

ASSEMBLY BILL 683 (LRB -0832)

An Act to renumber and amend 450.01 (16) (h) and 450.13 (5); to amend 50.09 (1) (a) (intro.), 50.09 (1) (f) 1., 50.09 (1) (h), 50.09 (1) (k), 50.49 (1) (b) (intro.), 70.47 (8) (intro.), 146.82 (3) (a), 252.07 (8) (a) 2., 252.07 (9) (c), 252.11 (2), 252.11 (4), 252.11 (5), 252.11 (7), 252.11 (10), 252.14 (1) (ar) 14., 252.15 (2) (a) 7. ak., 252.15 (5) (a) 11., 252.15 (5) (a) 12. b., 252.15 (5) (a) 14., 252.15 (5m) (a), 252.15 (5m) (b), 252.15 (5m) (c), 252.15 (7m) (intro.), 252.15 (7m) (b), 252.16 (3) (c) (intro.), 252.17 (3) (c) (intro.), 252.18, 343.16 (5) (a), 441.06 (title), 448.03 (5) (b), 448.56 (1), 448.56 (1m) (b), 448.67 (2), 450.11 (7) (b) and 450.11 (8) (b); and to create 50.01 (1b), 50.01 (4p), 252.01 (1c), 252.01 (5), 441.06 (7), 450.01 (1m), 450.01 (15m), 450.01 (16) (h) 2., 450.01 (16) (h) 3., 450.11 (8) (e), 450.13 (5) (b) and 450.13 (5) (c) of the statutes; relating to: authorizing medically related actions by advanced practice nurse prescribers and physician assistants. (FE)

2005

- 01-10. A. Introduced by Representatives **Vukmir, Richards, Underheim, Albers, Hundertmark, Krawczyk, Nerison, LeMahieu, Gunderson, Sheridan, Seidel, Strachota, Wood, Lothian, Nelson, Townsend, Owens, Ott, Petrowski, Lehman, Kessler, Cullen and Kreibich**; cosponsored by Senators **Cowles, Robson, Olsen, A. Lasee, Darling, Erpenbach, Grothman and Reynolds**.
- 09-22. A. Read first time and referred to committee on Health 472
- 09-22. A. Representative Gronemus added as a coauthor 474
- 10-12. A. Fiscal estimate received.
- 10-24. A. Fiscal estimate received.
- 10-27. A. Representative Davis added as a coauthor 553
- 11-16. A. Fiscal estimate received.
- 11-22. A. Public hearing held.

2006

- 01-05. A. Assembly amendment 1 offered by Representative **Vukmir (LRB a1742)** 710
- 01-10. A. Executive action taken.
- 01-19. A. Report Assembly Amendment 1 adoption recommended by committee on Health, Ayes 13, Noes 0 730
- 01-19. A. Report passage as amended recommended by committee on Health, Ayes 13, Noes 0 730
- 01-19. A. Referred to committee on Rules 730
- 01-26. A. Placed on calendar 1-31-2006 by committee on Rules.
- 01-31. A. Read a second time 772
- 01-31. A. **Assembly amendment 1 adopted** 772
- 01-31. A. Ordered to a third reading 772
- 01-31. A. Rules suspended 773
- 01-31. A. Read a third time and **passed** 773
- 01-31. A. Ordered immediately messaged 773
- 02-01. S. Received from Assembly 572
- 02-01. S. Read first time and referred to committee on Health, Children, Families, Aging and Long Term Care 573
- 02-08. S. Public hearing held.
- 02-08. S. Executive action taken.
- 02-09. S. Report concurrence recommended by committee on Health, Children, Families, Aging and Long Term Care, Ayes 5, Noes 0 590
- 02-09. S. Available for scheduling.
- 02-23. S. Rereferred to joint committee on Finance by committee on Senate Organization, pursuant to Senate Rule 41 (1)(e) 620
- 02-23. S. Withdrawn from joint committee on Finance and placed on the calendar of 2-28-2006 by committee on Senate Organization, pursuant to Senate Rule 41 (1)(e) 620
- 02-28. S. Read a second time.
- 02-28. S. Ordered to a third reading.
- 02-28. S. Rules suspended.
- 02-28. S. Read a third time and **concurred in**, Ayes 33, Noes 0.
- 02-28. S. Ordered immediately messaged.
- 02-28. A. Received from Senate concurred in.

SB

**2005
ENROLLED BILL**

05en A B-683

ADOPTED DOCUMENTS:

Orig **Engr** **SubAmdt**

05-0832/3

Amendments to above (if none, write "NONE"):

AA1 - a 1742/1

Corrections - show date (if none, write "NONE"):

None
CCC in enrolling (3-8-2006)

Topic

Rel as Amended

3-1-06

Date

J R Miller

Enrolling Drafter

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2005 ASSEMBLY BILL 683

September 22, 2005 - Introduced by Representatives VUKMIR, RICHARDS, UNDERHEIM, ALBERS, HUNDERTMARK, KRAWCZYK, NERISON, LEMAHIEU, GUNDERSON, SHERIDAN, SEIDEL, STRACHOTA, WOOD, LOTHIAN, NELSON, TOWNSEND, OWENS, OTT, PETROWSKI, LEHMAN, KESSLER, CULLEN and KREIBICH, cosponsored by Senators COWLES, ROBSON, OLSEN, A. LASEE, DARLING, ERPENBACH, GROTHMAN and REYNOLDS. Referred to Committee on Health.

1 **AN ACT** *to renumber and amend* 450.01 (16) (h) and 450.13 (5); *to amend* 50.09
 2 (1) (a) (intro.), 50.09 (1) (f) 1., 50.09 (1) (h), 50.09 (1) (k), 50.49 (1) (b) (intro.),
 3 70.47 (8) (intro.), 146.82 (3) (a), 252.07 (8) (a) 2., 252.07 (9) (c), 252.11 (2), 252.11
 4 (4), 252.11 (5), 252.11 (7), 252.11 (10), 252.14 (1) (ar) 14., 252.15 (2) (a) 7. ak.,
 5 252.15 (5) (a) 11., 252.15 (5) (a) 12. b., 252.15 (5) (a) 14., 252.15 (5m) (a), 252.15
 6 (5m) (b), 252.15 (5m) (c), 252.15 (7m) (intro.), 252.15 (7m) (b), 252.16 (3) (c)
 7 (intro.), 252.17 (3) (c) (intro.), 252.18, 343.16 (5) (a), 441.06 (title), 448.03 (5) (b),
 8 448.56 (1), 448.56 (1m) (b), 448.67 (2), 450.11 (7) (b) and 450.11 (8) (b); and **to**
 9 **create** 50.01 (1b), 50.01 (4p), 252.01 (1c), 252.01 (5), 441.06 (7), 450.01 (1m),
 10 450.01 (15m), 450.01 (16) (h) 2., 450.01 (16) (h) 3., 450.11 (8) (e), 450.13 (5) (b)
 11 and 450.13 (5) (c) of the statutes; **relating to:** authorizing medically related
 12 actions by advanced practice nurse prescribers and physician assistants.

Analysis by the Legislative Reference Bureau

Under current law, the Nursing Board grants certificates to issue prescription orders to advanced practice nurses (advanced practice nurse prescribers) who meet

ASSEMBLY BILL 683

education, training, and examination requirements of the Nursing Board. Also under current law, the Medical Examining Board grants physician assistant licenses to individuals who meet training and examination requirements and any other requirements established in rules promulgated by the Medical Examining Board.

The following provisions under current law authorize physicians or other health care professionals to act under specified circumstances and to affect individuals by these authorized actions:

1. Unless medically contraindicated as documented by a nursing home or community-based residential facility resident's physician in the resident's medical record, the resident has the right to private and unrestricted communications with his or her family, physician, attorney, and others; to share a room with his or her spouse if the spouse is also a resident; to participate in activities of social, religious, and community groups; and to be free from chemical and physical restraints.
2. Home health services that are provided to an individual by a home health agency must be those specified under a plan for furnishing the services that is established and periodically reviewed by a physician.
3. For hearings before the local board of review concerning assessments of property taxes, an ill or disabled person who presents to the board a letter from a physician or osteopath confirming the illness or disability may present testimony by telephone.
4. Under laws relating to confidentiality of patient health care records, a physician who treats a patient whose physical or mental condition, in the physician's judgment, affects his or her ability to exercise reasonable and ordinary control over a motor vehicle may, without the patient's informed consent, report the patient's name and other information to the Department of Transportation. Physicians are exempted from civil liability for reporting, or not reporting, this information in good faith.
5. Under laws relating to communicable diseases:
 - a. The Department of Health and Family Services (DHFS) may order an individual who has a confirmed diagnosis of infectious tuberculosis or symptoms indicative of tuberculosis confined to a facility if several conditions are met, including notifying a court of the confinement and providing to the court a physician's written statement affirming the tuberculosis or symptoms.
 - b. If a court orders confinement of an individual with infectious tuberculosis or symptoms indicative of tuberculosis, the individual must remain confined until DHFS or a local health officer, with the concurrence of a treating physician, determines that treatment is complete or that the individual is no longer a public health threat.
 - c. If, following a request by an officer of DHFS or a local health officer, a person reasonably suspected of being infected with a sexually transmitted disease refuses or neglects examination by a physician or treatment, the DHFS officer or local health officer may have the person committed to an institution for examination, treatment, or observation.
 - d. If a person with a sexually transmitted disease ceases or refuses treatment before reaching what is in a physician's opinion the noncommunicable stage, the

ASSEMBLY BILL 683

physician must notify DHFS and the person may be committed for treatment by DHFS, a local health officer, or a court.

e. If a physician has reported to DHFS a case of sexually transmitted disease, information regarding the disease and its treatment is not privileged before a court.

f. The State Laboratory of Hygiene must examine specimens for the diagnosis of sexually transmitted disease for any physician or local health officer and must report positive results to the local health officer and DHFS.

g. If certain individuals, including emergency medical technicians, fire fighters, state patrol officers, jailers, emergency care givers, and coroners, receive a significant exposure (sustain a contact that has a potential for transmission of HIV), the person to whom they are significantly exposed may be compelled to be tested for the presence of HIV, and the test results may be provided to the affected individual. One prerequisite for compulsory testing is a written determination and certification by a physician that the individual has been significantly exposed.

h. If a test administered to a corpse indicates the presence of HIV, the deceased person's physician may provide the results of the test to persons whom the physician knows have had sexual contact or shared intravenous drug use paraphernalia with the deceased person; to emergency caregivers; and to funeral directors, coroners, and medical examiners who prepare a corpse for burial or who are significantly exposed to HIV in the course of performing an autopsy.

i. If a local health officer or DHFS officer requires it, a person who is employed in the handling of food products or is suspected of having a disease in a form that is communicable by food handling must submit to an examination by the officer or by a physician.

6. Under occupational regulation laws relating to physical therapists, a physical therapist may practice only on the written referral of a physician, chiropractor, dentist, or podiatrist, except under certain conditions, including providing services to an individual for a previously diagnosed medical condition after informing the individual's physician, chiropractor, dentist, or podiatrist.

7. Under occupational regulation laws relating to podiatrists, a podiatrist who renders chargeable services to, among others, a patient or physician, must render a statement of the charge directly to the person served.

8. Under laws relating to the practice of pharmacy, current law does the following:

a. Defines the term "practice of pharmacy" to include making therapeutic alternate drug selections in accordance with written guidelines or procedures approved by a hospital and by a physician for his or her patients for hospital stay.

b. Provides that information communicated to a physician in an effort unlawfully to procure a prescription drug is not privileged communication.

c. Requires the enforcement of prescription drug laws that apply to physicians to be the responsibility of the Department of Regulation and Licensing and the Medical Examining Board.

d. Exempts pharmacists from requirements that they provide certain information when dispensing a drug product equivalent, if the patient is in a hospital

ASSEMBLY BILL 683

and the drug product equivalent is dispensed in accordance with guidelines approved by, among others, the patient's physician.

This bill expands the current laws described above that authorize physicians to act under specified circumstances and to affect individuals by these authorized actions, by similarly authorizing advanced practice nurse prescribers and individuals licensed as physician assistants. With respect to approving therapeutic alternate drug selections and exempting pharmacists from certain requirements related to dispensing drug product equivalents (items 8 a. and d. above), the bill authorizes an advanced practice nurse prescriber to act only if the advanced practice nurse prescriber has entered into a written agreement to collaborate with a physician.

For further information see the *state and local* 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:

1 **SECTION 1.** 50.01 (1b) of the statutes is created to read:

2 50.01 (1b) "Advanced practice nurse prescriber" means an advanced practice
3 nurse who is certified under s. 441.16 (2) to issue prescription orders.

4 ~~**SECTION 2.** 50.01 (4p) of the statutes is created to read:~~

5 ~~50.01 (4p) "Physician assistant" has the meaning given in s. 448.01 (6).~~

6 **SECTION 3.** 50.09 (1) (a) (intro.) of the statutes is amended to read:

7 50.09 (1) (a) (intro.) Private and unrestricted communications with the
8 resident's family, physician, ~~advanced practice nurse prescriber, physician assistant,~~

9 attorney, and any other person, unless medically contraindicated as documented by
10 ~~the resident's physician, advanced practice nurse prescriber or physician assistant~~

11 in the resident's medical record, except that communications with public officials or
12 with the resident's attorney shall not be restricted in any event. The right to private
13 and unrestricted communications shall include, but is not limited to, the right to:

14 **SECTION 4.** 50.09 (1) (f) 1. of the statutes is amended to read:

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ASSEMBLY BILL 683

1 50.09 (1) (f) 1. 'Privacy for visits by spouse.' If both spouses are residents of the
2 same facility, they shall be permitted to share a room unless medically
3 ~~contraindicated as documented by the resident's physician, advanced practice nurse~~ ✓
4 ~~prescriber, or physician assistant in the resident's medical record~~ INSERT 1-5

5 SECTION 5. 50.09 (1) (h) of the statutes is amended to read:

6 50.09 (1) (h) Meet with, and participate in activities of social, religious, and
7 community groups at the resident's discretion, unless medically contraindicated as
8 ~~documented by the resident's physician, advanced practice nurse prescriber, or~~ ✓
9 ~~physician assistant in the resident's medical record~~ INSERT 1-6

10 SECTION 6. 50.09 (1) (k) of the statutes is amended to read:

11 50.09 (1) (k) Be free from mental and physical abuse, and be free from chemical
12 ~~and physical restraints except as authorized in writing by a physician, advanced~~ ✓
13 ~~practice nurse prescriber, or physician assistant for a specified and limited period of~~ INS. 1-7
14 time and documented in the resident's medical record. Physical restraints may be
15 used in an emergency when necessary to protect the resident from injury to himself
16 or herself or others or to property. However, authorization for continuing use of the
17 ~~physical restraints shall be secured from a physician, advanced practice nurse~~ ✓
18 ~~prescriber, or physician assistant within 12 hours. Any use of physical restraints~~ INS. 1-8
19 shall be noted in the resident's medical records. "Physical restraints" includes, but
20 is not limited to, any article, device, or garment which that interferes with the free
21 movement of the resident and ~~which~~ that the resident is unable to remove easily, and
22 confinement in a locked room.

23 SECTION 7. 50.49 (1) (b) (intro.) of the statutes is amended to read:

24 50.49 (1) (b) (intro.) "Home health services" means the following items and
25 services that are furnished to an individual, who is under the care of a physician, an

ASSEMBLY BILL 683

SECTION 7

INS. 1-9

1 ~~advanced practice nurse prescriber or physician assistant~~, by a home health agency,
 2 or by others under arrangements made by the home health agency, that are under
 3 a plan for furnishing those items and services to the individual that is established
 4 ~~and periodically reviewed by a physician, advanced practice nurse prescriber, or~~
 5 ~~physician assistant~~ and that are, except as provided in subd. 6, provided on a visiting
 6 basis in a place of residence used as the individual's home:

INSERT 1-10

SECTION 8. 70.47 (8) (intro.) of the statutes is amended to read:

70.47 (8) HEARING. (intro.) The board shall hear upon oath all persons who
 appear before it in relation to the assessment. The board shall hear upon oath, by
 telephone, all ill or disabled persons who present to the board a letter from a
 11 ~~physician, surgeon or osteopath, advanced practice nurse prescriber certified under~~
 12 ~~s. 441.16 (2), or physician assistant, as defined in s. 448.01 (6), that confirms their~~
 13 illness or disability. The board at such hearing shall proceed as follows:

INSERT 1-11

SECTION 9. 146.82 (3) (a) of the statutes is amended to read:

15 ~~146.82 (3) (a) Notwithstanding sub. (1), a physician, advanced practice nurse~~
 16 ~~prescriber certified under s. 441.16 (2), or physician assistant, as defined in s. 448.01~~
 17 ~~(6), who treats a patient whose physical or mental condition in the physician's,~~
 18 ~~advanced practice nurse prescriber's, or physician assistant's judgment affects the~~
 19 patient's ability to exercise reasonable and ordinary control over a motor vehicle may
 20 report the patient's name and other information relevant to the condition to the
 21 department of transportation without the informed consent of the patient.

INSERT 1-12

SECTION 10. 252.01 (1c) of the statutes is created to read:

252.01 (1c) "Advanced practice nurse prescriber" means an advanced practice
 nurse who is certified under s. 441.16 (2) to issue prescription orders.

SECTION 11. 252.01 (5) of the statutes is created to read:

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ASSEMBLY BILL 683

11-13

1 ~~252.01 (5) "Physician assistant" has the meaning given in s. 448.01 (6)~~

2 SECTION 12. 252.07 (8) (a) 2. of the statutes is amended to read:

3 252.07 (8) (a) 2. The department or local health officer provides to the court a
4 ~~written statement from a physician, advanced practice nurse prescriber, or physician~~
5 ~~assistant that the individual has infectious tuberculosis or suspect tuberculosis.~~

INS-
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6 SECTION 13. 252.07 (9) (c) of the statutes is amended to read:

7 252.07 (9) (c) If the court orders confinement of an individual under this
8 subsection, the individual shall remain confined until the department or local health
9 ~~officer, with the concurrence of a treating physician, advanced practice nurse~~
10 ~~prescriber, or physician assistant, determines that treatment is complete or that the~~
11 individual is no longer a substantial threat to himself or herself or to the public
12 health. If the individual is to be confined for more than 6 months, the court shall
13 review the confinement every 6 months.

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14 SECTION 14. 252.11 (2) of the statutes is amended to read:

15 252.11 (2) An officer of the department or a local health officer having
16 knowledge of any reported or reasonably suspected case or contact of a sexually
17 transmitted disease for which no appropriate treatment is being administered, or of
18 an actual contact of a reported case or potential contact of a reasonably suspected
19 case, shall investigate or cause the case or contact to be investigated as necessary.
20 If, following a request of an officer of the department or a local health officer, a person
21 reasonably suspected of being infected with a sexually transmitted disease refuses
22 ~~or neglects examination by a physician, advanced practice nurse prescriber, or~~
23 ~~physician assistant or treatment, an officer of the department or a local health officer~~
24 may proceed to have the person committed under sub. (5) to an institution or system
25 of care for examination, treatment or observation.

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ASSEMBLY BILL 683

SECTION 15

1 **SECTION 15.** 252.11 (4) of the statutes is amended to read:

2 252.11 (4) If a person infected with a sexually transmitted disease ceases or

3 ~~refuses treatment before reaching what in the a physician's, advanced practice nurse~~

4 ~~prescriber's, or physician assistant's opinion is the noncommunicable stage, the~~

5 ~~physician, advanced practice nurse prescriber, or physician assistant shall notify the~~

6 department. The department shall without delay take the necessary steps to have

7 the person committed for treatment or observation under sub. (5), or shall notify the

8 local health officer to take these steps.

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9 **SECTION 16.** 252.11 (5) of the statutes is amended to read:

10 252.11 (5) Any court of record may commit a person infected with a sexually

11 transmitted disease to any institution or may require the person to undergo a system

12 of care for examination, treatment, or observation if the person ceases or refuses

13 examination, treatment, or observation under the supervision of a ~~physician,~~

14 ~~advanced practice nurse prescriber, or physician assistant.~~ The court shall summon

15 the person to appear on a date at least 48 hours, but not more than 96 hours, after

16 service if an officer of the department or a local health officer petitions the court and

17 states the facts authorizing commitment. If the person fails to appear or fails to

18 accept commitment without reasonable cause, the court may cite the person for

19 contempt. The court may issue a warrant and may direct the sheriff, any constable,

20 or any police officer of the county immediately to arrest the person and bring the

21 person to court if the court finds that a summons will be ineffectual. The court shall

22 hear the matter of commitment summarily. Commitment under this subsection

23 continues until the disease is no longer communicable or until other provisions are

24 made for treatment that satisfy the department. The certificate of the petitioning

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ASSEMBLY BILL 683

1 officer is prima facie evidence that the disease is no longer communicable or that
2 satisfactory provisions for treatment have been made.

3 SECTION 17. 252.11 (7) of the statutes is amended to read:

4 252.11 (7) Reports, examinations and inspections and all records concerning
5 sexually transmitted diseases are confidential and not open to public inspection, and
6 ~~shall~~ may not be divulged except as may be necessary for the preservation of the
7 public health, in the course of commitment proceedings under sub. (5), or as provided
8 under s. 938.296 (4) or (5) or 968.38 (4) or (5). If a ~~physician, advanced practice nurse~~
9 ~~prescriber, or physician assistant~~ has reported a case of sexually transmitted disease
10 to the department under sub. (4), information regarding the presence of the disease
11 and treatment is not privileged when the patient ~~or, physician, advanced practice~~
12 ~~nurse prescriber, or physician assistant~~ is called upon to testify to the facts before any
13 court of record.

INS,
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14 SECTION 18. 252.11 (10) of the statutes is amended to read:

15 252.11 (10) The state laboratory of hygiene shall examine specimens for the
16 diagnosis of sexually transmitted diseases for any physician, advanced practice
17 ~~nurse prescriber, physician assistant,~~ or local health officer in the state, and shall
18 report the positive results of the examinations to the local health officer and to the
19 department. All laboratories performing tests for sexually transmitted diseases
20 shall report all positive results to the local health officer and to the department, with
21 ~~the name of the physician, advanced practice nurse prescriber, or physician assistant~~
22 to whom reported.

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23 SECTION 19. 252.14 (1) (ar) 14. of the statutes is amended to read:

24 252.14 (1) (ar) 14. A physician assistant licensed under ch. 448.

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25 SECTION 20. 252.15 (2) (a) 7. ak. of the statutes is amended to read:

ASSEMBLY BILL 683

SECTION 20

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~~252.15 (2) (a) 7. ak. A physician, advanced practice nurse prescriber, or physician assistant, based on information provided to the physician, advanced practice nurse prescriber, or physician assistant, determines and certifies in writing that the affected person has been significantly exposed. The certification shall accompany the request for testing and disclosure. If the affected person who is significantly exposed is a physician, advanced practice nurse prescriber, or physician assistant, he or she may not make this determination or certification. The information that is provided to a physician, advanced practice nurse prescriber, or physician assistant to document the occurrence of a significant exposure and the physician's, advanced practice nurse prescriber's, or physician assistant's certification that an affected person has been significantly exposed, under this subd. 7. ak., shall be provided on a report form that is developed by the department of commerce under s. 101.02 (19) (a) or on a report form that the department of commerce determines, under s. 101.02 (19) (b), is substantially equivalent to the report form that is developed under s. 101.02 (19) (a).~~

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SECTION 21. 252.15 (5) (a) 11. of the statutes is amended to read:

252.15 (5) (a) 11. To a person, including a person exempted from civil liability under the conditions specified under s. 895.48, who renders to the victim of an emergency or accident emergency care during the course of which the emergency caregiver is significantly exposed to the emergency or accident victim, if a ~~physician, advanced practice nurse prescriber, or physician assistant~~, based on information provided to the ~~physician, advanced practice nurse prescriber, or physician assistant~~, determines and certifies in writing that the emergency caregiver has been significantly exposed and if the certification accompanies the request for disclosure.

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SECTION 22. 252.15 (5) (a) 12. b. of the statutes is amended to read:

ASSEMBLY BILL 683

1 252.15 (5) (a) 12. b. The coroner, medical examiner, or appointed assistant is
 2 significantly exposed to a person whose death is under direct investigation by the
 3 coroner, medical examiner, or appointed assistant, if a ~~physician, advanced practice~~
 4 ~~nurse prescriber, or physician assistant~~, based on information provided to the
 5 ~~physician, advanced practice nurse prescriber, or physician assistant~~, determines
 6 and certifies in writing that the coroner, medical examiner, or appointed assistant
 7 has been significantly exposed and if the certification accompanies the request for
 8 disclosure.

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SECTION 23. 252.15 (5) (a) 14. of the statutes is amended to read:

10 252.15 (5) (a) 14. If the test results of a test administered to an individual are
 11 positive and the individual is deceased, by the individual's attending ~~physician,~~
 12 ~~advanced practice nurse prescriber, or physician assistant~~, to persons, if known to
 13 ~~the physician, advanced practice nurse prescriber, or physician assistant~~, with
 14 whom the individual has had sexual contact or has shared intravenous drug use
 15 paraphernalia.

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SECTION 24. 252.15 (5m) (a) of the statutes is amended to read:

17 252.15 (5m) (a) If a person, including a person exempted from civil liability
 18 under the conditions specified under s. 895.48, who renders to the victim of an
 19 emergency or accident emergency care during the course of which the emergency
 20 caregiver is significantly exposed to the emergency or accident victim and the
 21 emergency or accident victim subsequently dies prior to testing for the presence of
 22 HIV, antigen or nonantigenic products of HIV, or an antibody to HIV, ~~and~~; if a
 23 ~~physician, advanced practice nurse prescriber, or physician assistant~~, based on
 24 ~~information provided to the physician, advanced practice nurse prescriber, or~~
 25 ~~physician assistant~~, determines and certifies in writing that the emergency

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ASSEMBLY BILL 683

SECTION 24

1 caregiver has been significantly exposed; and if the certification accompanies the
2 request for testing and disclosure. Testing of a corpse under this paragraph shall be
3 ordered by the coroner, medical examiner, or physician who certifies the victim's
4 cause of death under s. 69.18 (2) (b), (c) or (d).

5 SECTION 25. 252.15 (5m) (b) of the statutes is amended to read:

6 252.15 (5m) (b) If a funeral director, coroner, medical examiner, or appointed
7 assistant to a coroner or medical examiner who prepares the corpse of a decedent for
8 burial or other disposition or a person who performs an autopsy or assists in
9 performing an autopsy is significantly exposed to the corpse, and; if a ~~physician,~~
10 ~~advanced practice nurse prescriber, or physician assistant,~~ based on information
11 provided to the ~~physician, advanced practice nurse prescriber, or physician~~
12 ~~assistant,~~ determines and certifies in writing that the funeral director, coroner,
13 medical examiner, or appointed assistant has been significantly exposed; and if the
14 certification accompanies the request for testing and disclosure. Testing of a corpse
15 under this paragraph shall be ordered by the attending ~~physician, advanced practice~~
16 ~~nurse prescriber, or physician assistant~~ of the funeral director, coroner, medical
17 examiner, or appointed assistant who is so exposed.

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18 SECTION 26. 252.15 (5m) (c) of the statutes is amended to read:

19 252.15 (5m) (c) If a health care provider or an agent or employee of a health
20 care provider is significantly exposed to the corpse or to a patient who dies
21 subsequent to the exposure and prior to testing for the presence of HIV, antigen or
22 nonantigenic products of HIV, or an antibody to HIV, and; if a ~~physician, advanced~~
23 ~~practice nurse prescriber, or physician assistant~~ who is not the health care provider,
24 based on information provided to the ~~physician, advanced practice nurse prescriber,~~
25 ~~or physician assistant,~~ determines and certifies in writing that the health care

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1-31

ASSEMBLY BILL 683

1 provider, agent or employee has been significantly exposed; and if the certification
2 accompanies the request for testing and disclosure. Testing of a corpse under this
3 paragraph shall be ordered by the physician, ~~advanced practice nurse prescriber, or~~ ✓
4 ~~physician assistant~~ who certifies that the significant exposure has occurred. INSERT
1-32

5 SECTION 27. 252.15 (7m) (intro.) of the statutes is amended to read:

6 252.15 (7m) REPORTING OF PERSONS SIGNIFICANTLY EXPOSED. (intro.) If a positive,
7 validated test result is obtained from a test subject, the ~~test subject's physician,~~
8 ~~advanced practice nurse prescriber, or physician assistant~~ who maintains a record
9 of the test result under sub. (4) (c) may report to the state epidemiologist the name
10 of any person known to the physician, ~~advanced practice nurse prescriber, or~~ ✓
11 ~~physician assistant~~ to have been significantly exposed to the test subject, only after INSERT
12 the ~~physician, advanced practice nurse prescriber, or physician assistant~~ has done
13 all of the following:

14 SECTION 28. 252.15 (7m) (b) of the statutes is amended to read:

15 252.15 (7m) (b) Notified the test subject that the name of any person known
16 ~~to the physician, advanced practice nurse prescriber, or physician assistant~~ to have
17 been significantly exposed to the test subject will be reported to the state
18 epidemiologist.

19 SECTION 29. 252.16 (3) (c) (intro.) of the statutes is amended to read:

20 252.16 (3) (c) (intro.) Has submitted to the department a certification from a
21 physician, as defined in s. 448.01 (5), ~~advanced practice nurse prescriber, or~~ ✓
22 ~~physician assistant~~ of all of the following: INSERT
1-35

23 SECTION 30. 252.17 (3) (c) (intro.) of the statutes is amended to read:

ASSEMBLY BILL 683

SECTION 30

1 252.17 (3) (c) (intro.) Has submitted to the department a certification from a
2 ~~physician, as defined in s. 448.01 (5), advanced practice nurse prescriber, or~~
3 ~~physician assistant of all of the following:~~ INSERT 1-36

4 **SECTION 31.** 252.18 of the statutes is amended to read:

5 **252.18 Handling foods.** No person in charge of any public eating place or
6 other establishment where food products to be consumed by others are handled may
7 knowingly employ any person handling food products who has a disease in a form
8 that is communicable by food handling. If required by the local health officer or any
9 officer of the department for the purposes of an investigation, any person who is
10 employed in the handling of foods or is suspected of having a disease in a form that
11 is communicable by food handling shall submit to an examination by the officer or
12 ~~by a physician, advanced practice nurse prescriber, or physician assistant~~
13 designated by the officer. The expense of the examination, if any, shall be paid by the
14 person examined. Any person knowingly infected with a disease in a form that is
15 communicable by food handling who handles food products to be consumed by others
16 and any persons knowingly employing or permitting such a person to handle food
17 products to be consumed by others shall be punished as provided by s. 252.25.

18 **SECTION 32.** 343.16 (5) (a) of the statutes is amended to read:

19 343.16 (5) (a) The secretary may require any applicant for a license or any
20 licensed operator to submit to a special examination by such persons or agencies as
21 the secretary may direct to determine incompetency, physical or mental disability,
22 disease, or any other condition ~~which~~ that might prevent such applicant or licensed
23 person from exercising reasonable and ordinary control over a motor vehicle. ~~When~~
24 If the department requires the applicant to submit to an examination, the applicant
25 shall pay for the cost thereof examination. If the department receives an application

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1-37

ASSEMBLY BILL 683

1 for a renewal or duplicate license after voluntary surrender under s. 343.265 or
2 receives a report from a physician, advanced practice nurse prescriber certified
3 under s. 441.16 (2), ~~physician assistant, as defined in s. 448.01(6)~~, or optometrist
4 under s. 146.82 (3), or if the department has a report of 2 or more arrests within a
5 one-year period for any combination of violations of s. 346.63 (1) or (5) or a local
6 ordinance in conformity ~~therewith~~ with s. 346.63 (1) or (5) or a law of a federally
7 recognized American Indian tribe or band in this state in conformity with s. 346.63
8 (1) or (5), or s. 346.63 (1m), 1985 stats., or s. 346.63 (2) or (6) or 940.25, or s. 940.09
9 where the offense involved the use of a vehicle, the department shall determine, by
10 interview or otherwise, whether the operator should submit to an examination under
11 this section. The examination may consist of an assessment. If the examination
12 indicates that education or treatment for a disability, disease or condition concerning
13 the use of alcohol, a controlled substance or a controlled substance analog is
14 appropriate, the department may order a driver safety plan in accordance with s.
15 343.30 (1q). If there is noncompliance with assessment or the driver safety plan, the
16 department shall revoke the person's operating privilege in the manner specified in
17 s. 343.30 (1q) (d).

18 **SECTION 33.** 441.06 (title) of the statutes is amended to read:

19 **441.06 (title) Licensure; civil liability exemption exemptions.**

20 **SECTION 34.** 441.06 (7) of the statutes is created to read:

21 441.06 (7) No person certified as an advanced practice nurse prescriber under
22 s. 441.16 (2) is liable for civil damages for any of the following:

23 (a) Reporting in good faith to the department of transportation under s. 146.82
24 (3) a patient's name and other information relevant to a physical or mental condition

ASSEMBLY BILL 683

SECTION 34

1 of the patient that in the advanced practice nurse prescriber’s judgment impairs the
2 patient’s ability to exercise reasonable and ordinary control over a motor vehicle.

3 (b) In good faith, not reporting to the department of transportation under s.
4 146.82 (3) a patient’s name and other information relevant to a physical or mental
5 condition of the patient that in the advanced practice nurse prescriber’s judgment
6 does not impair the patient’s ability to exercise reasonable and ordinary control over
7 a motor vehicle.

8 ~~SECTION 35. 448.03 (5) (b) of the statutes is amended to read:~~

9 ~~448.03 (5) (b) No physician or physician assistant shall be liable for any civil~~
10 ~~damages for either of the following:~~

11 ~~1. Reporting in good faith to the department of transportation under s. 146.82~~
12 ~~(3) a patient’s name and other information relevant to a physical or mental condition~~
13 ~~of the patient which in the physician’s or physician assistant’s judgment impairs the~~
14 ~~patient’s ability to exercise reasonable and ordinary control over a motor vehicle.~~

15 ~~2. In good faith, not reporting to the department of transportation under s.~~
16 ~~146.82 (3) a patient’s name and other information relevant to a physical or mental~~
17 ~~condition of the patient which in the physician’s or physician assistant’s judgment~~
18 ~~does not impair the patient’s ability to exercise reasonable and ordinary control over~~
19 ~~a motor vehicle.~~

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20 **SECTION 36.** 448.56 (1) of the statutes is amended to read:

21 448.56 (1) WRITTEN REFERRAL. Except as provided in this subsection and s.
22 448.52, a person may practice physical therapy only upon the written referral of a
23 physician, ~~physician assistant~~ chiropractor, dentist or, podiatrist, or advanced
24 practice nurse prescriber certified under s. 441.16 (2). Written referral is not
25 required if a physical therapist provides services in schools to children with

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1-40

ASSEMBLY BILL 683

1 disabilities, as defined in s. 115.76 (5), pursuant to rules promulgated by the
2 department of public instruction; provides services as part of a home health care
3 agency; provides services to a patient in a nursing home pursuant to the patient's
4 plan of care; provides services related to athletic activities, conditioning, or injury
5 prevention; or provides services to an individual for a previously diagnosed medical
6 condition after informing the individual's physician, ~~physician assistant,~~ 1-41
7 chiropractor, dentist or podiatrist, or advanced practice nurse prescriber certified
8 under s. 441.16 (2) who made the diagnosis. The affiliated credentialing board may
9 promulgate rules establishing additional services that are excepted from the written
10 referral requirements of this subsection.

11 SECTION 37. 448.56 (1m) (b) of the statutes is amended to read:

12 448.56 (1m) (b) The affiliated credentialing board shall promulgate rules ✓
13 establishing the requirements that a physical therapist must satisfy if a physician,
14 ~~physician assistant,~~ 1-42
15 chiropractor, dentist, or podiatrist, or advanced practice nurse
16 prescriber makes a written referral under sub. (1). The purpose of the rules shall be
17 to ensure continuity of care between the physical therapist and the health care
18 practitioner.

18 SECTION 38. 448.67 (2) of the statutes is amended to read:

19 448.67 (2) SEPARATE BILLING REQUIRED. Except as provided in sub. (4), a licensee ✓
20 who renders any podiatric service or assistance ~~whatever,~~
21 advice or any similar advice or assistance ~~whatever,~~ to any patient, podiatrist,
22 ~~physician, physician assistant,~~ 1-43
23 advanced practice nurse prescriber certified under s.
24 441.16 (2), partnership, or corporation, or to any other institution or organization of
25 any kind, including a hospital, for which a charge is made to a patient, shall, except
as authorized by Title 18 or Title 19 of the federal Social Security Act, render an

ASSEMBLY BILL 683

SECTION 38

1 individual statement or account of the charge directly to the patient, distinct and
2 ~~separate from any statement or account by any other podiatrist, physician, physician~~ ✓
3 ~~assistant, advanced practice nurse prescriber, or other person.~~ INSERT 1-44

4 SECTION 39. 450.01 (1m) of the statutes is created to read:

5 450.01 (1m) "Advanced practice nurse prescriber" means an advanced practice
6 nurse who is certified under s. 441.16 (2).

7 ~~SECTION 40. 450.01 (15m) of the statutes is created to read:~~ 1-45 ✓

8 ~~450.01 (15m) "Physician assistant" has the meaning given in s. 448.01 (6).~~

9 SECTION 41. 450.01 (16) (h) of the statutes is renumbered 450.01 (16) (h) (intro.)
10 and amended to read:

11 450.01 (16) (h) (intro.) Making therapeutic alternate drug selections, if made
12 in accordance with written guidelines or procedures previously established by a
13 pharmacy and therapeutics committee of a hospital and approved by the hospital's
14 medical staff and by an individual use of the therapeutic alternate drug selection has
15 been approved for a patient during the period of the patient's stay within the hospital
16 by any of the following:

17 1. The patient's physician for his or her patients for the period of each patient's
18 stay within the hospital.

19 SECTION 42. 450.01 (16) (h) 2. of the statutes is created to read:

20 450.01 (16) (h) 2. The patient's advanced practice nurse prescriber, if the
21 advanced practice nurse prescriber has entered into a written agreement to
22 collaborate with a physician.

23 ~~SECTION 43. 450.01 (16) (h) 3. of the statutes is created to read:~~ 1-46 ✓

24 ~~450.01 (16) (h) 3. The patient's physician assistant.~~

25 SECTION 44. 450.11 (7) (b) of the statutes is amended to read:

ASSEMBLY BILL 683

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1 450.11 (7) (b) Information communicated to a physician, advanced practice
2 nurse prescriber, or physician assistant in an effort to procure unlawfully a
3 prescription drug or the administration of a prescription drug is not a privileged
4 communication.

5 **SECTION 45.** 450.11 (8) (b) of the statutes is amended to read:

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6 450.11 (8) (b) The medical examining board, insofar as this section applies to
7 physicians and physician assistants.

8 **SECTION 46.** 450.11 (8) (e) of the statutes is created to read:

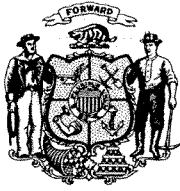
9 450.11 (8) (e) The board of nursing, insofar as this section applies to advanced
10 practice nurse prescribers.

11 **SECTION 47.** 450.13 (5) of the statutes is renumbered 450.13 (5) (intro.)
12 amended to read:

13 450.13 (5) USE OF DRUG PRODUCT EQUIVALENT IN HOSPITALS. (intro.) Subsections
14 (1) to (4) do not apply to a pharmacist who dispenses a drug product equivalent that
15 is prescribed for a patient in a hospital if the pharmacist dispenses the drug product
16 equivalent in accordance with written guidelines or procedures previously
17 established by a pharmacy and therapeutics committee of the hospital and approved
18 by the hospital's medical staff and use of the drug product equivalent has been
19 approved for a patient during the period of the patient's stay within the hospital by
20 the any of the following:

21 (a) The patient's individual physician for the period of the patient's stay within
22 the hospital.

23 **SECTION 48.** 450.13 (5) (b) of the statutes is created to read:



State of Wisconsin
2005-2006 LEGISLATURE

CORRECTIONS IN:

**ASSEMBLY AMENDMENT 1,
TO 2005 ASSEMBLY BILL 683**

Prepared by the Legislative Reference Bureau
(March 8, 2006)

In enrolling, the following correction was made:

1. Page 1, line 3: delete "Page 4, line 5" and substitute "Page 4, line 4".

(END)

**ASSEMBLY AMENDMENT 1,
TO 2005 ASSEMBLY BILL 683**

January 5, 2006 - Offered by Representative VUKMIR.

ccc in enrolling

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

2 ✓ 1. Page 1, line 12: delete "and physician assistants".

3 ✓ 2. Page 4, line 5: delete lines 4 and 5.

4 ✓ 3. Page 4, line 8: delete "physician assistant".

5 ✓ 4. Page 4, line 10: delete that line and substitute "the resident's physician or
6 advanced practice nurse prescriber".

7 ✓ 5. Page 5, line 3: delete lines 3 and 4 and substitute "contraindicated as
8 documented by the resident's physician or advanced practice nurse prescriber in the
9 resident's medical record".

10 ✓ 6. Page 5, line 8: delete lines 8 and 9 and substitute "documented by the
11 resident's physician or advanced practice nurse prescriber in the resident's medical
12 record".

1 ✓ **7.** Page 5, line 12: delete lines 12 and 13 and substitute “and physical
2 restraints except as authorized in writing by a physician or advanced practice nurse
3 prescriber for a specified and limited period of”.

4 ✓ **8.** Page 5, line 17: delete lines 17 and 18 and substitute “physical restraints
5 shall be secured from a physician or advanced practice nurse prescriber within 12
6 hours. Any use of physical restraints”.

7 ✓ **9.** Page 5, line 25: delete the material beginning with “physician, an” and
8 ending with “assistant” on page 6, line 1, and substitute “physician or advanced
9 practice nurse prescriber”.

10 **10.** Page 6, line 4: delete lines 4 and 5 and substitute “and periodically
11 reviewed by a physician or advanced practice nurse prescriber and that are, except
12 as provided in subd. 6., provided on a visiting”.

13 ✓ **11.** Page 6, line 11: delete lines 11 and 12 and substitute “physician, surgeon
14 or osteopath, or advanced practice nurse prescriber certified under s. 441.16 (2) that
15 confirms their”.

16 **12.** Page 6, line 15: delete lines 15 to 18 and substitute:

17 “146.82 (3) (a) Notwithstanding sub. (1), a physician or advanced practice
18 nurse prescriber certified under s. 441.16 (2) who treats a patient whose physical or
19 mental condition in the physician’s or advanced practice nurse prescriber’s judgment
20 affects the”.

21 ✓ **13.** Page 6, line 25: delete the material beginning with that line and ending
22 with page 7, line 1.

1 ✓ **14.** Page 7, line 4: delete lines 4 and 5 and substitute “written statement from
2 a physician or advanced practice nurse prescriber that the individual has infectious
3 tuberculosis or suspect tuberculosis.”.

4 ✓ **15.** Page 7, line 9: delete lines 9 and 10 and substitute “officer, with the
5 concurrence of a treating physician or advanced practice nurse prescriber,
6 determines that treatment is complete or that the”.

7 ✓ **16.** Page 7, line 22: delete lines 22 and 23 and substitute “or neglects
8 examination by a physician or advanced practice nurse prescriber or treatment, an
9 officer of the department or a local health officer”.

10 ✓ **17.** Page 8, line 3: delete lines 3 to 5 and substitute “refuses treatment before
11 reaching what in ~~the~~ a physician’s or advanced practice nurse prescriber’s opinion
12 is the noncommunicable stage, the physician or advanced practice nurse prescriber
13 shall notify the”.

14 ✓ **18.** Page 8, line 13: delete the material beginning with “physician” and ending
15 with “assistant” on line 14 and substitute “physician or advanced practice nurse
16 prescriber”.

17 ✓ **19.** Page 9, line 8: delete the material beginning with “physician” and ending
18 with “assistant” on line 9 and substitute “physician or advanced practice nurse
19 prescriber”.

20 ✓ **20.** Page 9, line 11: delete the material beginning with “physician” and ending
21 with “assistant” on line 12 and substitute “physician, or advanced practice nurse
22 prescriber”.

23 ✓ **21.** Page 9, line 17: delete “, physician assistant”.

1 ✓ **22.** Page 9, line 21: delete that line and substitute “the name of the physician
2 or advanced practice nurse prescriber”.

3 ✓ **23.** Page 9, line 23: delete lines 23 and 24.

4 ✓ **24.** Page 10, line 1: delete lines 1 to 10 and substitute:

5 “252.15 (2) (a) 7. ak. A physician or advanced practice nurse prescriber, based
6 on information provided to the physician or advanced practice nurse prescriber,
7 determines and certifies in writing that the affected person has been significantly
8 exposed. The certification shall accompany the request for testing and disclosure.
9 If the affected person who is significantly exposed is a physician or advanced practice
10 nurse prescriber, he or she may not make this determination or certification. The
11 information that is provided to a physician or advanced practice nurse prescriber to
12 document the occurrence of a significant exposure and the physician’s or advanced
13 practice nurse prescriber’s”.

14 ✓ **25.** Page 10, line 20: delete the material beginning with “physician” and
15 ending with “assistant” on line 23 and substitute “physician or advanced practice
16 nurse prescriber, based on information provided to the physician or advanced
17 practice nurse prescriber”.

18 ✓ **26.** Page 11, line 3: delete the material beginning with “physician” and ending
19 with “assistant” on line 5 and substitute “physician or advanced practice nurse
20 prescriber, based on information provided to the physician or advanced practice
21 nurse prescriber”.

22 ✓ **27.** Page 11, line 11: delete the material beginning with “physician” and
23 ending with “assistant” on line 13 and substitute “physician or advanced practice

1 nurse prescriber, to persons, if known to the physician or advanced practice nurse
2 prescriber”.

3 ✓ **28.** Page 11, line 23: delete the material beginning with “physician” and
4 ending with “assistant” on line 25 and substitute “physician or advanced practice
5 nurse prescriber, based on information provided to the physician or advanced
6 practice nurse prescriber”.

7 ✓ **29.** Page 12, line 9: delete the material beginning with “physician” and ending
8 with “assistant” on line 12 and substitute “physician or advanced practice nurse
9 prescriber, based on information provided to the physician or advanced practice
10 nurse prescriber”.

11 ✓ **30.** Page 12, line 15: delete the material beginning with “, advanced” and
12 ending with “assistant” on line 16 and substitute “or advanced practice nurse
13 prescriber”.

14 ✓ **31.** Page 12, line 22: delete the material beginning with “, advanced” and
15 ending with “assistant” on line 25 and substitute “or advanced practice nurse
16 prescriber who is not the health care provider, based on information provided to the
17 physician or advanced practice nurse prescriber”.

18 ✓ **32.** Page 13, line 3: delete the material beginning with “, advanced” and
19 ending with “assistant” on line 4 and substitute “or advanced practice nurse
20 prescriber”.

21 **33.** Page 13, line 7: delete lines 7 to 12 and substitute “validated test result
22 is obtained from a test subject, the test subject’s physician or advanced practice nurse
23 prescriber who maintains a record of the test result under sub. (4) (c) may report to
24 the state epidemiologist the name of any person known to the physician or advanced

1 practice nurse prescriber to have been significantly exposed to the test subject, only
2 after the physician or advanced practice nurse prescriber has done”.

3 ✓ **34.** Page 13, line 16: delete that line and substitute “to the physician or
4 advanced practice nurse prescriber to have”.

5 ✓ **35.** Page 13, line 21: delete lines 21 and 22 and substitute “physician, as
6 defined in s. 448.01 (5), or advanced practice nurse prescriber of all of the following:”.

7 ✓ **36.** Page 14, line 2: delete lines 2 and 3 and substitute “physician, as defined
8 in s. 448.01 (5), or advanced practice nurse prescriber of all of the following:”.

9 **37.** Page 14, line 12: delete that line and substitute “by a physician or
10 advanced practice nurse prescriber”.

11 ✓ **38.** Page 15, line 3: delete “, physician assistant, as defined in s. 448.01 (6)”.

12 ✓ **39.** Page 16, line 8: delete lines 8 to 19.

13 ✓ **40.** Page 16, line 23: delete “physician assistant,”.

14 ✓ **41.** Page 17, line 6: delete “physician assistant,”.

15 ✓ **42.** Page 17, line 14: delete “physician assistant,”.

16 ✓ **43.** Page 17, line 22: delete “physician assistant,”.

17 ✓ **44.** Page 18, line 2: delete lines 2 and 3 and substitute “separate from any
18 statement or account by any other podiatrist, physician, advanced practice nurse
19 prescriber, or other person.”.

20 ✓ **45.** Page 18, line 7: delete lines 7 and 8.

21 ✓ **46.** Page 18, line 23: delete lines 23 and 24.

22 ✓ **47.** Page 19, line 1: delete lines 1 and 2 and substitute:

