



2009 ASSEMBLY BILL 275

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

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

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

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

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

12 15.085 **(1m)** (b) The public members of the ~~physical therapists affiliated~~
13 ~~credentialing board~~, podiatrists affiliated credentialing board or occupational
14 therapists affiliated credentialing board shall not be engaged in any profession or
15 occupation concerned with the delivery of physical or mental health care.

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

18 15.405 **(7r)** (intro.) ~~PHYSICAL THERAPISTS AFFILIATED CREDENTIALING~~ THERAPY
19 EXAMINING BOARD. There is created in the department of regulation and licensing,
20 ~~attached to the medical examining board~~, a physical therapists affiliated
21 credentialing therapy examining board consisting of the following members
22 appointed for staggered 4-year terms:

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

24 50.39 **(3)** Facilities governed by ss. 45.50, 48.62, 49.70, 49.72, 50.02, 51.09, and
25 252.10, juvenile correctional facilities as defined in s. 938.02 (10p), correctional

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1 institutions governed by the department of corrections under s. 301.02, and the
2 offices and clinics of persons licensed to treat the sick under chs. 446, 447, and 448
3 are exempt from ss. 50.32 to 50.39. Sections 50.32 to 50.39 do not abridge the rights
4 of the medical examining board, physical ~~therapists affiliated credentialing~~ therapy
5 examining board, podiatrists affiliated credentialing board, dentistry examining
6 board, pharmacy examining board, chiropractic examining board, and board of
7 nursing in carrying out their statutory duties and responsibilities.

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

9 180.1901 **(1m)** (bg) Physical ~~therapists affiliated credentialing~~ therapy
10 examining board under subch. III of ch. 448.

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

13 **CHAPTER 448**

14 **SUBCHAPTER III**

15 **PHYSICAL THERAPISTS AFFILIATED**

16 **CREDENTIALING THERAPY EXAMINING BOARD**

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

19 448.50 **(1v)** “~~Affiliated credentialing~~ Examining board” means the physical
20 ~~therapists affiliated credentialing~~ therapy examining board.

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

22 448.50 **(3)** “Physical therapist” means an individual who has been graduated
23 from a school of physical therapy and holds a license to practice physical therapy
24 granted by the ~~affiliated credentialing~~ examining board.

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

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1 448.50 (3m) “Physical therapist assistant” means an individual who holds a
2 license as a physical therapist assistant granted by the ~~affiliated credentialing~~
3 examining board.

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

5 **448.527 Code of ethics.** The ~~affiliated credentialing~~ examining board shall
6 promulgate rules establishing a code of ethics governing the professional conduct of
7 physical therapists and physical therapist assistants.

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

10 448.53 (1) (intro.) The ~~affiliated credentialing~~ examining board shall grant a
11 license as a physical therapist to a person who does all of the following:

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

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

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

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

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

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

5 448.53 (1) (d) Submits evidence satisfactory to the ~~affiliated credentialing~~
6 examining board that the applicant is a graduate of a school of physical therapy
7 approved by the ~~affiliated credentialing~~ examining board, unless the ~~affiliated~~
8 credentialing examining board waives this requirement under sub. (3).

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

10 448.53 (1) (f) If the person was educated at a physical therapy school that is not
11 in the United States, the person satisfies any additional requirements for
12 demonstrating competence to practice physical therapy that the ~~affiliated~~
13 credentialing examining board may establish by rule.

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

15 448.53 (2) The ~~affiliated credentialing~~ examining board may promulgate rules
16 providing for various classes of temporary licenses to practice physical therapy.

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

18 448.53 (3) (intro.) The ~~affiliated credentialing~~ examining board may waive the
19 requirement under sub. (1) (d) for an applicant who establishes, to the satisfaction
20 of the ~~affiliated credentialing~~ examining board, all of the following:

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

22 448.535 (1) (intro.) The ~~affiliated credentialing~~ examining board shall grant a
23 license as a physical therapist assistant to a person who does all of the following:

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

4 (d) Submits evidence satisfactory to the ~~affiliated credentialing~~ examining
5 board that the applicant is a graduate of a physical therapist assistant educational
6 program accredited by an agency that is approved by the ~~affiliated credentialing~~
7 examining board.

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

9 448.535 (1) (c) Subject to ss. 111.321, 111.322, and 111.335, submits evidence
10 satisfactory to the ~~affiliated credentialing~~ examining board that the applicant does
11 not have an arrest or conviction record.

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

13 448.535 (1) (d) Submits evidence satisfactory to the ~~affiliated credentialing~~
14 examining board that the applicant is a graduate of a physical therapist assistant
15 educational program accredited by an agency that is approved by the ~~affiliated~~
16 ~~credentialing~~ examining board.

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

18 448.535 (2) The ~~affiliated credentialing~~ examining board may waive a
19 requirement under sub. (1) (d) or (e), or both, for an applicant who establishes to the
20 satisfaction of the ~~affiliated credentialing~~ examining board that he or she is licensed
21 as a physical therapist assistant by another licensing jurisdiction in the United
22 States. The ~~affiliated credentialing~~ examining board shall promulgate rules for
23 granting a waiver under this subsection. The rules may require an applicant to
24 satisfy additional requirements as a condition for granting a waiver.

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

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

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

6 448.54 (3) Notwithstanding s. 448.53 (1) (f), the ~~affiliated credentialing~~
7 examining board may not require an applicant for physical therapist licensure to
8 take an oral examination or an examination to test proficiency in the English
9 language for the sole reason that the applicant was educated at a physical therapy
10 school that is not in the United States if the applicant establishes, to the satisfaction
11 of the ~~affiliated credentialing~~ examining board, that he or she satisfies the
12 requirements under s. 448.53 (3).

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

14 448.55 (3) The ~~affiliated credentialing~~ examining board shall promulgate rules
15 that require an applicant for renewal of a license to demonstrate continued
16 competence as a physical therapist or physical therapist assistant.

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

18 448.56 (1) WRITTEN REFERRAL. Except as provided in this subsection and s.
19 448.52, a person may practice physical therapy only upon the written referral of a
20 physician, chiropractor, dentist, podiatrist, or advanced practice nurse prescriber
21 certified under s. 441.16 (2). Written referral is not required if a physical therapist
22 provides services in schools to children with disabilities, as defined in s. 115.76 (5),
23 pursuant to rules promulgated by the department of public instruction; provides
24 services as part of a home health care agency; provides services to a patient in a
25 nursing home pursuant to the patient's plan of care; provides services related to

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

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

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

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

14 448.56 **(6)** PHYSICAL THERAPIST ASSISTANTS. A physical therapist assistant may
15 assist a physical therapist in the practice of physical therapy if the physical therapist
16 provides direct or general supervision of the physical therapist assistant. The
17 ~~affiliated credentialing~~ examining board shall promulgate rules defining "direct or
18 general supervision" for purposes of this subsection. Nothing in this subsection
19 interferes with delegation authority under any other provision of this chapter.

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

21 **448.565 Complaints.** The ~~affiliated credentialing~~ examining board shall
22 promulgate rules establishing procedures and requirements for filing complaints
23 against licensees and shall publicize the procedures and requirements.

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

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1 **448.567 Performance audits.** The ~~affiliated credentialing~~ examining board
2 shall promulgate rules that require the ~~affiliated credentialing~~ examining board on
3 a periodic basis to conduct performance self-audits of its activities under this
4 subchapter.

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

6 448.57 (1) Subject to the rules promulgated under s. 440.03 (1), the ~~affiliated~~
7 ~~credentialing~~ examining board may make investigations and conduct hearings to
8 determine whether a violation of this subchapter or any rule promulgated under this
9 subchapter has occurred.

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

11 448.57 (2) (intro.) Subject to the rules promulgated under s. 440.03 (1), the
12 ~~affiliated credentialing~~ examining board may reprimand a licensee or may deny,
13 limit, suspend or revoke a license granted under this subchapter if it finds that the
14 applicant or licensee has done any of the following:

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

16 448.57 (3) (a) A licensee may voluntarily surrender his or her license to the
17 ~~affiliated credentialing~~ examining board, which may refuse to accept the surrender
18 if the ~~affiliated credentialing~~ examining board has received allegations of
19 unprofessional conduct against the licensee. The ~~affiliated credentialing~~ examining
20 board may negotiate stipulations in consideration for accepting the surrender of
21 licenses.

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

23 448.57 (3) (b) The ~~affiliated credentialing~~ examining board may restore a
24 license that has been voluntarily surrendered under par. (a) on such terms and
25 conditions as it considers appropriate.

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

2 448.57 (4) The ~~affiliated credentialing~~ examining board shall prepare and
3 disseminate to the public an annual report that describes final disciplinary action
4 taken against licensees during the preceding year.

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

6 448.57 (5) The ~~affiliated credentialing~~ examining board may report final
7 disciplinary action taken against a licensee to any national database that includes
8 information about disciplinary action taken against health care professionals.

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

10 **448.58 Injunctive relief.** If the ~~affiliated credentialing~~ examining board has
11 reason to believe that any person is violating this subchapter or any rule
12 promulgated under this subchapter, the ~~affiliated credentialing~~ examining board,
13 the department, the attorney general or the district attorney of the proper county
14 may investigate and may, in addition to any other remedies, bring an action in the
15 name and on behalf of this state to enjoin the person from the violation.

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

17 655.45 (1) For the quarter beginning on July 1, 1986, and for each quarter
18 thereafter, the director of state courts shall file reports complying with sub. (2) with
19 the medical examining board, the physical therapists ~~affiliated credentialing~~
20 therapy examining board, the podiatrists affiliated credentialing board, the board of
21 nursing and the department, respectively, regarding health care providers licensed
22 by the respective bodies.

23 **SECTION 37. Nonstatutory provisions.**

24 (1) TRANSITIONAL PROVISIONS. All members serving terms on the physical
25 therapists affiliated credentialing board on the effective date of this subsection are

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1 transferred on the effective date to the physical therapy examining board; each
2 member's term on the physical therapy examining board shall expire on the date it
3 would have expired on the physical therapists affiliated credentialing board. Any
4 matter pending with the physical therapists affiliated credentialing board on the
5 effective date of this subsection is transferred to the physical therapy examining
6 board and all materials submitted to or actions taken by the physical therapists
7 affiliated credentialing board with respect to the pending matter are considered as
8 having been submitted to or taken by the physical therapy examining board.

9

(END)