subchapter.

21 **SECTION 17.** 448.51 (1s) of the statutes is created to read:

22 448.51 (1s) No person may designate himself or herself as a physical therapist
23 assistant, use or assume the title "physical therapist assistant," or append to the
24 person's name the letters "P.T.A." or any other title, letters, or designation that

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1 represents or may tend to represent the person as a physical therapist assistant
2 unless the person is licensed as a physical therapist assistant under this subchapter.

3 **SECTION 18.** 448.51 (2) (a) of the statutes is amended to read:

4 448.51 (2) (a) In this subsection, “advertisement” includes advertisements that
5 appear on outdoor signs, in print or electronic media, and in material mailed to a
6 person other than a patient, client, or prospective patient or client who has requested
7 the material.

8 **SECTION 19.** 448.51 (2) (b) of the statutes is amended to read:

9 448.51 (2) (b) Except as provided in par. (c), no person may claim to render
10 physical therapy or physiotherapy services unless the person is licensed as a physical
11 therapist under this subchapter.

12 **SECTION 20.** 448.52 (3) of the statutes is repealed.

13 **SECTION 21.** 448.52 (4) of the statutes is amended to read:

14 448.52 (4) A physical therapy student ~~practicing~~ assisting a physical therapist
15 in the practice of physical therapy or a physical therapist assistant student assisting
16 a physical therapist in performing physical therapy procedures and related tasks, if
17 the assistance is within the scope of the student’s education or training.

18 **SECTION 22.** 448.527 of the statutes is created to read:

19 **448.527 Code of ethics.** The affiliated credentialing board shall promulgate
20 rules establishing a code of ethics governing the professional conduct of physical
21 therapists and physical therapist assistants.

22 **SECTION 23.** 448.53 (1) (f) of the statutes is created to read:

23 448.53 (1) (f) If the person was educated at a physical therapy school that is not
24 in the United States, the person satisfies any additional requirements for

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1 demonstrating competence to practice physical therapy that the affiliated
2 credentialing board may establish by rule.

3 **SECTION 24.** 448.535 of the statutes is created to read:

4 **448.535. Licensure of physical therapist assistants.** (1) The affiliated
5 credentialing board shall grant a license as a physical therapist assistant to a person
6 who does all of the following:

7 (a) Submits an application for the license to the department on a form provided
8 by the department.

9 (b) Pays the fee specified in s. 440.05 (1).

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

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

16 (e) Passes an examination under s. 448.54.

17 (2) The affiliated credentialing board may waive a requirement under sub. (1)
18 (d) or (e), or both, for an applicant who establishes to the satisfaction of the affiliated
19 credentialing board that he or she is licensed as a physical therapist assistant by
20 another licensing jurisdiction in the United States. The affiliated credentialing
21 board shall promulgate rules for granting a waiver under this subsection. The rules
22 may require an applicant to satisfy additional requirements as a condition for
23 granting a waiver.

24 **SECTION 25.** 448.54 (1) of the statutes is amended to read:

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1 448.54 (1) The affiliated credentialing board shall conduct or arrange for
2 examinations for physical therapist and physical therapist assistant licensure at
3 least semiannually and at times and places determined by the affiliated
4 credentialing board.

5 **SECTION 26.** 448.54 (2) of the statutes is renumbered 448.54 (2) (a) and
6 amended to read:

7 448.54 (2) (a) Except as provided in sub. (3), examinations for physical
8 therapist licensure shall consist of written or oral tests, or both, requiring applicants
9 to demonstrate minimum competency in subjects substantially related to the
10 practice of physical therapy.

11 **SECTION 27.** 448.54 (2) (b) of the statutes is created to read:

12 448.54 (2) (b) Examinations for physical therapist assistant licensure shall
13 consist of written or oral tests, or both, requiring applicants to demonstrate
14 minimum competency in the technical application of physical therapy services.

15 **SECTION 28.** 448.54 (3) of the statutes is amended to read:

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

22 **SECTION 29.** 448.55 (2) of the statutes is amended to read:

23 448.55 (2) The renewal dates for licenses granted under this subchapter, other
24 than temporary licenses granted under rules promulgated under s. 448.53 (2), are
25 specified under s. 440.08 (2) (a). Renewal applications shall be submitted to the

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1 department on a form provided by the department and shall include the renewal fee
2 specified in s. 440.08 (2) (a) and proof of compliance with the requirements
3 established in any rules promulgated under sub. (3).

4 **SECTION 30.** 448.55 (3) of the statutes is created to read:

5 448.55 (3) The affiliated credentialing board shall promulgate rules that
6 require an applicant for renewal of a license to demonstrate continued competence
7 as a physical therapist or physical therapist assistant.

8 **SECTION 31.** 448.56 (1m) of the statutes is created to read:

9 448.56 (1m) DUTY TO REFER. (a) A physical therapist shall refer a patient to
10 an appropriate health care practitioner if the physical therapist has reasonable
11 cause to believe that symptoms or conditions are present that require services
12 beyond the scope of the practice of physical therapy.

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

18 **SECTION 32.** 448.56 (4) of the statutes is created to read:

19 448.56 (4) RESPONSIBILITY. A physical therapist is responsible for managing all
20 aspects of the physical therapy care of each patient under his or her care.

21 **SECTION 33.** 448.56 (5) of the statutes is created to read:

22 448.56 (5) PATIENT RECORDS. A physical therapist shall create and maintain a
23 patient record for every patient the physical therapist examines or treats.

24 **SECTION 34.** 448.56 (6) of the statutes is created to read:

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1 **448.56 (6) PHYSICAL THERAPIST ASSISTANTS.** A physical therapist assistant may
2 assist in the practice of physical therapy only under the direct or general supervision
3 of a physical therapist. The affiliated credentialing board shall promulgate rules
4 defining “direct or general supervision” for purposes of this subsection.

5 **SECTION 35.** 448.565 of the statutes is created to read:

6 **448.565 Complaints.** The affiliated credentialing board shall promulgate
7 rules establishing procedures and requirements for filing complaints against
8 licensees and shall publicize the procedures and requirements.

9 **SECTION 36.** 448.567 of the statutes is created to read:

10 **448.567 Performance audits.** The affiliated credentialing board shall
11 promulgate rules that require the affiliated credentialing board on a periodic basis
12 to conduct performance self-audits of its activities under this subchapter.

13 **SECTION 37.** 448.57 (2) (am) of the statutes is created to read:

14 **448.57 (2) (am)** Interfered with an investigation or disciplinary proceeding by
15 using threats, harassment, or intentional misrepresentation of facts.

16 **SECTION 38.** 448.57 (2) (b) of the statutes is amended to read:

17 **448.57 (2) (b)** Subject to ss. 111.321, 111.322, and 111.335, been convicted of an
18 offense the circumstances of which substantially relate to the practice of physical
19 therapy or assisting in the practice of physical therapy.

20 **SECTION 39.** 448.57 (2) (bm) of the statutes is created to read:

21 **448.57 (2) (bm)** Been adjudicated mentally incompetent by a court.

22 **SECTION 40.** 448.57 (2) (e) of the statutes is amended to read:

23 **448.57 (2) (e)** Subject to ss. 111.321, 111.322, and 111.34, practiced or assisted
24 in the practice of physical therapy while the applicant’s or licensee’s ability to
25 practice or assist was impaired by alcohol or other drugs.

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1 **SECTION 41.** 448.57 (2) (f) of the statutes is amended to read:

2 448.57 (2) (f) Engaged in unprofessional or unethical conduct in violation of the
3 code of ethics established in the rules promulgated under s. 448.527.

4 **SECTION 42.** 448.57 (2) (fm) of the statutes is created to read:

5 448.57 (2) (fm) Engaged in sexual misconduct with a patient.

6 **SECTION 43.** 448.57 (2) (g) of the statutes is amended to read:

7 448.57 (2) (g) Engaged in conduct while practicing or assisting in the practice
8 of physical therapy which evidences a lack of knowledge or ability to apply
9 professional principles or skills.

10 **SECTION 44.** 448.57 (3) of the statutes is created to read:

11 448.57 (3) (a) A licensee may voluntarily surrender his or her license to the
12 affiliated credentialing board, which may refuse to accept the surrender if the
13 affiliated credentialing board has received allegations of unprofessional conduct
14 against the licensee. The affiliated credentialing board may negotiate stipulations
15 in consideration for accepting the surrender of licenses.

16 (b) The affiliated credentialing board may restore a license that has been
17 voluntarily surrendered under par. (a) on such terms and conditions as it considers
18 appropriate.

19 **SECTION 45.** 448.57 (4) of the statutes is created to read:

20 448.57 (4) The affiliated credentialing board shall prepare and disseminate to
21 the public an annual report that describes final disciplinary action taken against
22 licensees during the preceding year.

23 **SECTION 46.** 448.57 (5) of the statutes is created to read:

SENATE BILL

1 448.57 (5) The affiliated credentialing board may report final disciplinary
2 action taken against a licensee to any national database that includes information
3 about disciplinary action taken against health care professionals.

4 **SECTION 47.** 450.10 (3) (a) 5. of the statutes is amended to read:

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

8 **SECTION 48. Nonstatutory provisions.**

9 (1) PHYSICAL THERAPIST ASSISTANT LICENSES. Notwithstanding section 448.535
10 (1) of the statutes, as created by this act, the physical therapists affiliated
11 credentialing board shall grant a physical therapist assistant license under section
12 448.535 (1) of the statutes, as created by this act, to an individual who, not later than
13 the first day of the 24th month beginning after the effective date of this subsection,
14 does all of the following:

15 (a) Pays the fee specified in section 440.05 (1) of the statutes.

16 (b) Subject to sections 111.321, 111.322, and 111.335 of the statutes, submits
17 evidence satisfactory to the physical therapists affiliated credentialing board that he
18 or she does not have an arrest or conviction record.

19 (c) Provides evidence satisfactory to the physical therapists affiliated
20 credentialing board that he or she has graduated from an accredited physical
21 therapist assistant program.

22 (d) Provides evidence satisfactory to the physical therapists affiliated
23 credentialing board that, during at least 2 years of the 5-year period immediately
24 preceding the effective date of this paragraph, he or she was a physical therapist
25 assistant, as defined in section 448.52 (3), 1999 stats., assisting a physical therapist

SENATE BILL

1 in practice under the general supervision of a physical therapist as specified in the
2 rules promulgated under section 448.52 (3), 1999 stats.

3 (e) Passes an examination conducted or arranged by the physical therapists
4 affiliated credentialing board, on state laws and administrative rules relating to
5 physical therapy.

6 (f) Submits letters of recommendation from 2 physical therapists licensed
7 under subchapter III of chapter 448 of the statutes who have personal knowledge of
8 the individual's activities in assisting a physical therapist in practice.

9 (2) INITIAL PHYSICAL THERAPIST ASSISTANT MEMBER. Notwithstanding the length
10 of term specified in section 15.406 (1) (intro.) of the statutes, the initial term of the
11 physical therapist assistant member of the physical therapists affiliated
12 credentialing board appointed under section 15.406 (1) (am) of the statutes, as
13 created by this act, shall expire on July 1, 2007.

14 **SECTION 49. Effective dates.** This act takes effect on the first day of the 24th
15 month beginning after publication, except as follows:

16 (1) SECTION 48 (1) of this act takes effect on the day after publication.

17 (END)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-4160/1dn

MDK:.....

King

Representative Gard:

This bill is identical to LRB-0750/4.

Mark D. Kunkel
Legislative Attorney
Phone: (608) 266-0131
E-mail: mark.kunkel@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-4160/1dn
MDK:kmg:pg

October 31, 2001

Representative Gard:

This bill is identical to LRB-0750/4.

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State of Wisconsin

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October 31, 2001

MEMORANDUM

To: Representative Gard

From: Mark D. Kunkel, Legislative Attorney

Re: LRB-4160/1 Regulation of physical therapists and physical therapist assistants

The attached draft was prepared at your request. Please review it carefully to ensure that it is accurate and satisfies your intent. If it does and you would like it jacketed for introduction, please indicate below for which house you would like the draft jacketed and return this memorandum to our office. If you have any questions about jacketing, please call our program assistants at 266-3561. Please allow one day for jacketing.

JACKET FOR ASSEMBLY JACKET FOR SENATE

If you have any questions concerning the attached draft, or would like to have it redrafted, please contact me at (608) 266-0131 or at the address indicated at the top of this memorandum.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will request that it be prepared after the draft is introduced. You may obtain a fiscal estimate on the attached draft before it is introduced by calling our program assistants at 266-3561. Please note that if you have previously requested that a fiscal estimate be prepared on an earlier version of this draft, you will need to call our program assistants in order to obtain a fiscal estimate on this version before it is introduced.

Please call our program assistants at 266-3561 if you have any questions regarding this memorandum.