

State of Wisconsin



2009 Assembly Bill 275

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2009 WISCONSIN ACT 149

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

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

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 therapy 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 affil-

iated 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:

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

SECTION 4. 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

* Section 991.11, WISCONSIN STATUTES 2007-08 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

do not abridge the rights of the medical examining board, physical therapists ~~affiliated credentialing~~ therapy 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~~ therapy 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 THERAPY EXAMINING
BOARD

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

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

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

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

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

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

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

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

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

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

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

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

~~iated credentialing~~ examining board waives this requirement under sub. (3).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(d) Submits evidence satisfactory to the ~~affiliated credentialing~~ examining board that the applicant is a graduate of a physical therapist assistant educational pro-

gram accredited by an agency that is approved by the ~~affiliated-credentialing~~ examining board.

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 24. 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 individual for a previously diagnosed medical condition after informing the individual's physician, chiropractor, dentist, podiatrist, or advanced practice nurse prescriber certified under s. 441.16 (2) who made the diagnosis. The ~~affiliated-credentialing~~ examining board may promulgate rules establishing additional services that are excepted from the written referral requirements of this subsection.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

448.57 (5) The ~~affiliated-credentialing~~ examining board may report final disciplinary action taken against a licensee to any national database that includes informa-

tion about disciplinary action taken against health care professionals.

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

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

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

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

SECTION 37. Nonstatutory provisions.

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