

2007 DRAFTING REQUEST

Bill

Received: 12/13/2006

Received By: **csundber**

Wanted: As time permits

Identical to LRB:

For: **Steve Wieckert (608) 266-3070**

By/Representing: **Scott Becher**

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

Drafter: **csundber**

May Contact:

Addl. Drafters:

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

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Wieckert@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Physical therapists affiliated credentialing board

Instructions:

Redraft 2005 AB 1064

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>
/?	csundber 12/13/2006	kfollett 01/11/2007		_____			
/1	csundber 08/23/2007	kfollett 08/23/2007	jfrantze 01/11/2007	_____	mbarman 01/11/2007	cduerst 01/11/2007	
/2			nmatzke 08/23/2007	_____	sbasford 08/23/2007	sbasford 08/23/2007	

FE Sent For:

None needed

<END>

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/1		12/13/07 8/23	jfrantze 01/11/2007 nwh 8/23	_____	mbarman 01/11/2007	cduerst 01/11/2007	

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Identical to LRB:

For: **Terry Moulton (608) 266-9172**

By/Representing: **Matt Seaholm**

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

Drafter: **csundber**

May Contact:

Addl. Drafters:

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

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Moulton@legis.wisconsin.gov**

Carbon copy (CC:) to: **christopher.sundberg@legis.wisconsin.gov**
tracy.kuczenski@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

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/?	csundber	1/11/06 kjf	1/11/06 kjf	1/11/06 kjf	1/11/06 kjf		

FE Sent For:

<END>

Sundberg, Christopher

From: Hurley, Peggy
Sent: Wednesday, December 13, 2006 8:55 AM
To: Seaholm, Matthew
Cc: Sundberg, Christopher; Kuczenski, Tracy
Subject: RE: Moulton - LRB 3669/1

Hi Matt,

I'm no longer drafting Occupational Regulation; I'll forward this to Chris Sundberg and Tracy Kuczenski for redrafting.

Peggy

From: Seaholm, Matthew
Sent: Wednesday, December 13, 2006 8:54 AM
To: Hurley, Peggy
Subject: Moulton - LRB 3669/1

Hi Peggy,

Rep. Moulton would like to redraft 2005 LRB 3669/1 for the 2007 session. No changes are necessary. Please let me know if you have any questions.

Thanks,

Matt

*Matt Seaholm
Office of Rep. Terry Moulton
Wisconsin's 68th Assembly District
(608) 266-9172*

lu: 12/13/06

YH

cm#

7 8
2005 - 2006 LEGISLATURE

1132/1
LRB-3669/1
PJH/kjf
CTS

2005 ASSEMBLY BILL 1064

2007 BILL

D-note

February 27, 2006 - Introduced by Representatives MOULTON, ALBERS and HINES, cosponsored by Senator HARSDORF. Referred to Committee on Health.

Regen

1 AN ACT *to renumber and amend* 15.406 (1) and 448.50 (1); and *to amend* 15.08
 2 (1m) (b), 15.085 (1m) (b), 50.39 (3), 180.1901 (1m) (bg), subchapter III (title) of
 3 chapter 448 [precedes s. 448.50], 448.50 (3), 448.50 (3m), 448.527, 448.53 (1)
 4 (intro.), (c), (d) and (f), 448.53 (1) (c), 448.53 (1) (d), 448.53 (1) (f), 448.53 (2),
 5 448.53 (3) (intro.), 448.535 (1) (intro.), (c) and (d), 448.535 (1) (c), 448.535 (1) (d),
 6 448.535 (2), 448.54 (1), 448.54 (3), 448.55 (3), 448.56 (1), 448.56 (1m) (b), 448.56
 7 (6), 448.565, 448.567, 448.57 (1), 448.57 (2) (intro.), 448.57 (3) (a), 448.57 (3) (b),
 8 448.57 (4), 448.57 (5), 448.58 and 655.45 (1) of the statutes; **relating to:** the
 9 Physical Therapists Affiliated Credentialing Board.

Analysis by the Legislative Reference Bureau

Under current law, physical therapists and physical therapist assistants are licensed by the Physical Therapists Affiliated Credentialing Board. An affiliated credentialing board is one that is attached to an examining board to regulate a profession that does not practice independently of, or that practices in collaboration with, the profession regulated by the examining board.

The Physical Therapists Affiliated Credentialing Board is attached to the Medical Examining Board and, with the advice of the Medical Examining Board, sets



a body

ASSEMBLY BILL 1064

standards of professional competence and conduct for physical therapists and physical therapist assistants, assesses qualifications and grants credentials, and takes disciplinary actions.

This bill changes the Physical Therapists Affiliated Credentialing Board to the Physical Therapists Examining Board. Except that the board will no longer be attached to, or be advised by, the Medical Examining Board, the Physical Therapists Examining Board's duties and responsibilities remain the same under the bill.

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

✓
1 **SECTION 1.** 15.08 (1m) (b) of the statutes is amended to read:

2 15.08 **(1m)** (b) The public members of the chiropractic examining board, the
3 dentistry examining board, the hearing and speech examining board, the medical
4 examining board, the physical therapists examining board, perfusionists examining
5 council, respiratory care practitioners examining council and council on physician
6 assistants, the board of nursing, the nursing home administrator examining board,
7 the veterinary examining board, the optometry examining board, the pharmacy
8 examining board, the marriage and family therapy, professional counseling, and
9 social work examining board, and the psychology examining board shall not be
10 engaged in any profession or occupation concerned with the delivery of physical or
11 mental health care.

✓
12 **SECTION 2.** 15.085 (1m) (b) of the statutes is amended to read:

13 15.085 **(1m)** (b) The public members of the ~~physical therapists affiliated~~
14 ~~credentialing board~~, podiatrists affiliated credentialing board or occupational
15 therapists affiliated credentialing board shall not be engaged in any profession or
16 occupation concerned with the delivery of physical or mental health care.

17 **SECTION 3.** 15.406 (1) of the statutes is renumbered 15.405 (7r), and 15.405 (7r)
18 (intro.), as renumbered, is amended to read:

ASSEMBLY BILL 1064

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15.405 (7r) (intro.) PHYSICAL THERAPISTS AFFILIATED-CREDENTIALING EXAMINING BOARD. There is created in the department of regulation and licensing, attached to the ~~medical examining board~~, a physical therapists affiliated-credentialing examining board consisting of the following members appointed for staggered 4-year terms:

SECTION 4. 50.39 (3) of the statutes, as affected by 2005 Wisconsin Act 22, is amended to read:

50.39 (3) Facilities governed by ss. 45.50, 48.62, 49.70, 49.72, 50.02, 51.09 and 252.10, secured correctional facilities as defined in s. 938.02 (15m), correctional institutions governed by the department of corrections under s. 301.02 and the offices and clinics of persons licensed to treat the sick under chs. 446, 447 and 448 are exempt from ss. 50.32 to 50.39. Sections 50.32 to 50.39 do not abridge the rights of the medical examining board, physical therapists affiliated-credentialing examining board, podiatrists affiliated credentialing board, dentistry examining board, pharmacy examining board, chiropractic examining board, and board of nursing in carrying out their statutory duties and responsibilities.

SECTION 5. 180.1901 (1m) (bg) of the statutes is amended to read:
180.1901 (1m) (bg) Physical therapists affiliated-credentialing examining board under subch. III of ch. 448.

SECTION 6. Subchapter III (title) of chapter 448 [precedes s. 448.50] of the statutes is amended to read:

CHAPTER 448
SUBCHAPTER III
PHYSICAL THERAPISTS AFFILIATED
CREDENTIALING EXAMINING BOARD

ASSEMBLY BILL 1064**SECTION 7**

1 **SECTION 7.** 448.50 (1) of the statutes is renumbered 448.50 (1v) and amended
2 to read:

3 448.50 (1v) "~~Affiliated credentialing~~ Examining board" means the physical
4 therapists ~~affiliated credentialing~~ examining board.

5 **SECTION 8.** 448.50 (3) of the statutes is amended to read:

6 448.50 (3) "Physical therapist" means an individual who has been graduated
7 from a school of physical therapy and holds a license to practice physical therapy
8 granted by the ~~affiliated credentialing~~ examining board.

9 **SECTION 9.** 448.50 (3m) of the statutes is amended to read:

10 448.50 (3m) "Physical therapist assistant" means an individual who holds a
11 license as a physical therapist assistant granted by the ~~affiliated credentialing~~
12 examining board.

13 **SECTION 10.** 448.527 of the statutes is amended to read:

14 **448.527 Code of ethics.** The ~~affiliated credentialing~~ examining board shall
15 promulgate rules establishing a code of ethics governing the professional conduct of
16 physical therapists and physical therapist assistants.

17 **SECTION 11.** 448.53 (1) (intro.), (c), (d) and (f) of the statutes are amended to
18 read:

19 448.53 (1) (intro.) The ~~affiliated credentialing~~ examining board shall grant a
20 license as a physical therapist to a person who does all of the following:

21 (c) Subject to ss. 111.321, 111.322 and 111.335, submits evidence satisfactory
22 to the ~~affiliated credentialing~~ examining board that the applicant does not have an
23 arrest or conviction record.

24 (d) Submits evidence satisfactory to the ~~affiliated credentialing~~ examining
25 board that the applicant is a graduate of a school of physical therapy approved by the

ASSEMBLY BILL 1064

1 affiliated-credentialing examining board, unless the affiliated-credentialing
2 examining board waives this requirement under sub. (3).

3 (f) If the person was educated at a physical therapy school that is not in the
4 United States, the person satisfies any additional requirements for demonstrating
5 competence to practice physical therapy that the affiliated-credentialing examining
6 board may establish by rule.

7 **SECTION 12.** 448.53 (1) (c) of the statutes is amended to read:

8 448.53 (1) (c) Subject to ss. 111.321, 111.322 and 111.335, submits evidence
9 satisfactory to the affiliated-credentialing examining board that the applicant does
10 not have an arrest or conviction record.

11 **SECTION 13.** 448.53 (1) (d) of the statutes is amended to read:

12 448.53 (1) (d) Submits evidence satisfactory to the affiliated-credentialing
13 examining board that the applicant is a graduate of a school of physical therapy
14 approved by the affiliated-credentialing examining board, unless the affiliated
15 credentialing examining board waives this requirement under sub. (3).

16 **SECTION 14.** 448.53 (1) (f) of the statutes is amended to read:

17 448.53 (1) (f) If the person was educated at a physical therapy school that is not
18 in the United States, the person satisfies any additional requirements for
19 demonstrating competence to practice physical therapy that the affiliated
20 credentialing examining board may establish by rule.

21 **SECTION 15.** 448.53 (2) of the statutes is amended to read:

22 448.53 (2) The affiliated-credentialing examining board may promulgate rules
23 providing for various classes of temporary licenses to practice physical therapy.

24 **SECTION 16.** 448.53 (3) (intro.) of the statutes is amended to read:

ASSEMBLY BILL 1064**SECTION 16**

1 448.53 (3) (intro.) The affiliated credentialing examining board may waive the
2 requirement under sub. (1) (d) for an applicant who establishes, to the satisfaction
3 of the affiliated credentialing examining board, all of the following:

4 **SECTION 17.** 448.535 (1) (intro.), (c) and (d) of the statutes are amended to read:

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

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

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

14 **SECTION 18.** 448.535 (1) (c) of the statutes is amended to read:

15 448.535 (1) (c) Subject to ss. 111.321, 111.322, and 111.335, submits evidence
16 satisfactory to the affiliated credentialing examining board that the applicant does
17 not have an arrest or conviction record.

18 **SECTION 19.** 448.535 (1) (d) of the statutes is amended to read:

19 448.535 (1) (d) Submits evidence satisfactory to the affiliated credentialing
20 examining board that the applicant is a graduate of a physical therapist assistant
21 educational program accredited by an agency that is approved by the affiliated
22 credentialing examining board.

23 **SECTION 20.** 448.535 (2) of the statutes is amended to read:

24 448.535 (2) The affiliated credentialing examining board may waive a
25 requirement under sub. (1) (d) or (e), or both, for an applicant who establishes to the

ASSEMBLY BILL 1064

1 satisfaction of the ~~affiliated credentialing~~ examining board that he or she is licensed
2 as a physical therapist assistant by another licensing jurisdiction in the United
3 States. The ~~affiliated credentialing~~ examining board shall promulgate rules for
4 granting a waiver under this subsection. The rules may require an applicant to
5 satisfy additional requirements as a condition for granting a waiver.

6 **SECTION 21.** 448.54 (1) of the statutes is amended to read:

7 448.54 (1) The ~~affiliated credentialing~~ examining board shall conduct or
8 arrange for examinations for physical therapist and physical therapist assistant
9 licensure at least semiannually and at times and places determined by the ~~affiliated~~
10 ~~credentialing~~ examining board.

11 **SECTION 22.** 448.54 (3) of the statutes is amended to read:

12 448.54 (3) Notwithstanding s. 448.53 (1) (f), the ~~affiliated credentialing~~
13 examining board may not require an applicant for physical therapist licensure to
14 take an oral examination or an examination to test proficiency in the English
15 language for the sole reason that the applicant was educated at a physical therapy
16 school that is not in the United States if the applicant establishes, to the satisfaction
17 of the ~~affiliated credentialing~~ examining board, that he or she satisfies the
18 requirements under s. 448.53 (3).

19 **SECTION 23.** 448.55 (3) of the statutes is amended to read:

20 448.55 (3) The ~~affiliated credentialing~~ examining board shall promulgate rules
21 that require an applicant for renewal of a license to demonstrate continued
22 competence as a physical therapist or physical therapist assistant.

23 **SECTION 24.** 448.56 (1) of the statutes is amended to read:

24 448.56 (1) WRITTEN REFERRAL. Except as provided in this subsection and s.
25 448.52, a person may practice physical therapy only upon the written referral of a

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ASSEMBLY BILL 1064

① physician, chiropractor, dentist or podiatrist. Written referral is not required if a
② physical therapist provides services in schools to children with disabilities, as
③ defined in s. 115.76 (5), pursuant to rules promulgated by the department of public
④ instruction; provides services as part of a home health care agency; provides services
⑤ to a patient in a nursing home pursuant to the patient's plan of care; provides services
⑥ related to athletic activities, conditioning or injury prevention; or provides services
⑦ to an individual for a previously diagnosed medical condition after informing the
⑧ individual's physician, chiropractor, dentist or podiatrist who made the diagnosis.
⑨ The ~~affiliated credentialing~~ examining board may promulgate rules establishing
⑩ additional services that are excepted from the written referral requirements of this
⑪ subsection.

⑫ SECTION 25. 448.56 (1m) (b) of the statutes is amended to read:

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

18 SECTION 26. 448.56 (6) of the statutes is amended to read:

19 448.56 (6) PHYSICAL THERAPIST ASSISTANTS. A physical therapist assistant may
20 assist a physical therapist in the practice of physical therapy if the physical therapist
21 provides direct or general supervision of the physical therapist assistant. The
22 ~~affiliated credentialing~~ examining board shall promulgate rules defining "direct or
23 general supervision" for purposes of this subsection. Nothing in this subsection
24 interferes with delegation authority under any other provision of this chapter.

25 SECTION 27. 448.565 of the statutes is amended to read:

ASSEMBLY BILL 1064

1 **448.565 Complaints.** The affiliated-credentialing ~~examining~~ [✓] board shall
2 promulgate rules establishing procedures and requirements for filing complaints
3 against licensees and shall publicize the procedures and requirements.

4 **SECTION 28.** 448.567 of the statutes is amended to read:

5 **448.567 Performance audits.** The affiliated-credentialing ~~examining~~ [✓] board
6 shall promulgate rules that require the affiliated-credentialing ~~examining~~ [✓] board on
7 a periodic basis to conduct performance self-audits of its activities under this
8 subchapter.

9 **SECTION 29.** 448.57 (1) of the statutes is amended to read:

10 **448.57 (1)** Subject to the rules promulgated under s. 440.03 (1), the affiliated
11 credentialing ~~examining~~ [✓] board may make investigations and conduct hearings to
12 determine whether a violation of this subchapter or any rule promulgated under this
13 subchapter has occurred.

14 **SECTION 30.** 448.57 (2) (intro.) of the statutes is amended to read:

15 **448.57 (2) (intro.)** Subject to the rules promulgated under s. 440.03 (1), the
16 affiliated-credentialing ~~examining~~ [✓] board may reprimand a licensee or may deny,
17 limit, suspend or revoke a license granted under this subchapter if it finds that the
18 applicant or licensee has done any of the following:

19 **SECTION 31.** 448.57 (3) (a) of the statutes is amended to read:

20 **448.57 (3) (a)** A licensee may voluntarily surrender his or her license to the
21 affiliated-credentialing ~~examining~~ [✓] board, which may refuse to accept the surrender
22 if the affiliated-credentialing ~~examining~~ [✓] board has received allegations of
23 unprofessional conduct against the licensee. The affiliated-credentialing ~~examining~~ [✓]
24 board may negotiate stipulations in consideration for accepting the surrender of
25 licenses.

ASSEMBLY BILL 1064**SECTION 32**

1 **SECTION 32.** 448.57 (3) (b) of the statutes is amended to read:

2 448.57 (3) (b) The ~~affiliated credentialing~~ examining board may restore a
3 license that has been voluntarily surrendered under par. (a) on such terms and
4 conditions as it considers appropriate.

5 **SECTION 33.** 448.57 (4) of the statutes is amended to read:

6 448.57 (4) The ~~affiliated credentialing~~ examining board shall prepare and
7 disseminate to the public an annual report that describes final disciplinary action
8 taken against licensees during the preceding year.

9 **SECTION 34.** 448.57 (5) of the statutes is amended to read:

10 448.57 (5) The ~~affiliated credentialing~~ examining board may report final
11 disciplinary action taken against a licensee to any national database that includes
12 information about disciplinary action taken against health care professionals.

13 **SECTION 35.** 448.58 of the statutes is amended to read:

14 **448.58 Injunctive relief.** If the ~~affiliated credentialing~~ examining board has
15 reason to believe that any person is violating this subchapter or any rule
16 promulgated under this subchapter, the ~~affiliated credentialing~~ examining board,
17 the department, the attorney general or the district attorney of the proper county
18 may investigate and may, in addition to any other remedies, bring an action in the
19 name and on behalf of this state to enjoin the person from the violation.

20 **SECTION 36.** 655.45 (1) of the statutes is amended to read:

21 655.45 (1) For the quarter beginning on July 1, 1986, and for each quarter
22 thereafter, the director of state courts shall file reports complying with sub. (2) with
23 the medical examining board, the physical therapists ~~affiliated credentialing~~
24 examining board, the podiatrists affiliated credentialing board, the board of nursing

ASSEMBLY BILL 1064

1 and the department, respectively, regarding health care providers licensed by the
2 respective bodies.

3 **SECTION 37. Nonstatutory provisions.**

4 (1) TRANSITIONAL PROVISIONS. All members serving terms on the physical
5 therapists affiliated credentialing board on the effective date of this subsection are
6 transferred on the effective date to the physical therapists examining board; each
7 member's term on the physical therapists examining board shall expire on the date
8 it would have expired on the physical therapists affiliated credentialing board. Any
9 matter pending with the physical therapists affiliated credentialing board on the
10 effective date of this subsection is transferred to the physical therapists examining
11 board and all materials submitted to or actions taken by the physical therapists
12 affiliated credentialing board with respect to the pending matter are considered as
13 having been submitted to or taken by the physical therapists examining board.

14 (END)

D- Note

**2007-2008 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1132/lins
CTS:.....

Insert 3-5:

SECTION 1. 50.39 (3) of the statutes is amended to read:

50.39 (3) Facilities governed by ss. 45.50, 48.62, 49.70, 49.72, 50.02, 51.09, and 252.10, juvenile correctional facilities as defined in s. 938.02 (10p), correctional institutions governed by the department of corrections under s. 301.02, and the offices and clinics of persons licensed to treat the sick under chs. 446, 447, and 448 are exempt from ss. 50.32 to 50.39. Sections 50.32 to 50.39 do not abridge the rights of the medical examining board, physical therapists ~~affiliated credentialing~~ examining board, podiatrists affiliated credentialing board, dentistry examining board, pharmacy examining board, chiropractic examining board, and board of nursing in carrying out their statutory duties and responsibilities.

NOTE: NOTE: Sub. (3) is shown as affected by 2 acts of the 2005 Wisconsin legislature and as merged by the revisor under s. 13.93 (2) (c).NOTE:

History: 1971 c. 164; 1975 c. 39; 1975 c. 413 ss. 4, 18; 1975 c. 430 s. 80; Stats. 1975 s. 50.39; 1977 c. 203; 1979 c. 89, 221, 337, 355; 1985 a. 332 s. 251 (1); 1989 a. 31, 37, 107; 1991 a. 39; 1993 a. 27, 30, 107; 1995 a. 27, 77; 1997 a. 175; 1999 a. 9; 2005 a. 22, 344; 13.93 (2) (c).

Insert 7-22:

SECTION 2. 448.56 (1) of the statutes is amended to read:

448.56 (1) WRITTEN REFERRAL. Except as provided in this subsection and s. 448.52, a person may practice physical therapy only upon the written referral of a physician, chiropractor, dentist, podiatrist, or advanced practice nurse prescriber certified under s. 441.16 (2). Written referral is not required if a physical therapist provides services in schools to children with disabilities, as defined in s. 115.76 (5), pursuant to rules promulgated by the department of public instruction; provides services as part of a home health care agency; provides services to a patient in a nursing home pursuant to the patient's plan of care; provides services related to athletic activities, conditioning, or injury prevention; or provides services to an

1 individual for a previously diagnosed medical condition after informing the
2 individual's physician, chiropractor, dentist, podiatrist, or advanced practice nurse
3 prescriber certified under s. 441.16 (2) who made the diagnosis. The affiliated
4 credentialing examining board may promulgate rules establishing additional
5 services that are excepted from the written referral requirements of this subsection.

6 **History:** 1993 a. 107 ss. 54, 59; 1995 a. 27 s. 9145 (1); 1997 a. 27, 164; 2001 a. 70; 2003 a. 154; 2005 a. 187.

SECTION 3. 448.56 (1m) (b) of the statutes is amended to read:

7 448.56 (1m) (b) The affiliated credentialing examining board shall promulgate
8 rules establishing the requirements that a physical therapist must satisfy if a
9 physician, chiropractor, dentist, podiatrist, or advanced practice nurse prescriber
10 makes a written referral under sub. (1). The purpose of the rules shall be to ensure
11 continuity of care between the physical therapist and the health care practitioner.

History: 1993 a. 107 ss. 54, 59; 1995 a. 27 s. 9145 (1); 1997 a. 27, 164; 2001 a. 70; 2003 a. 154; 2005 a. 187.

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1132/1dn

CTS: *lgf*

Date

Rep. Moulton:

This is a redraft of 2005 Assembly Bill 1064. ✓

Christopher T. Sundberg
Legislative Attorney
Phone: (608) 266-9739
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christopher.sundberg@legis.wisconsin.gov

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1132/1dn
CTS:kjf:jf

January 11, 2007

Rep. Moulton:

This is a redraft of 2005 Assembly Bill 1064.

Christopher T. Sundberg
Legislative Attorney
Phone: (608) 266-9739
E-mail:
christopher.sundberg@legis.wisconsin.gov

Duerst, Christina

From: Seaholm, Matthew
Sent: Thursday, January 11, 2007 1:49 PM
To: LRB.Legal
Subject: Draft Review: LRB 07-1132/1 Topic: Physical therapists affiliated credentialing board

Please Jacket LRB 07-1132/1 for the ASSEMBLY.

Basford, Sarah

From: Becher, Scott
Sent: Wednesday, July 18, 2007 4:17 PM
To: Basford, Sarah
Subject: FW: LRB 1132

Attachments: 07-11321.pdf

Sarah- FYI...

From: Seaholm, Matthew
Sent: Wednesday, May 23, 2007 5:12 PM
To: Sundberg, Christopher
Cc: Becher, Scott
Subject: LRB 1132

Hi Chris,

Please be advised that Rep. Wieckert is now the lead author of LRB 1132.

Thank you,

Matt

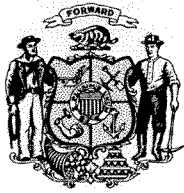
*Matt Seaholm
Office of Rep. Terry Moulton
Wisconsin's 68th Assembly District
(608) 266-9172*



07-11321.pdf (38
KB)

8/23 Scott Beher / Weicker T

Redraft LRB-1132: change "physical therapist ex. bd." to "physical therapy ex bd."



In: 8/23/07 wanted: Monday 8/27/07

State of Wisconsin
2007 - 2008 LEGISLATURE

2
LRB-1132/10 RMR/R
CTS:kjf:jt

2007 BILL

Regen

1 **AN ACT to renumber and amend** 15.406 (1) and 448.50 (1); and **to amend** 15.08
2 (1m) (b), 15.085 (1m) (b), 50.39 (3), 180.1901 (1m) (bg), subchapter III (title) of
3 chapter 448 [precedes s. 448.50], 448.50 (3), 448.50 (3m), 448.527, 448.53 (1)
4 (intro.), (c), (d) and (f), 448.53 (1) (c), 448.53 (1) (d), 448.53 (1) (f), 448.53 (2),
5 448.53 (3) (intro.), 448.535 (1) (intro.), (c) and (d), 448.535 (1) (c), 448.535 (1) (d),
6 448.535 (2), 448.54 (1), 448.54 (3), 448.55 (3), 448.56 (1), 448.56 (1m) (b), 448.56
7 (6), 448.565, 448.567, 448.57 (1), 448.57 (2) (intro.), 448.57 (3) (a), 448.57 (3) (b),
8 448.57 (4), 448.57 (5), 448.58 and 655.45 (1) of the statutes; **relating to:** the
9 Physical Therapists Affiliated Credentialing Board.

Analysis by the Legislative Reference Bureau

Under current law, physical therapists and physical therapist assistants are licensed by the Physical Therapists Affiliated Credentialing Board. An affiliated credentialing board is a body that is attached to an examining board to regulate a profession that does not practice independently of, or that practices in collaboration with, the profession regulated by the examining board.

The Physical Therapists Affiliated Credentialing Board is attached to the Medical Examining Board and, with the advice of the Medical Examining Board, sets

BILL

-2-

Therapy

standards of professional competence and conduct for physical therapists and physical therapist assistants, assesses qualifications and grants credentials, and takes disciplinary actions.

This bill changes the Physical Therapists Affiliated Credentialing Board to the Physical Therapists Examining Board. Except that the board will no longer be attached to, or be advised by, the Medical Examining Board, the Physical Therapists Examining Board's duties and responsibilities remain the same under the bill.

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

Therapy

SECTION 1. 15.08 (1m) (b) of the statutes is amended to read:

15.08 (1m) (b) The public members of the chiropractic examining board, the dentistry examining board, the hearing and speech examining board, the medical examining board, the physical therapists examining board, perfusionists examining council, respiratory care practitioners examining council and council on physician assistants, the board of nursing, the nursing home administrator examining board, the veterinary examining board, the optometry examining board, the pharmacy examining board, the marriage and family therapy, professional counseling, and social work examining board, and the psychology examining board shall not be engaged in any profession or occupation concerned with the delivery of physical or mental health care.

SECTION 2. 15.085 (1m) (b) of the statutes is amended to read:

15.085 (1m) (b) The public members of the ~~physical therapists affiliated credentialing board~~, podiatrists affiliated credentialing board or occupational therapists affiliated credentialing board shall not be engaged in any profession or occupation concerned with the delivery of physical or mental health care.

SECTION 3. 15.406 (1) of the statutes is renumbered 15.405 (7r), and 15.405 (7r) (intro.), as renumbered, is amended to read:

BILL

THERAPY

1 15.405 (7r) (intro.) ~~PHYSICAL THERAPISTS AFFILIATED CREDENTIALING EXAMINING~~
 2 BOARD. There is created in the department of regulation and licensing, ~~attached to~~
 3 ~~the medical examining board~~, a physical therapists ~~affiliated credentialing~~
 4 ~~examining~~ board consisting of the following members appointed for staggered 4-year
 5 terms: therapy

6 **SECTION 4.** 50.39 (3) of the statutes is amended to read:

7 50.39 (3) Facilities governed by ss. 45.50, 48.62, 49.70, 49.72, 50.02, 51.09, and
 8 252.10, juvenile correctional facilities as defined in s. 938.02 (10p), correctional
 9 institutions governed by the department of corrections under s. 301.02, and the
 10 offices and clinics of persons licensed to treat the sick under chs. 446, 447, and 448
 11 are exempt from ss. 50.32 to 50.39. Sections 50.32 to 50.39 do not abridge the rights
 12 of the medical examining board, physical ~~therapists affiliated credentialing~~
 13 ~~examining~~ board, podiatrists affiliated credentialing board, dentistry examining
 14 therapy board, pharmacy examining board, chiropractic examining board, and board of
 15 nursing in carrying out their statutory duties and responsibilities.

16 **SECTION 5.** 180.1901 (1m) (bg) of the statutes is amended to read:

17 180.1901 (1m) (bg) Physical ~~therapists affiliated credentialing~~ examining
 18 board under subch. III of ch. 448. therapy

19 **SECTION 6.** Subchapter III (title) of chapter 448 [precedes s. 448.50] of the
 20 statutes is amended to read:

CHAPTER 448

SUBCHAPTER III

21 **PHYSICAL THERAPISTS AFFILIATED**
 22 **CREDENTIALING EXAMINING BOARD**

THERAPY

BILL

1 SECTION 7. 448.50 (1) of the statutes is renumbered 448.50 (1v) and amended
2 to read:

3 448.50 (1v) "~~Affiliated credentialing~~ Examining board" means the physical
4 ~~therapists affiliated credentialing examining~~ board.

5 SECTION 8. 448.50 (3) of the statutes is amended to read:

6 448.50 (3) "Physical therapist" means an individual who has been graduated
7 from a school of physical therapy and holds a license to practice physical therapy
8 granted by the ~~affiliated credentialing~~ examining board.

9 SECTION 9. 448.50 (3m) of the statutes is amended to read:

10 448.50 (3m) "Physical therapist assistant" means an individual who holds a
11 license as a physical therapist assistant granted by the ~~affiliated credentialing~~
12 examining board.

13 SECTION 10. 448.527 of the statutes is amended to read:

14 448.527 **Code of ethics.** The ~~affiliated credentialing~~ examining board shall
15 promulgate rules establishing a code of ethics governing the professional conduct of
16 physical therapists and physical therapist assistants.

17 SECTION 11. 448.53 (1) (intro.), (c), (d) and (f) of the statutes are amended to
18 read:

19 448.53 (1) (intro.) The ~~affiliated credentialing~~ examining board shall grant a
20 license as a physical therapist to a person who does all of the following:

21 (c) Subject to ss. 111.321, 111.322 and 111.335, submits evidence satisfactory
22 to the ~~affiliated credentialing~~ examining board that the applicant does not have an
23 arrest or conviction record.

24 (d) Submits evidence satisfactory to the ~~affiliated credentialing~~ examining
25 board that the applicant is a graduate of a school of physical therapy approved by the

BILL

1 ~~affiliated credentialing~~ examining board, unless the ~~affiliated credentialing~~
2 examining board waives this requirement under sub. (3).

3 (f) If the person was educated at a physical therapy school that is not in the
4 United States, the person satisfies any additional requirements for demonstrating
5 competence to practice physical therapy that the ~~affiliated credentialing~~ examining
6 board may establish by rule.

7 **SECTION 12.** 448.53 (1) (c) of the statutes is amended to read:

8 448.53 (1) (c) Subject to ss. 111.321, 111.322 and 111.335, submits evidence
9 satisfactory to the ~~affiliated credentialing~~ examining board that the applicant does
10 not have an arrest or conviction record.

11 **SECTION 13.** 448.53 (1) (d) of the statutes is amended to read:

12 448.53 (1) (d) Submits evidence satisfactory to the ~~affiliated credentialing~~
13 examining board that the applicant is a graduate of a school of physical therapy
14 approved by the ~~affiliated credentialing~~ examining board, unless the ~~affiliated~~
15 ~~credentialing~~ examining board waives this requirement under sub. (3).

16 **SECTION 14.** 448.53 (1) (f) of the statutes is amended to read:

17 448.53 (1) (f) If the person was educated at a physical therapy school that is not
18 in the United States, the person satisfies any additional requirements for
19 demonstrating competence to practice physical therapy that the ~~affiliated~~
20 ~~credentialing~~ examining board may establish by rule.

21 **SECTION 15.** 448.53 (2) of the statutes is amended to read:

22 448.53 (2) The ~~affiliated credentialing~~ examining board may promulgate rules
23 providing for various classes of temporary licenses to practice physical therapy.

24 **SECTION 16.** 448.53 (3) (intro.) of the statutes is amended to read:

BILL**SECTION 16**

1 448.53 (3) (intro.) The ~~affiliated credentialing~~ examining board may waive the
2 requirement under sub. (1) (d) for an applicant who establishes, to the satisfaction
3 of the ~~affiliated credentialing~~ examining board, all of the following:

4 **SECTION 17.** 448.535 (1) (intro.), (c) and (d) of the statutes are amended to read:

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

7 (c) Subject to ss. 111.321, 111.322, and 111.335, submits evidence satisfactory
8 to the ~~affiliated credentialing~~ examining board that the applicant does not have an
9 arrest or conviction record.

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

14 **SECTION 18.** 448.535 (1) (c) of the statutes is amended to read:

15 448.535 (1) (c) Subject to ss. 111.321, 111.322, and 111.335, submits evidence
16 satisfactory to the ~~affiliated credentialing~~ examining board that the applicant does
17 not have an arrest or conviction record.

18 **SECTION 19.** 448.535 (1) (d) of the statutes is amended to read:

19 448.535 (1) (d) Submits evidence satisfactory to the ~~affiliated credentialing~~
20 examining board that the applicant is a graduate of a physical therapist assistant
21 educational program accredited by an agency that is approved by the ~~affiliated~~
22 credentialing examining board.

23 **SECTION 20.** 448.535 (2) of the statutes is amended to read:

24 448.535 (2) The ~~affiliated credentialing~~ examining board may waive a
25 requirement under sub. (1) (d) or (e), or both, for an applicant who establishes to the

BILL

1 satisfaction of the ~~affiliated credentialing~~ examining board that he or she is licensed
2 as a physical therapist assistant by another licensing jurisdiction in the United
3 States. The ~~affiliated credentialing~~ examining board shall promulgate rules for
4 granting a waiver under this subsection. The rules may require an applicant to
5 satisfy additional requirements as a condition for granting a waiver.

6 **SECTION 21.** 448.54 (1) of the statutes is amended to read:

7 448.54 (1) The ~~affiliated credentialing~~ examining board shall conduct or
8 arrange for examinations for physical therapist and physical therapist assistant
9 licensure at least semiannually and at times and places determined by the ~~affiliated~~
10 ~~credentialing~~ examining board.

11 **SECTION 22.** 448.54 (3) of the statutes is amended to read:

12 448.54 (3) Notwithstanding s. 448.53 (1) (f), the ~~affiliated credentialing~~
13 examining board may not require an applicant for physical therapist licensure to
14 take an oral examination or an examination to test proficiency in the English
15 language for the sole reason that the applicant was educated at a physical therapy
16 school that is not in the United States if the applicant establishes, to the satisfaction
17 of the ~~affiliated credentialing~~ examining board, that he or she satisfies the
18 requirements under s. 448.53 (3).

19 **SECTION 23.** 448.55 (3) of the statutes is amended to read:

20 448.55 (3) The ~~affiliated credentialing~~ examining board shall promulgate rules
21 that require an applicant for renewal of a license to demonstrate continued
22 competence as a physical therapist or physical therapist assistant.

23 **SECTION 24.** 448.56 (1) of the statutes is amended to read:

24 448.56 (1) WRITTEN REFERRAL. Except as provided in this subsection and s.
25 448.52, a person may practice physical therapy only upon the written referral of a

BILL**SECTION 24**

1 physician, chiropractor, dentist, podiatrist, or advanced practice nurse prescriber
2 certified under s. 441.16 (2). Written referral is not required if a physical therapist
3 provides services in schools to children with disabilities, as defined in s. 115.76 (5),
4 pursuant to rules promulgated by the department of public instruction; provides
5 services as part of a home health care agency; provides services to a patient in a
6 nursing home pursuant to the patient's plan of care; provides services related to
7 athletic activities, conditioning, or injury prevention; or provides services to an
8 individual for a previously diagnosed medical condition after informing the
9 individual's physician, chiropractor, dentist, podiatrist, or advanced practice nurse
10 prescriber certified under s. 441.16 (2) who made the diagnosis. The affiliated
11 ~~credentialing~~ examining board may promulgate rules establishing additional
12 services that are excepted from the written referral requirements of this subsection.

13 **SECTION 25.** 448.56 (1m) (b) of the statutes is amended to read:

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

19 **SECTION 26.** 448.56 (6) of the statutes is amended to read:

20 448.56 (6) PHYSICAL THERAPIST ASSISTANTS. A physical therapist assistant may
21 assist a physical therapist in the practice of physical therapy if the physical therapist
22 provides direct or general supervision of the physical therapist assistant. The
23 ~~affiliated credentialing~~ examining board shall promulgate rules defining "direct or
24 general supervision" for purposes of this subsection. Nothing in this subsection
25 interferes with delegation authority under any other provision of this chapter.

BILL

1 **SECTION 27.** 448.565 of the statutes is amended to read:

2 **448.565 Complaints.** The ~~affiliated credentialing~~ examining board shall
3 promulgate rules establishing procedures and requirements for filing complaints
4 against licensees and shall publicize the procedures and requirements.

5 **SECTION 28.** 448.567 of the statutes is amended to read:

6 **448.567 Performance audits.** The ~~affiliated credentialing~~ examining board
7 shall promulgate rules that require the ~~affiliated credentialing~~ examining board on
8 a periodic basis to conduct performance self-audits of its activities under this
9 subchapter.

10 **SECTION 29.** 448.57 (1) of the statutes is amended to read:

11 448.57 (1) Subject to the rules promulgated under s. 440.03 (1), the ~~affiliated~~
12 ~~credentialing~~ examining board may make investigations and conduct hearings to
13 determine whether a violation of this subchapter or any rule promulgated under this
14 subchapter has occurred.

15 **SECTION 30.** 448.57 (2) (intro.) of the statutes is amended to read:

16 448.57 (2) (intro.) Subject to the rules promulgated under s. 440.03 (1), the
17 ~~affiliated credentialing~~ examining board may reprimand a licensee or may deny,
18 limit, suspend or revoke a license granted under this subchapter if it finds that the
19 applicant or licensee has done any of the following:

20 **SECTION 31.** 448.57 (3) (a) of the statutes is amended to read:

21 448.57 (3) (a) A licensee may voluntarily surrender his or her license to the
22 ~~affiliated credentialing~~ examining board, which may refuse to accept the surrender
23 if the ~~affiliated credentialing~~ examining board has received allegations of
24 unprofessional conduct against the licensee. The ~~affiliated credentialing~~ examining

BILL

1 board may negotiate stipulations in consideration for accepting the surrender of
2 licenses.

3 **SECTION 32.** 448.57 (3) (b) of the statutes is amended to read:

4 448.57 (3) (b) The ~~affiliated credentialing~~ examining board may restore a
5 license that has been voluntarily surrendered under par. (a) on such terms and
6 conditions as it considers appropriate.

7 **SECTION 33.** 448.57 (4) of the statutes is amended to read:

8 448.57 (4) The ~~affiliated credentialing~~ examining board shall prepare and
9 disseminate to the public an annual report that describes final disciplinary action
10 taken against licensees during the preceding year.

11 **SECTION 34.** 448.57 (5) of the statutes is amended to read:

12 448.57 (5) The ~~affiliated credentialing~~ examining board may report final
13 disciplinary action taken against a licensee to any national database that includes
14 information about disciplinary action taken against health care professionals.

15 **SECTION 35.** 448.58 of the statutes is amended to read:

16 **448.58 Injunctive relief.** If the ~~affiliated credentialing~~ examining board has
17 reason to believe that any person is violating this subchapter or any rule
18 promulgated under this subchapter, the ~~affiliated credentialing~~ examining board,
19 the department, the attorney general or the district attorney of the proper county
20 may investigate and may, in addition to any other remedies, bring an action in the
21 name and on behalf of this state to enjoin the person from the violation.

22 **SECTION 36.** 655.45 (1) of the statutes is amended to read:

23 655.45 (1) For the quarter beginning on July 1, 1986, and for each quarter
24 thereafter, the director of state courts shall file reports complying with sub. (2) with
25 the medical examining board, the physical ~~therapists~~ affiliated credentialing

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therapy

① examining board, the podiatrists affiliated credentialing board, the board of nursing
2 and the department, respectively, regarding health care providers licensed by the
3 respective bodies.

SECTION 37. Nonstatutory provisions.

5 (1) TRANSITIONAL PROVISIONS. All members serving terms on the physical
6 therapists affiliated credentialing board on the effective date of this subsection are
7 transferred on the effective date to the physical ~~therapists~~ examining board; each
8 member's term on the physical ~~therapists~~ examining board shall expire on the date
9 it would have expired on the physical therapists affiliated credentialing board. Any
10 matter pending with the physical therapists affiliated credentialing board on the
11 effective date of this subsection is transferred to the physical ~~therapists~~ examining
12 board and all materials submitted to or actions taken by the physical therapists
13 affiliated credentialing board with respect to the pending matter are considered as
14 having been submitted to or taken by the physical ~~therapists~~ examining board.

(END)

therapy

ccc to

2007 Assembly Bill 545
(October 16, 2007)

#, Page 3, line 1: delete

"^(CS)therapists" and substitute "^(CS)therapists".

on lines 3, 12 and 17, strike

#, Page 3, line 3: delete

"therapists" and substitute "therapists".
↑ strike

#, Page 3, line 23: delete "^(CAPS)THERAPISTS".

and substitute "^(CAPS)~~THERAPISTS~~".
↑ strike

(End)

LRB-1132/2 ccc-1

KJF:

ASSEMBLY BILL 545

1 15.405 **(7r)** (intro.) PHYSICAL ~~THERAPISTS AFFILIATED CREDENTIALING THERAPY~~
 2 EXAMINING BOARD. There is created in the department of regulation and licensing,
 3 ~~attached to the medical examining board,~~ a physical ~~therapists~~ affiliated
 4 credentialing therapy examining board consisting of the following members
 5 appointed for staggered 4-year terms:

6 **SECTION 4.** 50.39 (3) of the statutes is amended to read:

7 50.39 **(3)** Facilities governed by ss. 45.50, 48.62, 49.70, 49.72, 50.02, 51.09, and
 8 252.10, juvenile correctional facilities as defined in s. 938.02 (10p), correctional
 9 institutions governed by the department of corrections under s. 301.02, and the
 10 offices and clinics of persons licensed to treat the sick under chs. 446, 447, and 448
 11 are exempt from ss. 50.32 to 50.39. Sections 50.32 to 50.39 do not abridge the rights
 12 of the medical examining board, physical ~~therapists~~ affiliated credentialing therapy
 13 examining board, podiatrists affiliated credentialing board, dentistry examining
 14 board, pharmacy examining board, chiropractic examining board, and board of
 15 nursing in carrying out their statutory duties and responsibilities.

16 **SECTION 5.** 180.1901 (1m) (bg) of the statutes is amended to read:

17 180.1901 **(1m)** (bg) Physical ~~therapists~~ affiliated credentialing therapy
 18 examining board under subch. III of ch. 448.

19 **SECTION 6.** Subchapter III (title) of chapter 448 [precedes s. 448.50] of the
 20 statutes is amended to read:

CHAPTER 448**SUBCHAPTER III****PHYSICAL THERAPISTS AFFILIATED****CREDENTIALING THERAPY EXAMINING BOARD**



State of Wisconsin
2007-2008 LEGISLATURE

CORRECTIONS IN:

2007 ASSEMBLY BILL 545

Prepared by the Legislative Reference Bureau
(October 16, 2007)

1. Page 3, line 1: delete "THERAPISTS" and substitute "THERAPISTS".
2. Page 3, line 3: on lines 3, 12 and 17, delete "therapists" and substitute "therapists".
3. Page 3, line 23: delete "THERAPISTS" and substitute "THERAPISTS".

(END)