

2001 DRAFTING REQUEST

Assembly Amendment (AA-AB615)

Received: 02/04/2002

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:

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Subject: **Occupational Reg. - misc**

Extra Copies:

Submit via email: **NO**

Pre Topic:

No specific pre topic given

Topic:

Definitions of "diagnosis" and "physical therapy"; practice of physical therapy 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>
/1	kunkemd 02/06/2002	gilfokm 02/06/2002	jfrantze 02/06/2002	_____	lrb_docadmin 02/06/2002	lrb_docadmin 02/06/2002	

FE Sent For:

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1?	kunkemd	1-2/6 kmj	2/6	Self 2/6			

FE Sent For:

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a 1230

Changes To AB 615

Page 7, line 9, insert new definition of diagnosis as follows:

“Diagnosis means a judgment made by a physical therapist following an examination of the neuromusculoskeletal system or evaluation or study of its symptoms utilizing the techniques and science of physical therapy for the purpose of establishing a plan of therapeutic intervention.”

Page 8, line 7, after the word patient, insert the following:

The use of roentgen rays and radium for any purpose, the use of electricity for surgical purposes including cauterization, and prescribing the use of drugs, are not part of physical therapy.

Page 14: Eliminate lines 1 through 4

JK
tell me
About
this



State of Wisconsin
2001 - 2002 LEGISLATURE

LRBa1230/1

MDK:1/...

km9

D-NOTE

By Fr. Doug
2/8

ASSEMBLY AMENDMENT,
TO 2001 ASSEMBLY BILL 615

1 At the locations indicated, amend the bill as follows:

2 ✓ 1. Page 7, line 9: delete lines 9 to 11 and substitute:

3 "448.50 (1r) "Diagnosis" means a judgment that is made after examining the
4 neuromusculoskeletal system or evaluating or studying its symptoms and that
5 utilizes the techniques and science of physical therapy for the purpose of establishing
6 a plan of therapeutic intervention."

7 ✓ 2. Page 7, line 16: before "(intro.)" insert "(a)".

8 ✓ 3. Page 7, line 18: before "(intro.)" insert "(a)".

9 ✓ 4. Page 7, line 23: before "~~any of the following~~" insert "except as provided in
10 par. (b).".

11 ✓ 5. Page 7, line 24: delete "(a) to (d)" and substitute "(a) 1. to 4.". ✓

12 ✓ 6. Page 8, line 1: after "(a)" insert "1.". ✓

- 1 ✓7. Page 8, line 5: delete “paragraph” and substitute “subdivision”.
- 2 ✓8. Page 8, line 8: delete “(b)” and substitute “2.”.
- 3 ✓9. Page 8, line 10: delete “(c)” and substitute “3.”.
- 4 ✓10. Page 8, line 13: delete “(d)” and substitute “4.”.
- 5 ✓11. Page 8, line 14: delete “pars. (a) to (c)” and substitute “subds. 1. to 3.”.
- 6 ✓12. Page 8, line 15: before that line insert:
- 7 “SECTION 12m. 448.50 (4) (b) of the statutes is created to read:
- 8 448.50 (4) (b) “Physical therapy” does not include using roentgen rays or
- 9 radium for any purpose, using electricity for surgical purposes, including
- 10 cauterization, or prescribing drugs or devices.”.
- 11 ✓13. Page 13, line 24: delete the material beginning with that line and ending
- 12 with page 14, line 4.

13

(END)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBa1230/1dn

MDK:/:....

King

Representative Gard:

Note that the definitions of "diagnosis" and "physical therapy" have the following logical problem. "Physical therapy" is defined to include^e doing things to determine a "diagnosis", which is defined, in part, as using the techniques and science of "physical therapy". As a result, the definition of the term "physical therapy" uses the same term that it attempts to define. However, there is precedent in other professional licensing statutes for using definitions in this manner. For example, "dentistry" is defined, in part, as using dental science and "practice of chiropractic" is defined, in part, as using the principles or techniques of chiropractic science. See ss. 446.01 (2) (b) and 447.01 (8) (a), stats.

Also note that, in the definition of "diagnosis", I don't think it's necessary to specify that it is made by a physical therapist. I think that idea is clear in the context of the definition of "physical therapy".

Finally, I drafted this as a simple amendment. Do you also want a substitute amendment that makes the same changes?

Mark D. Kunkel
Legislative Attorney
Phone: (608) 266-0131
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**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBa1230/1dn
MDK:kmg:jf

February 6, 2002

Representative Gard:

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Mark D. Kunkel
Legislative Attorney
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State of Wisconsin
1999-2000 LEGISLATURE

TODAY

Kathy
~~CAROLINE:~~ Please prepare; and return "LRB
FOLDER COPIES" & "THE HOUSE COPIES" to the editor
who prepared THE ENROLLING CCC. THANKS.

CORRECTIONS IN: **CCC** (LRBa1230/1)

**ASSEMBLY AMENDMENT 1
2001 ASSEMBLY BILL 615**

Prepared by the Legislative Reference Bureau
(March 31, 2002)

In enrolling, the following correction was made:

1. Page 2, line 4: delete "3." and substitute "3".

CJS:

.....

Minor clerical corrections in legislation are authorized under s. 35.17, stats.; Senate Rule 31, Assembly Rule 37 and Joint Rule 56.



State of Wisconsin
2001-2002 LEGISLATURE

CORRECTIONS IN:

**ASSEMBLY AMENDMENT 1,
TO 2001 ASSEMBLY BILL 615**

Prepared by the Legislative Reference Bureau
(March 22, 2002)

In enrolling, the following correction was made:

1. Page 2, line 4: delete "3." and substitute "3".

LRBa1230/1ccc-1
CJS:kjf

Minor clerical corrections in legislation are authorized under s. 35.17, stats.; Senate Rule 31; Assembly Rule 36; and Joint Rule 56.