

2007 DRAFTING REQUEST

Bill

Received: **02/15/2007**

Received By: **csundber**

Wanted: **As time permits**

Identical to LRB:

For: **Jon Erpenbach (608) 266-6670**

By/Representing: **Kelly Johnson**

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: **Sen.Erpenbach@legis.wisconsin.gov**

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

Pre Topic:

No specific pre topic given

Topic:

Needle electromyography, nerve conduction study, and surface electromyography

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	csundber 02/15/2007	wjackson 03/02/2007		_____			
/1	csundber 03/07/2007	wjackson 03/07/2007	jfrantze 03/05/2007	_____	mbarman 03/05/2007		
/2	csundber 03/19/2007	wjackson 03/20/2007	pgreensl 03/07/2007	_____	cduerst 03/07/2007		
/3			rschluet	_____	mbarman	cduerst	

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			03/20/2007 _____		03/20/2007	04/02/2007	

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/2		13Wlj 3/20	pgreensl 03/07/2007	_____	cduerst 03/07/2007		

Handwritten signature and date '3/20' with initials 'NW'.

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/?	csundber 02/15/2007	wjackson 03/02/2007		<u>3/7</u>			
/1		1/2 Wlj 3/7	jfrantze 03/05/2007	<u>3/7</u> <u>sedg</u>	mbarman 03/05/2007		

FE Sent For:

3/7
PX
<END>

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/?	csundber	1 wj 3/2		<i>J. Seb</i> 3/5			

FE Sent For:

<END>

Sundberg, Christopher

From: Kennedy, Debora
Sent: Thursday, February 15, 2007 2:50 PM
To: Sundberg, Christopher; Kuczenski, Tracy
Subject: FW: Drafting Request

Attachments: Needle EMG.doc

I've notified Kelly that I'm forwarding this request to you; I wasn't sure who would do it.
DAK

From: Johnson, Kelly
Sent: Thursday, February 15, 2007 2:39 PM
To: Kennedy, Debora
Subject: Drafting Request

Can you please draft the following for Senator Erpenbach?



Needle EMG.doc
(36 KB)

AN ACT to amend 448.03 (1) (a); and **to create** 448.015 (1) (g-i) and 448.03 (2) (q-r) of the statutes;
relating to: electrodiagnostic medicine.

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

SECTION 1. 448.015 (1g) of the statutes is created to read:

448.015 **(1g)** “Needle electromyography” means a diagnostic medical procedure using needle electrodes inserted into a muscle to study spontaneous and voluntary electrical activity to diagnose the cause of neuromuscular disease.

SECTION 2. 448.015 (1h) of the statutes is created to read:

448.015 **(1h)** “Nerve conduction study” means the recording and interpretation for diagnostic purposes of electrical activity generated in the peripheral nerves by using surface electrodes and stimuli.

SECTION 3. 448.015 (1i) of the statutes is created to read:

448.015 **(1i)** “Surface electromyography” means the recording of motor unit action potential discharges from skeletal muscles using surface electrodes.

SECTION 4. 448.03 (1) (a) of the statutes is amended to read:

448.03 **(1)** LICENSE REQUIRED TO PRACTICE. (a) No person may practice medicine and surgery, perform and interpret needle electromyography, or interpret a nerve conduction study, or attempt to do so or make a representation as authorized to do so, without a license to practice medicine and surgery granted by the board.

SECTION 5. 448.03 (2q) of the statutes is created to read:

448.03 **(2q)** A person who is otherwise qualified by education, training, or experience to perform nerve conduction studies under the direct supervision of a physician.

SECTION 6. 448.03 (2r) of the statutes is created to read:

448.03 **(2r)** A person otherwise qualified by education, training, or experience to perform surface electromyography.

(END)

DRAFT

3/8 work

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

2007 BILL

d-note

Gen

- 1 AN ACT ...; relating to: needle electromyography, surface electromyography, and
- 2 nerve conduction studies.

Analysis by the Legislative Reference Bureau

Generally, under current law, a person may not practice medicine and surgery unless the person has been granted a license by the Medical Examining Board (board). Current law contains several exceptions to this licensure requirement for a person engaged in certain other professions regulated by the board or by another credentialing body, if the person holds the credential.

This bill expands the licensure requirement to require a license to apply to the performance or interpretation of needle electromyography (defined in the bill as a diagnostic medical procedure using needle electrodes inserted into a muscle to study spontaneous and voluntary electrical activity to diagnose the cause of neuromuscular disease) and the interpretation of a nerve conduction study (defined in the bill as the recording and interpretation for diagnostic purposes of electrical activity generated in the peripheral nerves by using surface electrodes and stimuli). The bill also adds exceptions to the licensure requirement for 1) the performance of a nerve conduction study by a person who is qualified by education, training, or experience to perform such a study, if the person performs the study under the direct supervision of a physician; and 2) the performance of surface electromyography by

a person who is qualified by education, training, or experience to perform surface electromyography.

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

1 **SECTION 1.** 448.015 (1g) of the statutes is created to read:

2 448.015 (1g) “Needle electromyography” means a diagnostic medical
3 procedure using needle electrodes inserted into a muscle to study spontaneous and
4 voluntary electrical activity to diagnose the cause of neuromuscular disease.

5 **SECTION 2.** 448.015 (1h) of the statutes is created to read:

6 448.015 (1h) “Nerve conduction study” means the recording and interpretation
7 for diagnostic purposes of electrical activity generated in the peripheral nerves by
8 using surface electrodes and stimuli.

9 **SECTION 3.** 448.015 ^(3m)~~(1i)~~ of the statutes is created to read:

10 448.015 ^(3m)~~(1i)~~ “Surface electromyography” means the recording of motor unit
11 action potential discharges from skeletal muscles using surface electrodes.

12 **SECTION 4.** 448.03 (1) (a) of the statutes is amended to read:

13 448.03 (1) (a) No person may practice medicine and surgery, perform or
14 interpret needle electromyography, or interpret a nerve conduction study, or attempt
15 to do so or make a representation as authorized to do so, without a license to practice
16 medicine and surgery granted by the board.

History: 1975 c. 383, 421; 1977 c. 164; 1979 c. 317; 1985 a. 29; 1987 a. 40, 399; 1989 a. 31, 229; 1991 a. 23; 1993 a. 105, 107, 490; 1995 a. 27, 201; 1997 a. 67, 175, 311; 1999 a. 32, 180; 2001 a. 89; 2005 a. 96, 292.

17 **SECTION 5.** 448.03 ^(g)~~(2g)~~ of the statutes is created to read:

18 ^(g) 448.03 ^(g)~~(2g)~~ The performance of a nerve conduction study by a person who is
19 qualified by education, training, or experience to perform a nerve conduction study,
20 if the person performs the study under the direct supervision of a physician.

①

(5)

SECTION 6. 448.03 (2~~4~~) of the statutes is created to read:

②

448.03 (2~~4~~) The performance of surface electromyography by a person who is

3

qualified by education, training, or experience to perform surface electromyography.

4

(END)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

1975/Idn
LRB-1967/1dn

CTS: /:...

Wlj

Senator Erpenbach (2)

Please review this draft carefully to ensure it is consistent with your intent and note the following:

1. In the proposed amended language for s. 448.03 (1) (a), I have changed "perform and interpret needle electromyography" to "perform or interpret needle electromyography." I have assumed it is your intent to make the licensure requirement apply to a person who performs needle electromyography with interpreting needle electromyography, and vice versa. Is this correct?

2. I have rewritten the two exceptions to the licensure requirement, proposed s. 448.03 (2^q) and (2^r), for clarity.

(q)

(r)

Christopher T. Sundberg

Legislative Attorney

Phone: (608) 266-9739

E-mail:

christopher.sundberg@legis.wisconsin.gov

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

LRB-1975/1dn
CTS:wlj:jf

March 5, 2007

Senator Erpenbach:

Please review this draft carefully to ensure it is consistent with your intent and note the following:

1. In the proposed amended language for s. 448.03 (1) (a), I have changed "perform and interpret needle electromyography" to "perform or interpret needle electromyography." I have assumed it is your intent to make the licensure requirement apply to a person who performs needle electromyography with interpreting needle electromyography, and vice versa. Is this correct?
2. I have rewritten the two exceptions to the licensure requirement, proposed s. 448.03 (2) (q) and (2) (r), for clarity.

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

3/7/06

Kelly/Erpenbach

Redraft LRB-1975/1 to add language

amending 448.03 (2) (a) as in section 3

of LRB-0124/3 ("except that only a physician
may perform needle electromyography")



ln: 3/7/07
State of Wisconsin
2007 - 2008 LEGISLATURE

wanted soon

2
LRB-1975/4

CTS:wlj:jt

↑
stays

KMNR

2007 BILL

1 AN ACT ^{Regen} to amend 448.03 (1) (a); and *to create* 448.015 (1g), 448.015 (1h),
2 448.015 (3m), 448.03 (2) (q) and 448.03 (2) (r) of the statutes; **relating to:**
3 needle electromyography, surface electromyography, and nerve conduction
4 studies.

Analysis by the Legislative Reference Bureau

Generally, under current law, a person may not practice medicine and surgery unless the person has been granted a license by the Medical Examining Board (board). Current law contains several exceptions to this licensure requirement for a person engaged in certain other professions regulated by the board or by another credentialing body, if the person holds the credential.

This bill expands the licensure requirement to apply to the performance or interpretation of needle electromyography (defined in the bill as a diagnostic medical procedure using needle electrodes inserted into a muscle to study spontaneous and voluntary electrical activity to diagnose the cause of neuromuscular disease) and the interpretation of a nerve conduction study (defined in the bill as the recording and interpretation for diagnostic purposes of electrical activity generated in the peripheral nerves by using surface electrodes and stimuli). The bill also adds exceptions to the licensure requirement for 1) the performance of a nerve conduction study by a person who is qualified by education, training, or experience to perform such a study, if the person performs the study under the direct supervision of a

BILL

physician; and 2) the performance of surface electromyography by a person who is qualified by education, training, or experience to perform surface electromyography.

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

1 **SECTION 1.** 448.015 (1g) of the statutes is created to read:

2 448.015 (1g) "Needle electromyography" means a diagnostic medical
3 procedure using needle electrodes inserted into a muscle to study spontaneous and
4 voluntary electrical activity to diagnose the cause of neuromuscular disease.

5 **SECTION 2.** 448.015 (1h) of the statutes is created to read:

6 448.015 (1h) "Nerve conduction study" means the recording and interpretation
7 for diagnostic purposes of electrical activity generated in the peripheral nerves by
8 using surface electrodes and stimuli.

9 **SECTION 3.** 448.015 (3m) of the statutes is created to read:

10 448.015 (3m) "Surface electromyography" means the recording of motor unit
11 action potential discharges from skeletal muscles using surface electrodes.

12 **SECTION 4.** 448.03 (1) (a) of the statutes is amended to read:

13 448.03 (1) (a) No person may practice medicine and surgery, perform or
14 interpret needle electromyography, or interpret a nerve conduction study, or attempt
15 to do so or make a representation as authorized to do so, without a license to practice
16 medicine and surgery granted by the board.

17 **SECTION 5.** 448.03 (2) (q) of the statutes is created to read:

18 448.03 (2) (q) The performance of a nerve conduction study by a person who is
19 qualified by education, training, or experience to perform a nerve conduction study,
20 if the person performs the study under the direct supervision of a physician.

21 **SECTION 6.** 448.03 (2) (r) of the statutes is created to read:

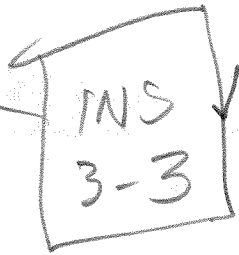
INS
2-16

BILL

1 448.03 (2) (r) The performance of surface electromyography by a person who
2 is qualified by education, training, or experience to perform surface
3 electromyography.

4

(END)



INS
3-3

BILL

1 representation as authorized to do so, without a license to practice medicine and
2 surgery granted by the board.

3 ~~SECTION 3~~ 448.03 (2) (a) of the statutes, as affected by 2005 Wisconsin Act 292,
4 is amended to read:

5 448.03 (2) (a) Any person lawfully practicing within the scope of a license,
6 permit, registration, certificate or certification granted to practice midwifery under
7 subch. XI of ch. 440 subch. XII of ch. 440, to practice professional or practical nursing
8 or nurse-midwifery under ch. 441, to practice chiropractic under ch. 446, to practice
9 dentistry or dental hygiene under ch. 447, to practice optometry under ch. 449, to
10 practice acupuncture under ch. 451 or under any other statutory provision, or as
11 otherwise provided by statute, except that only a physician may perform needle
12 electromyography.

13 ~~SECTION 4~~ **Effective date.**

14 (1) This act takes effect on May 1, 2007, or on the day after publication,
15 whichever is later.

16 (END)

INS
2-16

INS
3-3

Sundberg, Christopher

From: Johnson, Kelly
Sent: Monday, March 19, 2007 11:27 AM
To: Sundberg, Christopher
Subject: LRB 1975/2

Hi Chris:

I have one change to request in the above draft. Can you please change the underlined language at the end of Section 5 to be consistent with the underlined language in Section 4. If you have any questions, you can give either Dick Sweet or me a call.

Thank you!!

Kelly

Kelly Johnson-Becker

Office of Senator Jon Erpenbach
27th District
608-266-6670



In: 3/19/07 Wanted: Thurs. AM
State of Wisconsin
2007 - 2008 LEGISLATURE

3
LRB-1975/2 RMNR
CTS:wlj:pg
↑
stays

2007 BILL

1 AN ACT ^{Regen} ~~to amend~~ 448.03 (1) (a) and 448.03 (2) (a); and **to create** 448.015 (1g),
2 448.015 (1h), 448.015 (3m), 448.03 (2) (q) and 448.03 (2) (r) of the statutes;
3 **relating to:** needle electromyography, surface electromyography, and nerve
4 conduction studies.

Analysis by the Legislative Reference Bureau

Generally, under current law, a person may not practice medicine and surgery unless the person has been granted a license by the Medical Examining Board (board). Current law contains several exceptions to this licensure requirement for a person engaged in certain other professions regulated by the board or by another credentialing body, if the person holds the credential.

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6 448.015 (1h) "Nerve conduction study" means the recording and interpretation
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9 **SECTION 3.** 448.015 (3m) of the statutes is created to read:

10 448.015 (3m) "Surface electromyography" means the recording of motor unit
11 action potential discharges from skeletal muscles using surface electrodes.

12 **SECTION 4.** 448.03 (1) (a) of the statutes is amended to read:

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19 448.03 (2) (a) Any person lawfully practicing within the scope of a license,
20 permit, registration, certificate or certification granted to practice midwifery under
21 subch. XI of ch. 440 subch. XII of ch. 440, to practice professional or practical nursing

BILL

or interpret

1 or nurse-midwifery under ch. 441, to practice chiropractic under ch. 446, to practice
 2 dentistry or dental hygiene under ch. 447, to practice optometry under ch. 449, to
 3 practice acupuncture under ch. 451 or under any other statutory provision, or as
 4 otherwise provided by statute, except that only a physician may perform needle
 5 electromyography. *or interpret a nerve conduction study*

SECTION 6. 448.03 (2) (q) of the statutes is created to read:

7 448.03 (2) (q) The performance of a nerve conduction study by a person who is
 8 qualified by education, training, or experience to perform a nerve conduction study,
 9 if the person performs the study under the direct supervision of a physician.

SECTION 7. 448.03 (2) (r) of the statutes is created to read:

11 448.03 (2) (r) The performance of surface electromyography by a person who
 12 is qualified by education, training, or experience to perform surface
 13 electromyography.

SECTION 8. Effective date.

15 (1) This act takes effect on May 1, 2007, or on the day after publication,
 16 whichever is later.

(END)

Duerst, Christina

From: Johnson, Kelly
Sent: Monday, April 02, 2007 11:05 AM
To: LRB.Legal
Subject: Draft Review: LRB 07-1975/3 Topic: Needle electromyography, nerve conduction study, and surface electromyography

Please Jacket LRB 07-1975/3 for the SENATE.