



# State of Wisconsin

LEGISLATIVE REFERENCE BUREAU



## Appendix A ... segment II

### LRB BILL HISTORY RESEARCH APPENDIX

 The drafting file for

2013 LRB-3092/P3 (For: Senator Shilling)


has been transferred to the drafting file for

**2015 LRB-1667** (For: Senator Shilling)



**RESEARCH APPENDIX -**  
**PLEASE KEEP WITH THE DRAFTING FILE**

Date Transfer Requested: 02/11/2015 (Per: MED)

 The attached draft was incorporated into the new draft listed above. For research purposes the attached materials were added, as an appendix, to the new drafting file. If introduced this section will be scanned and added, as a separate appendix, to the digital drafting file.



State of Wisconsin  
2013 - 2014 LEGISLATURE

ln 3-25-13



LRB-3092/P2 P2

MED:wj:jf

stays

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

Monday  
Tues. 3/21  
14/11

PB

Reger

Ins REL

1 **AN ACT** to renumber 448.970; to amend 15.085 (1m) (b), 146.997 (1) (d) 4.,  
2 155.01 (7), 448.03 (2) (a) and 450.10 (3) (a) 5.; and to create 15.406 (7), 146.81  
3 (1) (eu), 252.14 (1) (ar) 4s., 440.03 (13) (b) 19c., 440.08 (2) (a) 24am. and  
4 subchapter VIII of chapter 448 [precedes 448.971] of the statutes; relating to:  
5 creation of a clinical exercise physiology affiliated credentialing board,  
6 licensure of clinical exercise physiologists, granting rule-making authority,  
7 and providing a penalty.

Insert Analysis

**Analysis by the Legislative Reference Bureau**

This is a preliminary draft. An analysis will be provided in a subsequent version of this draft.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

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

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

\*\*\*\*NOTE: For this draft, I provided that the board must have one public member  
(see SECTION 2). I therefore amended this provision, which governs public members of  
various health care-related boards. If you decide not to include any public members on  
the board or would not like the public member(s) to be subject to this provision, let me  
know.

5           **SECTION 2.** 15.406 (7) of the statutes is created to read:

6           15.406 (7) CLINICAL EXERCISE PHYSIOLOGY AFFILIATED CREDENTIALING BOARD.  
7 There is created in the department of safety and professional services, attached to  
8 the medical examining board, a clinical exercise physiology affiliated credentialing  
9 board. The affiliated credentialing board shall consist of the following 5 members  
10 appointed for 4-year terms:

- 11           (a) Three clinical exercise physiologists licensed under subch. VIII of ch. 448.  
12           (b) One physician.  
13           (c) One public member.

\*\*\*\*NOTE: To administer the licensure of CEPs, I created the Clinical Exercise  
Physiology Affiliated Credentialing Board, attached to the Medical Examining Board,  
with five members as in the Utah bill. Please let me know what changes you would like  
regarding the composition of the board, or let me know if you would like to take a different  
approach regarding the board such as, for example, having an existing board regulate  
CEPs. Note that affiliated credentialing boards are subject to s. 15.085, stats., and must,  
for example, submit proposed rules to the boards to which they are attached.

14           **SECTION 3.** 146.81 (1) (eu) of the statutes is created to read:

15           146.81 (1) (eu) A clinical exercise physiologist licensed under subch. VIII of ch.  
16 448.

\*\*\*\*NOTE: This provision adds CEPs to the list of health care providers for purposes  
of Wisconsin's law relating to confidentiality of and access to medical records.

17           **SECTION 4.** 146.997 (1) (d) 4. of the statutes is amended to read:

1           146.997 (1) (d) 4. A physician, podiatrist, perfusionist, physical therapist, or  
2           physical therapist assistant, or clinical exercise physiologist licensed under ch. 448.

\*\*\*\*NOTE: This provision adds CEPs to the list of providers in the Health Care  
Workers Whistleblowers Protection law.

3           **SECTION 5.** 155.01 (7) of the statutes is amended to read:

4           155.01 (7) "Health care provider" means a nurse licensed or permitted under  
5           ch. 441, a chiropractor licensed under ch. 446, a dentist licensed under ch. 447, a  
6           physician, physician assistant, perfusionist, podiatrist, physical therapist, physical  
7           therapist assistant, occupational therapist, or occupational therapy assistant, or  
8           clinical exercise physiologist licensed under ch. 448, a person practicing Christian  
9           Science treatment, an optometrist licensed under ch. 449, a psychologist licensed  
10          under ch. 455, a partnership thereof, a corporation or limited liability company  
11          thereof that provides health care services, a cooperative health care association  
12          organized under s. 185.981 that directly provides services through salaried  
13          employees in its own facility, or a home health agency, as defined in s. 50.49 (1) (a).

\*\*\*\*NOTE: This provision adds CEPs to the list of providers for purposes of  
Wisconsin's Power of Attorney for Health Care law. The law, for example, prohibits an  
individual's health care provider from serving as the individual's health care agent and  
allows a health care provider to witness the designation of a health care agent and  
includes other provisions.

14          **SECTION 6.** 252.14 (1) (ar) 4s. of the statutes is created to read:

15          252.14 (1) (ar) 4s. A clinical exercise physiologist licensed under subch. VIII of  
16          ch. 448.

\*\*\*\*NOTE: This provision adds CEPs to a list of health care providers for purposes  
of a law prohibiting disparate treatment of individuals who have tested positive for the  
HIV virus.

17          **SECTION 7.** 440.03 (13) (b) 19c. of the statutes is created to read:

18          440.03 (13) (b) 19c. Clinical exercise physiologist.

\*\*\*\*NOTE: I added CEPs here for purposes of a provision that applies to most other  
credentials allowing DSPS to conduct investigations of individuals to check for criminal  
records in accordance with its rules.

1 SECTION 8. 440.08 (2) (a) 24am. of the statutes is created to read:

2 440.08 (2) (a) 24am. Clinical exercise physiologist: January 1 of each  
3 odd-numbered year. *February*

\*\*\*\*NOTE: Most credentials under DSPS and its boards are renewable on a two-year cycle with fixed renewal dates. I arbitrarily chose a renewal date of January 1 of the odd-numbered year, but let me know if you would like something else. You may, for instance, wish to use the same date as is used for some related profession.

4 SECTION 9. 448.03 (2) (a) of the statutes 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 clinical exercise  
7 physiology under subch. VIII, to practice midwifery under subch. XIII of ch. 440, to  
8 practice professional or practical nursing or nurse-midwifery under ch. 441, to  
9 practice chiropractic under ch. 446, to practice dentistry or dental hygiene under ch.  
10 447, to practice optometry under ch. 449, to practice acupuncture under ch. 451 or  
11 under any other statutory provision, or as otherwise provided by statute.

\*\*\*\*NOTE: This provision simply provides that CEPs are not required to be licensed by the Medical Examining Board on the basis of the duties they perform.

12 SECTION 10. 448.970 of the statutes is renumbered 448.9695.

13 SECTION 11. Subchapter VIII of chapter 448 [precedes 448.971] of the statutes  
14 is created to read:

15 CHAPTER 448

16 SUBCHAPTER VIII

17 CLINICAL EXERCISE PHYSIOLOGY

18 AFFILIATED CREDENTIALING BOARD

19 448.971 **Definitions.** In this subchapter:

20 (1) "Board" means the clinical exercise physiology affiliated credentialing  
21 board.

1           (2) “Clinical exercise physiologist” means an individual who holds a license to  
2 practice clinical exercise physiology granted by the board.

3           (3) “Practice of clinical exercise physiology” means any of the following:

4           (a) Administering clinical exercise tests to patients who have cardiovascular,  
5 pulmonary, or metabolic disease.

6           (b) Developing and implementing exercise training protocols and programs for  
7 patients who have cardiovascular, pulmonary, or metabolic disease.

8           (c) Providing patients with education and instruction based upon clinical  
9 exercise test outcomes and exercise training protocols and programs.

10           (d) Upon referral by a physician, prescribing exercise as a therapeutic tool to  
11 prevent cardiovascular, pulmonary, or metabolic disease.

\*\*\*\*NOTE: I crafted this definition of clinical exercise physiology based on language  
in the Utah bill. Please let me know if you would like changes or a different definition  
altogether.

12           **448.972 Use of title.** No person may do any of the following unless he or she  
13 is licensed by the board under s. 448.973:

14           (1) Hold oneself out as a clinical exercise physiologist.

15           (2) Use in connection with his or her name the title “clinical exercise  
16 physiologist”; the words or letters “C.E.P.” or “L.C.E.P.”; or any other words, letters,  
17 abbreviation, or insignia indicating that he or she is a clinical exercise physiologist  
18 or a licensed clinical exercise physiologist.

\*\*\*\*NOTE: This provision simply prohibits persons not licensed as CEPs from using  
the CEP title or from holding themselves out as such. If desired, I could also add language  
prohibiting persons not so licensed from engaging in the practice of clinical exercise  
physiology. If you would like such language added to the bill, then it will be especially  
important to ensure that we sufficiently describe the practice of clinical exercise  
physiology and identify all necessary exceptions to ensure that, for example, other  
licensed professionals are not required to be licensed as CEPs. See ss. 448.62, 448.962  
(1), and 455.02 (2m), stats., for examples of provisions providing for such exceptions.

① **448.973 License. (1) INITIAL LICENSE.** The board shall grant <sup>g an initial</sup> license to  
2 practice clinical exercise physiology to any person who satisfies all of the following  
3 requirements:

4 (a) The person submits an application on a form provided by the department  
5 and pays the initial credential fee determined by the department under s. 440.03 (9)

6 (a).

7 (b) The person is at least 18 years of age.

8 (c) The person possesses a master's degree in exercise physiology or a related  
9 field, as determined by the board.

10 (d) The person provides <sup>e evidence of having completed</sup> proof of completing at least 600 hours of qualifying  
11 clinical experience, as determined by the board.

12 (e) The person provides evidence of certification as a clinical exercise specialist  
13 or as a registered clinical exercise physiologist by the American College of Sports  
14 Medicine or a successor organization.

15 (f) The person provides evidence of completing complete advanced cardiac life  
16 support or basic life support training.

17 (g) <sup>e (f)</sup> Subject to ss. 111.321, 111.322, and 111.335, the person does not have an  
18 arrest or conviction record.

19 (2) LICENSE RENEWAL. (a) On or before the applicable renewal date specified  
20 under s. 440.08 (2) (a), a person issued a license under sub. (1) <sup>or (3)</sup> shall submit all of the  
21 following to the board on a form furnished by the department with the applicable  
22 renewal fee determined by the department under s. 440.03 (9) (a):

23 1. A statement giving his or her name and residence.

24 2. Proof <sup>e Evidence</sup> of having completed any examination or continuing education  
25 requirements that the board requires by rule.

Ins  
6-11

1 3. Any other information that the board requires by rule.

2 (b) The board shall grant to a person who satisfies the requirements under par.

3 (a) the renewal of his or her clinical exercise physiologist license.

4 **448.974 Rules.** (1) The board shall promulgate rules to implement this  
5 subchapter, including all of the following: *and (3)(a)2. and (3)(b)2. and 4b*

6 (a) Rules establishing licensure requirements under s. 448.973 (1) (c) and (d)

7 (b) Rules defining a scope of practice for clinical exercise physiologists.

8 (c) Rules defining what constitutes unprofessional conduct for clinical exercise  
9 physiologists, for purposes of s. 448.975 (2) (d).

10 (2) The board may promulgate rules establishing requirements for license  
11 renewal under s. 448.973 (2) (a) 2. and 3.

\*\*\*NOTE: This provision allows, but does not require, the board to promulgate rules specifying renewal requirements for licensees.

12 **448.975 Discipline.** (1) Subject to the rules promulgated under s. 440.03 (1),  
13 the board may conduct investigations and hearings to determine whether a person  
14 has violated this subchapter or a rule promulgated under this subchapter.

15 (2) Subject to the rules promulgated under s. 440.03 (1), if a person who applies  
16 for or holds a license issued under s. 448.973 does any of the following, the board may  
17 reprimand the person or deny, limit, suspend, or revoke the person's license:

18 (a) Makes a material misstatement in an application for a license or an  
19 application for renewal of a license under s. 448.973.

20 (b) Violates any law of this state or federal law that substantially relates to the  
21 practice of clinical exercise physiology, violates this subchapter, or violates a rule  
22 promulgated under this chapter.

23 (c) Advertises, practices, or attempts to practice under another person's name.



1 (d) Engages in unprofessional conduct.

2 (e) Subject to ss. 111.321, 111.322, and 111.335, is arrested for or convicted of  
3 an offense, the circumstances of which substantially relate to the practice of clinical  
4 exercise physiology.

\*\*\*\*NOTE: This provision related to discipline is largely modeled after s. 462.07, stats. Please let me know what changes you would like to this provision.

5 **448.976 Penalties.** Any person who violates this subchapter is subject to a  
6 fine not to exceed \$10,000 or imprisonment not to exceed 9 months, or both.

\*\*\*\*NOTE: This general penalty provision applies to violations of any provision in the bill. Let me know if you would to modify or eliminate this provision, or modify it to apply only to certain violations.

7 **SECTION 12.** 450.10 (3) (a) 5. of the statutes is amended to read:

8 450.10 (3) (a) 5. A physician, physician assistant, podiatrist, physical  
9 therapist, physical therapist assistant, occupational therapist, or occupational  
10 therapy assistant, or clinical exercise physiologist licensed under ch. 448.

\*\*\*\*NOTE: This provision adds CEPs to a list of health care providers for purposes of a law protecting health care providers who report violations relating to the Pharmacy Practice Act and the Uniform Controlled Substances Act.

11 **SECTION 13. Nonstatutory provisions.**

12 (1) BOARD; INITIAL TERMS. Notwithstanding the length of terms specified for the  
13 members of the clinical exercise physiology affiliated credentialing board under  
14 section 15.406 (7) of the statutes, as created by this act, 2 of the initial members shall  
15 be appointed for terms expiring on July 1, 2015, 2 of the initial members shall be  
16 appointed for terms expiring on July 1, 2016, and the remaining initial member shall  
17 be appointed for a term expiring on July 1, 2017.

\*\*\*\*NOTE: Boards generally have members serving staggered terms so that the terms of all members do not expire at the same time. You may wish or need to adjust the dates here based on the composition of the board and the anticipated date of enactment. I can also modify this provision to provide for the appointments of specific spots on the board.

1 (2) BOARD; INITIAL CLINICAL EXERCISE PHYSIOLOGIST MEMBERS. Notwithstanding  
2 section 15.406 (7) (a) of the statutes, as created by this act, the initial members  
3 appointed to the clinical exercise physiology affiliated credentialing board under  
4 section 15.406 (7) (a) of the statutes, as created by this act, may be persons who are  
5 engaged in the practice of clinical exercise physiology, as defined in section 448.971  
6 (3) of the statutes, as created by this act, but who are not licensed under section  
7 448.973 of the statutes, as created by this act.

\*\*\*\*NOTE: Because licensure of CEPs is new, this provision allows the initial CEP members of the board to be persons who are not yet licensed.

8 **SECTION 14. Effective dates.** This act takes effect on the 1st day of the 12th  
9 month beginning after publication, except as follows:

10 (1) The treatment of section 448.972 of the statutes takes effect on the first day  
11 of the 24th month beginning after the effective date of this subsection.

\*\*\*\*NOTE: This provision delays the provision prohibiting use of the CEP title for two years to give individuals time to become licensed. Let me know if you want to adjust this timeline or handle this differently.

12

(END)

le [ms 9-7]

**INSERT REL**

- 1 extending the time limit for emergency rule procedures, providing an  
2 exemption from emergency rule procedures,

**INSERT ANALYSIS**

*working with individuals who have chronic medical conditions for which exercise training has been shown to have a therapeutic benefit*

This bill regulates the practice of clinical exercise physiology, defined in the bill to include administering clinical exercise assessments to individuals who have or are at risk for cardiovascular, pulmonary, or other chronic medical conditions; providing individuals with education and instruction based upon medical history, clinical assessment outcomes, and exercise training principles; and developing and implementing exercise training protocols and programs for individuals who have or are at risk for cardiovascular, pulmonary and other chronic medical conditions *and for whom* exercise training has been shown to have a therapeutic benefit. Under the bill, no one may use the title "clinical exercise physiologist" or make similar representations without a license to practice clinical exercise physiology. A license is granted by *the* a five-member Clinical Exercise Physiology Affiliated Credentialing Board (board), created in the bill. *which* The board, under the bill, is attached for limited purposes to the Medical Examining Board, which regulates physicians and certain other professions. *(license)*

*all of*

Under the bill, the board may grant an initial license to a person who is at least 18 years of age, holds a master's degree in exercise physiology or a related field, is certified by the American College of Sports Medicine or a successor organization, has at least 600 hours of qualifying clinical experience, and pays a fee. The bill also allows the board, for one year after the requirement in the bill to obtain a license goes into effect, to grant an initial license to practice clinical exercise physiology to certain individuals who cannot satisfy the requirements described above but who satisfy certain experience and other requirements.

The bill includes provisions for the professional discipline of licensees, which allow the board to take certain actions against a licensee who violates certain prohibitions in the bill.

The bill requires the board to promulgate rules that establish the qualifying degrees and qualifying clinical experience that are required for licensure, a scope of practice for clinical exercise physiologists, and standards for what constitutes unprofessional conduct for a clinical exercise physiologist.

Finally, the bill also applies certain other laws, such as the law providing for confidentiality of health care records and the health care workers whistleblowers protection law, to licensed clinical exercise physiologists.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

**INSERT 5-3**

1 (a) Working with individuals who have chronic medical conditions for which  
2 exercise training has been shown to have a therapeutic benefit.

3 (b) Administering clinical exercise assessments to individuals who have or are  
4 at risk for cardiovascular, pulmonary, or other chronic medical conditions.

5 (c) Providing individuals with education and instruction based upon medical  
6 histories, clinical assessment outcomes, and exercise training principles.

7 (d) Developing and implementing exercise training protocols and programs for  
8 individuals who have or are at risk for cardiovascular, pulmonary, or other chronic  
9 medical conditions for which exercise training has been shown to have a therapeutic  
10 benefit.

11 (e) Any other practice as defined by the board by rule.

\*\*\*\*NOTE: I used "individuals" as in the instructions, but you may wish to use "patients" instead unless there is a reason not to.

**INSERT 6-11**

12 (e) The person provides evidence of certification as a clinical exercise specialist  
13 or as a registered clinical exercise physiologist by the American College of Sports  
14 Medicine, by a successor organization, or as determined by the board.

**INSERT 7-3**

15 (3) PRIOR PRACTICE. (a) Notwithstanding sub. (1) and subject to par. (c), the  
16 board shall grant an initial license to practice clinical exercise physiology to any  
17 person who satisfies all of the following requirements:

18

1. The person satisfies <sup>the requirements under</sup> sub. (1) (a), (b), and (f).

\*\*\*\*NOTE: I still wasn't clear if these people would have to be certified, but it sounded like they would not necessarily be, so I exempted them from that requirement.

I also exempted them from the requirement to have at least 600 hours of clinical experience, because I assumed that was superseded by the hours of experience requirement below. Let me know if either of these assumptions was incorrect.

1           2. The person possesses a bachelor's or master's degree in exercise science,  
2 exercise physiology, adult fitness or cardiac rehabilitation, human performance, or  
3 kinesiology, or possesses another related <sup>qualifying</sup> exercise science degree, as determined by  
4 the board.

5           3. The person provides <sup>evidence satisfactory to the board</sup> proof of having been employed to engage in the practice  
6 of clinical exercise physiology full time in the 5-year period prior to the effective date  
7 of this subdivision .... [LRB inserts date], or proof of having been employed to engage  
8 in the practice of clinical exercise physiology for 10,000 hours or more in the 10-year  
9 period prior to the effective date of this subdivision .... [LRB inserts date].

\*\*\*\*NOTE: Please read this carefully and let me know if I did not capture the intent.

\*\*\*\*NOTE: FYI, the bill has placeholders that say "[LRB inserts date]" where there is a date that will be determined based upon when the bill passes. Following enactment, we will replace these placeholders with the relevant dates.

10           (b) Notwithstanding sub. (1) and subject to par. (c), the board shall grant an  
11 initial license to practice clinical exercise physiology to any person who satisfies all  
12 of the following requirements:

13           1. The person satisfies <sup>the requirements under</sup> sub. (1) (a), (b), and (f).

\*\*\*\*NOTE: I also exempted these grandfatherees from the requirement to have at least 600 hours of clinical experience, because I assumed that was superseded by the hours of experience requirement below. Let me know if this assumption was incorrect.

14           2. The person possesses a bachelor's or master's degree in exercise science,  
15 exercise physiology, adult fitness or cardiac rehabilitation, human performance, or  
16 kinesiology, or possesses another related exercise science degree, as determined by  
17 the board.

18           3. The person provides <sup>evidence satisfactory to the board</sup> proof of having been employed to engage in the practice  
19 of clinical exercise physiology full time in the <sup>EP</sup> 1-year period prior to the effective date

1 of this subdivision .... [LRB inserts date], or <sup>e</sup>(proof) of having been employed to engage  
2 in the practice of clinical exercise physiology for 2,000 hours or more in the 5-year  
3 period prior to the effective date of this subdivision .... [LRB inserts date].

4 4. The person has has passed the American College of Sports Medicine's  
5 Registered Clinical Exercise Physiologist or Clinical Exercise Specialist  
6 examination, or an equivalent examination, as determined by the board, in the  
7 5-year period prior the effective date of this subdivision .... [LRB inserts date].

8 (c) This subsection does not apply after the (1st) day of the 24th month beginning <sup>SP</sup>  
9 after the effective date of this paragraph .... [LRB inserts date].

\*\*\*\*NOTE: See the note at the end of this draft. This provides that the  
grandfathering provisions expire one year after the licensure requirement kicks in.

**INSERT 8-17**

\*\*\*\*NOTE: These dates will probably need to be advanced when this draft is carried  
over to the next session.

**INSERT 9-7**

10 (0) EMERGENCY RULES. Using the procedure under section 227.24 of the statutes,  
11 the clinical exercise physiology affiliated credentialing board may promulgate rules  
12 under section 448.974 of the statutes, as created by this act. Notwithstanding section  
13 227.24 (1) (c) and (2) of the statutes, emergency rules promulgated under this  
14 subsection remain in effect for 2 years or until the date on which permanent rules  
15 take effect, whichever is sooner. Notwithstanding section 227.24 (1) (a) and (3) of the  
16 statutes, the board is not required to provide evidence that promulgating a rule  
17 under this subsection as an emergency rule is necessary for the preservation of the  
18 public peace, health, safety, or welfare and is not required to provide a finding of  
19 emergency for a rule promulgated under this subsection.

\*\*\*\*NOTE: This lets the board do emergency rules, which could stay into effect for  
up to 2 years, or until permanent rules take effect, whichever comes sooner.

1           **SECTION 1. Effective dates.** This act takes effect on the day after publication,  
2 except as follows:

3           (1) The treatment of sections 146.81 (1) (eu), 146.997 (1) (d) 4., 155.01 (7),  
4 252.14 (1) (ar) 4s., 440.03 (13) (b) 19c., 440.08 (2) (a) 24am., 448.03 (2) (a), 448.972,  
5 448.973, 448.975, 448.976, 450.10 (3) (a) 5. of the statutes takes effect on the 1st day  
6 of the 12th month beginning after publication.

\*\*\*\*NOTE: For the sake of simplicity and because the draft can't ascertain the precise date that rules would be finished, I drafted the effective date to be upon enactment, except that the requirement to obtain a license and related provisions would be delayed for one year. Per the provision above, the board would be able to do emergency rules. Note, however, that this would mean that the governor would need to appoint the members to the board, and the board would have to complete the emergency rule process, all within one year, and that at the one year point, the licensure requirement would kick in. My suggestion would be to ask DSPS if this timeline seems reasonable. If more time is needed, we can adjust the dates accordingly.

## Duchek, Michael

---

**From:** Houdek, Nathan  
**Sent:** Tuesday, August 12, 2014 3:15 PM  
**To:** Duchek, Michael  
**Subject:** RE: CEP bill 2 minor edits

Yes, that is correct. Thanks.

---

**From:** Duchek, Michael  
**Sent:** Monday, August 11, 2014 8:56 AM  
**To:** Houdek, Nathan  
**Subject:** RE: CEP bill 2 minor edits

So this would mean that people who sat for the clinical exercise specialist exam could not be initial board members, but they could otherwise become licensed CEPs under the bill (and therefore, once licensed, they could become board members later on pursuant to page 3, line 7). Just want to make sure that's correct. If so, that's fine and yes I will get you a /P3 version. Let me know,

-Mike

---

**From:** Houdek, Nathan  
**Sent:** Friday, August 08, 2014 2:25 PM  
**To:** Duchek, Michael  
**Subject:** RE: CEP bill 2 minor edits

Hi Michael –

One additional edit to the CEP licensure bill.

Instead of saying:

*“shall be registered/certified as a clinical exercise specialist or as a registered clinical exercise physiologist by the American College of Sports Medicine.”*

We would like to use this language:

*“shall be registered/certified as a registered clinical exercise physiologist by the American College of Sports Medicine.”*

The reason is that the local advocates feel that PTs “could” sit for the Clinical Exercise Specialist exam so we would want that removed.

Does that work? And can you send an updated draft after you've had a chance to make this revision?

Thanks.

- Nathan



---

**From:** Duchek, Michael  
**Sent:** Thursday, June 26, 2014 2:10 PM  
**To:** Houdek, Nathan  
**Subject:** RE: CEP bill 2 minor edits

Nathan,

I took another look at this. Given the concerns about the language referenced below in green highlight, I thought I'd try rewriting this to make it more clear (though I think it means the same thing), and I had the thought that maybe instead of saying "shall (we usually say "shall" instead of "must" in drafting) be engaged in the practice of clinical exercise physiology..." we should instead say something like "shall be registered/certified as a clinical exercise specialist or as a registered clinical exercise physiologist by the American College of Sports Medicine." That way you can be sure PTs won't be eligible and that only people who are certified by the ACSM could get initial board appointments. Would that be a desirable change, for additional clarity?

-Mike

---

**From:** Houdek, Nathan  
**Sent:** Tuesday, June 24, 2014 11:14 AM  
**To:** Duchek, Michael  
**Subject:** FW: CEP bill 2 minor edits

Mike – Below are the responses from our local advocates to the questions you had raised last month. Let me know if any of these suggestions don't make sense from a drafting standpoint, or if you have any follow up questions for them.

Thanks.  
- Nathan

---

**From:** Anderson, Bonnie [<mailto:BAnderson@vmh.org>]  
**Sent:** Friday, June 20, 2014 2:35 PM  
**To:** Houdek, Nathan  
**Subject:** RE: CEP bill 2 minor edits

Hi Nathan

Here are the comments from our group related to the bill:

- I. CEP Licensure Bill Draft Final Edits
  - A. **Page 5, Line 11:** Use of the word "individuals" versus "patients". Agree with the use of the word individual.
  - B. **Page 6, Line 14-16:** Rewrite as "(e) The person provides evidence of certification as a clinical exercise specialist or as a registered clinical exercise physiologist by the American College of Sports Medicine or if not existent, then an equivalent exam as determined by the board".
  - C. **Page 7, Line 7:** Drafter's assumptions are correct
  - D. **Page 7, Line 12-17:** keep as drafted (no changes after much discussion of intended grandfather clause)
  - E. **Page 8, Line 12-15:** "4. The person has passed the American College of Sports Medicine's Registered Clinical Exercise Physiologist or Clinical Exercise Specialist in

the 5-year period prior to the effective date of this subdivision". (omit "or an equivalent exam as determined by the board").

(Also note that on p.8, line 12, there are 2 "has"...omit one)

Page 10, Line 14: Use of the word "may" versus "must". Use the word "must" in order to deem that initial board members are to be comprised of CEPs only (with additional physician and [redacted] public member). We are concerned that the use of the word "may" allows other disciplines (i.e. PT) to sit on the board which would not be beneficial to the CEP profession.

Please let me know if either you or the drafting attorney have any additional comments or questions.  
Thanks!!

*Bonnie*

Bonnie Anderson, MS  
[banderson@vmh.org](mailto:banderson@vmh.org)  
608-637-4292

---

**From:** Houdek, Nathan [<mailto:Nathan.Houdek@legis.wisconsin.gov>]  
**Sent:** Wednesday, May 14, 2014 3:44 PM  
**To:** Anderson, Bonnie  
**Subject:** RE: CEP bill 2 minor edits

Bonnie –

See the comments from the drafting attorney below (in red).

**Page 7 – Line 13 – can the distinction of ‘full time’ be removed?**

Yes, but then it would mean that they would only have to be employed for any amount of time in the past 5 years. So, even if they only worked a very short amount of time in the past 5 years, that would be enough. Is that the intent? See also page 8, line 7. Did you want to modify that reference to "full time" too?

**Page 10 – Lines 14 – can it say the person “must be engaged in the practice” instead of “may be persons who are engaged” ?**

This is the language that has been used in the past in other bills and I think it already means that (i.e., they don't have to be licensed because there won't be any licenses yet, but they still have to be people who are engaged in the practice) and reads a little better as is, but we can change that word if you really want.

Based on his comments, do you still want to make those changes?

--  
**Nathan D. Houdek**  
**Office of Senator Jennifer Shilling**  
608.266.5490  
20 South, State Capitol



---

**From:** Anderson, Bonnie [<mailto:BAAnderson@vmh.org>]

**Sent:** Wednesday, May 07, 2014 10:44 AM

**To:** Houdek, Nathan

**Subject:** RE: CEP bill 2 minor edits

Hi Nathan,

The CEP team had just three very minor changes/questions:

**Page 7 – Line 13 – can the distinction of ‘full time’ be removed?**

**Page 8 – Line 12 – typo- note that there are two “has” printed. Omit one.**

**Page 10 – Lines 14 – can it say the person “must be engaged in the practice” instead of “may be persons who are engaged” ?**

Let me know what is the next step...

*Bonnie*

Bonnie Anderson, MS

[banderson@vmh.org](mailto:banderson@vmh.org)

608-637-4292

---

**From:** Houdek, Nathan [<mailto:Nathan.Houdek@legis.wisconsin.gov>]

**Sent:** Tuesday, April 15, 2014 4:33 PM

**To:** Anderson, Bonnie

**Subject:** RE: CEP bill 2 minor edits

Hi Bonnie – I actually just received a revised draft a couple days ago (see attached), so that is good timing. Feel free to share it with the members of the National Organization and get their feedback.

Hopefully, the edits that you wanted from the previous draft were properly incorporated into this draft. I have not had a chance to look it over closely yet, but I am planning to do that in the next few days.

Once you have had a chance to review and discuss this draft, let me know if there are any additional revisions you would like to request.

Thanks.

- Nathan

--

**Nathan D. Houdek**

**Office of Senator Jennifer Shilling**

608.266.5490

20 South, State Capitol



---

**From:** Anderson, Bonnie [<mailto:BAAnderson@vmh.org>]  
**Sent:** Tuesday, April 15, 2014 11:12 AM  
**To:** Houdek, Nathan  
**Subject:** RE: CEP bill 2 minor edits

Hi Nathan

Just wondering if you know any updates related to the bill draft.

We are meeting with another National Organization to see what additional support they could provide for us so would love to be able to give them an update on the progress on the bill.

Thanks Nathan!

*Bonnie*

Bonnie Anderson, MS  
[banderson@vmh.org](mailto:banderson@vmh.org)  
608-637-4292




---

**From:** Houdek, Nathan [<mailto:Nathan.Houdek@legis.wisconsin.gov>]  
**Sent:** Wednesday, March 19, 2014 11:13 AM  
**To:** Anderson, Bonnie  
**Subject:** RE: CEP bill 2 minor edits

Thanks. I have forwarded your responses to the drafting attorney. I'll let you know if he needs additional clarification. I also gave him your e-mail address, so he might just contact you directly with questions. I asked him to CC me on any correspondence regarding this bill draft.

Thanks.

--

**Nathan D. Houdek**  
**Office of Senator Jennifer Shilling**  
608.266.5490  
20 South, State Capitol  
  

---

**From:** Anderson, Bonnie [<mailto:BAAnderson@vmh.org>]  
**Sent:** Tuesday, March 18, 2014 2:45 PM  
**To:** Houdek, Nathan  
**Subject:** RE: CEP bill 2 minor edits

Hi Nathan

Here are the answers to the questions you and Mike had. Please let me know if this is adequate and makes sense to you or if you have additional questions.

I will be out of the office now until April 1<sup>st</sup> but will try to check back here periodically if you have additional questions.

Thanks so much for your very prompt response!!

Have a great day~

*Bonnie*

Bonnie Anderson, MS  
[banderson@vmh.org](mailto:banderson@vmh.org)  
608-637-4292

---

**From:** Houdek, Nathan [<mailto:Nathan.Houdek@legis.wisconsin.gov>]  
**Sent:** Thursday, March 13, 2014 3:17 PM  
**To:** Anderson, Bonnie  
**Subject:** FW: CEP bill 2 minor edits

Bonnie – Here are the comments from the drafting attorney regarding your requested changes to the bill draft:

*Requested changes seem pretty straightforward. But I do have a couple questions:*

1.) *In the grandfathering provisions it says “without examination.” However, nothing in the /P1 version references an examination. So what is “without examination” referring to? Does this mean that people who are grandfathered don’t have to be certified by the ACSM, etc.? We are hoping that just deleting the “without examination” would address your question:*

*(a) A license as a Clinical Exercise Physiologist may be issued ~~without examination~~ to an applicant who does not meet the educational requirements, if the applicant has a Bachelor’s or Master’s degree in human performance,...*

*And in the second grandfathering provision, it says “PLUS has passed the American College of Sports Medicine’s Registered Clinical Exercise Physiologist or Clinical Exercise Specialist examination or equivalent as determined by the board in the last 5 years preceding the effective date of regulations implementing this act.” ~~Is a distinction being made between passing the examination for certification and being certified, or are they the same thing?~~ This was our intension: Or is this for people who have perhaps taken the examination and become certified and let their certification lapse?*

2.) *Did you still want emergency rulemaking authority? I took another look at the last act that created a brand new board and credentialing requirement (2009 Act 106), and it looks like what they did was to have the whole bill take effect immediately, but to delay the requirement to get a license for 2 years, which is what I had in mind and should be enough to do regular rules. So you may want to just go with this for now unless DSPS thinks this will not be enough time. We would like it to take effect immediately and would also like to have the emergency rulemaking authority so that we could potentially have the rules take effect sooner than 2 years if possible. Does that make sense to you and Mike?*

Let me know how you would like to proceed regarding these outstanding issues, and I will follow up with Mike accordingly.

Thanks,  
- Nathan

--  
**Nathan D. Houdek**  
**Office of Senator Jennifer Shilling**  
608.266.5490  
20 South, State Capitol



---

**From:** Duchek, Michael  
**Sent:** Monday, March 10, 2014 2:19 PM  
**To:** Houdek, Nathan  
**Subject:** RE: CEP bill 2 minor edits

Nathan,

Requested changes seem pretty straightforward. But I do have a couple questions:

- 1.) In the grandfathering provisions it says "without examination." However, nothing in the /P1 version references an examination. So what is "without examination" referring to? Does this mean that people who are grandfathered don't have to be certified by the ACSM, etc.?

And in the second grandfathering provision, it says "PLUS has passed the American College of Sports Medicine's Registered Clinical Exercise Physiologist or Clinical Exercise Specialist examination or equivalent as determined by the board in the last 5 years preceding the effective date of regulations implementing this act." Is a distinction being made between passing the examination for certification and being certified, or are they the same thing? Or is this for people who have perhaps taken the examination and become certified and let their certification lapse?

Bonnie is welcome to call me about this if that would help.

- 2.) Did you still want emergency rulemaking authority? I took another look at the last act that created a brand new board and credentialing requirement (2009 Act 106), and it looks like what they did was to have the whole bill take effect immediately, but to delay the requirement to get a license for 2 years, which is what I had in mind and should be enough to do regular rules. So you may want to just go with this for now unless DSPS thinks this will not be enough time.

-Mike

---

**From:** Houdek, Nathan  
**Sent:** Monday, March 10, 2014 10:25 AM  
**To:** Duchek, Michael  
**Subject:** FW: CEP bill 2 minor edits

Hi Mike – Attached are the edits to the CEP licensure bill from our meeting earlier this month. Please let me know if you need clarification or additional information regarding these edit requests.

Thanks,  
- Nathan

--

Nathan D. Houdek  
**Office of Senator Jennifer Shilling**  
20 South, State Capitol  
Phone: 608.266.5490  
E-mail: [nathan.houdek@legis.wisconsin.gov](mailto:nathan.houdek@legis.wisconsin.gov)

---

**From:** Anderson, Bonnie [<mailto:Banderson@vmh.org>]  
**Sent:** Monday, March 03, 2014 12:28 PM  
**To:** Houdek, Nathan  
**Subject:** CEP bill 2 minor edits

Hi Nathan  
Just a couple minor grammatical changes (in red) attached.  
These were sent at the 11<sup>th</sup> hour...so sorry.

*Bonnie*

Bonnie Anderson, MS  
[banderson@vmh.org](mailto:banderson@vmh.org)  
608-637-4292

---

IF YOU RECEIVE THIS MESSAGE IN ERROR, PLEASE CONTACT THE SENDER IMMEDIATELY AND THEN DESTROY THE SENT MATERIALS.

CONFIDENTIALITY NOTICE:

The information contained in this message is privileged and confidential information intended for the use of the individual or entity named above. Health Care Information is personal and sensitive and should only be read by authorized individuals. Failure to maintain confidentiality is subject to penalties under state and federal law.



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

stays

Insert

Today if possible. TX.

Reger

1 AN ACT *to renumber* 448.970; *to amend* 15.085 (1m) (b), 146.997 (1) (d) 4.,  
2 155.01 (7), 448.03 (2) (a) and 450.10 (3) (a) 5.; and *to create* 15.406 (7), 146.81  
3 (1) (eu), 252.14 (1) (ar) 4s., 440.03 (13) (b) 19c., 440.08 (2) (a) 24am. and  
4 subchapter VIII of chapter 448 [precedes 448.971] of the statutes; **relating to:**  
5 creation of a clinical exercise physiology affiliated credentialing board,  
6 licensure of clinical exercise physiologists, extending the time limit for  
7 emergency rule procedures, providing an exemption from emergency rule  
8 procedures, granting rule-making authority, and providing a penalty.

***Analysis by the Legislative Reference Bureau***

This bill regulates the practice of clinical exercise physiology, defined in the bill to include working with individuals who have chronic medical conditions for which exercise training has been shown to have a therapeutic benefit; administering clinical exercise assessments to individuals who have or are at risk for cardiovascular, pulmonary, or other chronic medical conditions; providing individuals with education and instruction based upon medical history, clinical assessment outcomes, and exercise training principles; and developing and implementing exercise training protocols and programs for individuals who have or are at risk for cardiovascular, pulmonary, and other chronic medical conditions for



which exercise training has been shown to have a therapeutic benefit. Under the bill, no one may use the title “clinical exercise physiologist” or make similar representations without a license to practice clinical exercise physiology (license). A license is granted by the five-member Clinical Exercise Physiology Affiliated Credentialing Board (board), created in the bill. Under the bill, the board is attached for limited purposes to the Medical Examining Board, which regulates physicians and certain other professions.

Under the bill, the board may grant an initial license to a person who is at least 18 years of age, holds a master’s degree in exercise physiology or a related field, is certified by the American College of Sports Medicine or a successor organization, has at least 600 hours of qualifying clinical experience, and pays a fee. The bill also allows the board, for one year after the requirement in the bill to obtain a license goes into effect, to grant an initial license to practice clinical exercise physiology to certain individuals who cannot satisfy all of the requirements described above but who satisfy certain experience and other requirements.

The bill requires the board to promulgate rules that establish the qualifying degrees and qualifying clinical experience that are required for licensure, a scope of practice for clinical exercise physiologists, and standards for what constitutes unprofessional conduct for a clinical exercise physiologist.

The bill includes provisions for the professional discipline of licensees, which allow the board to take certain actions against a licensee who violates certain prohibitions in the bill.

Finally, the bill also applies certain other laws, such as the law providing for confidentiality of health care records and the health care workers whistleblowers protection law, to licensed clinical exercise physiologists.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

---

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

- 1           **SECTION 1.** 15.085 (1m) (b) of the statutes is amended to read:
- 2           15.085 **(1m)** (b) The public members of the podiatry affiliated credentialing
- 3 board ~~or~~, occupational therapists affiliated credentialing board, or clinical exercise
- 4 physiology affiliated credentialing board shall not be engaged in any profession or
- 5 occupation concerned with the delivery of physical or mental health care.

1           **SECTION 2.** 15.406 (7) of the statutes is created to read:

2           **15.406 (7) CLINICAL EXERCISE PHYSIOLOGY AFFILIATED CREDENTIALING BOARD.**

3           There is created in the department of safety and professional services, attached to  
4           the medical examining board, a clinical exercise physiology affiliated credentialing  
5           board. The affiliated credentialing board shall consist of the following 5 members  
6           appointed for 4-year terms:

7           (a) Three clinical exercise physiologists licensed under subch. VIII of ch. 448.

8           (b) One physician.

9           (c) One public member.

10          **SECTION 3.** 146.81 (1) (eu) of the statutes is created to read:

11          **146.81 (1) (eu)** A clinical exercise physiologist licensed under subch. VIII of ch.  
12          448.

13          **SECTION 4.** 146.997 (1) (d) 4. of the statutes is amended to read:

14          **146.997 (1) (d) 4.** A physician, podiatrist, perfusionist, physical therapist, or  
15          physical therapist assistant, or clinical exercise physiologist licensed under ch. 448.

16          **SECTION 5.** 155.01 (7) of the statutes is amended to read:

17          **155.01 (7)** “Health care provider” means a nurse licensed or permitted under  
18          ch. 441, a chiropractor licensed under ch. 446, a dentist licensed under ch. 447, a  
19          physician, physician assistant, perfusionist, podiatrist, physical therapist, physical  
20          therapist assistant, occupational therapist, or occupational therapy assistant, or  
21          clinical exercise physiologist licensed under ch. 448, a person practicing Christian  
22          Science treatment, an optometrist licensed under ch. 449, a psychologist licensed  
23          under ch. 455, a partnership thereof, a corporation or limited liability company  
24          thereof that provides health care services, a cooperative health care association

1 organized under s. 185.981 that directly provides services through salaried  
2 employees in its own facility, or a home health agency, as defined in s. 50.49 (1) (a).

3 **SECTION 6.** 252.14 (1) (ar) 4s. of the statutes is created to read:

4 252.14 (1) (ar) 4s. A clinical exercise physiologist licensed under subch. VIII of  
5 ch. 448.

6 **SECTION 7.** 440.03 (13) (b) 19c. of the statutes is created to read:

7 440.03 (13) (b) 19c. Clinical exercise physiologist.

8 **SECTION 8.** 440.08 (2) (a) 24am. of the statutes is created to read:

9 440.08 (2) (a) 24am. Clinical exercise physiologist: February 1 of each  
10 odd-numbered year.

11 **SECTION 9.** 448.03 (2) (a) of the statutes is amended to read:

12 448.03 (2) (a) Any person lawfully practicing within the scope of a license,  
13 permit, registration, certificate or certification granted to practice clinical exercise  
14 physiology under subch. VIII, to practice midwifery under subch. XIII of ch. 440, to  
15 practice professional or practical nursing or nurse-midwifery under ch. 441, to  
16 practice chiropractic under ch. 446, to practice dentistry or dental hygiene under ch.  
17 447, to practice optometry under ch. 449, to practice acupuncture under ch. 451 or  
18 under any other statutory provision, or as otherwise provided by statute.

19 **SECTION 10.** 448.970 of the statutes is renumbered 448.9695.

20 **SECTION 11.** Subchapter VIII of chapter 448 [precedes 448.971] of the statutes  
21 is created to read:

22 **CHAPTER 448**

23 **SUBCHAPTER VIII**

24 **CLINICAL EXERCISE PHYSIOLOGY**

25 **AFFILIATED CREDENTIALING BOARD**

1           **448.971 Definitions.** In this subchapter:

2           (1) “Board” means the clinical exercise physiology affiliated credentialing  
3 board.

4           (2) “Clinical exercise physiologist” means an individual who holds a license to  
5 practice clinical exercise physiology granted by the board.

6           (3) “Practice of clinical exercise physiology” means any of the following:

7           (a) Working with individuals who have chronic medical conditions for which  
8 exercise training has been shown to have a therapeutic benefit.

9           (b) Administering clinical exercise assessments to individuals who have or are  
10 at risk for cardiovascular, pulmonary, or other chronic medical conditions.

11           (c) Providing individuals with education and instruction based upon medical  
12 histories, clinical assessment outcomes, and exercise training principles.

13           (d) Developing and implementing exercise training protocols and programs for  
14 individuals who have or are at risk for cardiovascular, pulmonary, or other chronic  
15 medical conditions for which exercise training has been shown to have a therapeutic  
16 benefit.

17           (e) Any other practice as defined by the board by rule.

\*\*\*\*NOTE: I used “individuals” as in the instructions, but you may wish to use  
“patients” instead unless there is a reason not to.

18           **448.972 Use of title.** No person may do any of the following unless he or she  
19 is licensed by the board under s. 448.973:

20           (1) Hold oneself out as a clinical exercise physiologist.

21           (2) Use in connection with his or her name the title “clinical exercise  
22 physiologist”; the words or letters “C.E.P.” or “L.C.E.P.”; or any other words, letters,

1 abbreviation, or insignia indicating that he or she is a clinical exercise physiologist  
2 or a licensed clinical exercise physiologist.

3 **448.973 License. (1) INITIAL LICENSE.** The board shall grant an initial license  
4 to practice clinical exercise physiology to any person who satisfies all of the following  
5 requirements:

6 (a) The person submits an application on a form provided by the department  
7 and pays the initial credential fee determined by the department under s. 440.03 (9)

8 (a).

9 (b) The person is at least 18 years of age.

10 (c) The person possesses a master's degree in exercise physiology or a related  
11 field, as determined by the board.

12 (d) The person provides evidence of having completed at least 600 hours of  
13 qualifying clinical experience, as determined by the board.

14 (e) The person provides evidence of certification as a clinical exercise specialist  
15 or as a registered clinical exercise physiologist by the American College of Sports  
16 Medicine, by a successor organization, or as determined by the board. *either of the following: TC 10*

17 (f) Subject to ss. 111.321, 111.322, and 111.335, the person does not have an  
18 arrest or conviction record.

19 **(2) LICENSE RENEWAL.** (a) On or before the applicable renewal date specified  
20 under s. 440.08 (2) (a), a person issued a license under sub. (1) or (3) shall submit all  
21 of the following to the board on a form furnished by the department with the  
22 applicable renewal fee determined by the department under s. 440.03 (9) (a):

23 1. A statement giving his or her name and residence.

24 2. Evidence of having completed any examination or continuing education  
25 requirements that the board requires by rule.

1           3. Any other information that the board requires by rule.

2           (b) The board shall grant to a person who satisfies the requirements under par.

3 (a) the renewal of his or her clinical exercise physiologist license.

4           **(3) PRIOR PRACTICE.** (a) Notwithstanding sub. (1), and subject to par. (c), the  
5 board shall grant an initial license to practice clinical exercise physiology to any  
6 person who satisfies all of the following requirements:

7           1. The person satisfies the requirements under sub. (1) (a), (b), and (f).

      \*\*\*\*NOTE: I still wasn't clear if these people would have to be certified, but it  
sounded like they would not necessarily be, so I exempted them from that requirement.  
I also exempted them from the requirement to have at least 600 hours of clinical  
experience, because I assumed that was superseded by the hours of experience  
requirement below. Let me know if either of these assumptions was incorrect.

8           2. The person possesses a bachelor's or master's degree in exercise science,  
9 exercise physiology, adult fitness or cardiac rehabilitation, human performance, or  
10 kinesiology, or possesses another related qualifying exercise science degree, as  
11 determined by the board.

12           3. The person provides evidence satisfactory to the board of having been  
13 employed to engage in the practice of clinical exercise physiology full time in the  
14 5-year period prior to the effective date of this subdivision .... [LRB inserts date], or  
15 of having been employed to engage in the practice of clinical exercise physiology for  
16 10,000 hours or more in the 10-year period prior to the effective date of this  
17 subdivision .... [LRB inserts date].

      \*\*\*\*NOTE: Please read this carefully and let me know if I did not capture the intent.

      \*\*\*\*NOTE: FYI, the bill has placeholders that say "[LRB inserts date]" where there  
is a date that will be determined based upon when the bill passes. Following enactment,  
we will replace these placeholders with the relevant dates.

18           (b) Notwithstanding sub. (1), and subject to par. (c), the board shall grant an  
19 initial license to practice clinical exercise physiology to any person who satisfies all  
20 of the following requirements:

1 1. The person satisfies the requirements under sub. (1) (a), (b), and (f).

\*\*\*\*NOTE: I also exempted these grandfatherees from the requirement to have at least 600 hours of clinical experience, because I assumed that was superseded by the hours of experience requirement below. Let me know if this assumption was incorrect.

2 2. The person possesses a bachelor's or master's degree in exercise science,  
3 exercise physiology, adult fitness or cardiac rehabilitation, human performance, or  
4 kinesiology, or possesses another related <sup>qualifying</sup> exercise science degree, as determined by  
5 the board.

6 3. The person provides evidence satisfactory to the board of having been  
7 employed to engage in the practice of clinical exercise physiology full time in the  
8 one-year period prior to the effective date of this subdivision .... [LRB inserts date],  
9 or of having been employed to engage in the practice of clinical exercise physiology  
10 for 2,000 hours or more in the 5-year period prior to the effective date of this  
11 subdivision .... [LRB inserts date].

12 4. The person has ~~has~~ passed the American College of Sports Medicine's  
13 Registered Clinical Exercise Physiologist or Clinical Exercise Specialist  
14 examination, or an equivalent examination, as determined by the board, in the  
15 5-year period prior the effective date of this subdivision .... [LRB inserts date].

16 (c) This subsection does not apply after the first day of the <sup>e 12th</sup> (24th) month  
17 beginning after the effective date of this paragraph .... [LRB inserts date].

\*\*\*\*NOTE: See the note at the end of this draft. This provides that the grandfathering provisions expire one year after the licensure requirement kicks in.

18 **448.974 Rules.** (1) The board shall promulgate rules to implement this  
19 subchapter, including all of the following:

20 (a) Rules establishing licensure requirements under s. 448.973 (1) (c) and (d)  
21 and (3) (a) 2. and (b) 2. ~~and 4.~~

22 (b) Rules defining a scope of practice for clinical exercise physiologists.

1 (c) Rules defining what constitutes unprofessional conduct for clinical exercise  
2 physiologists, for purposes of s. 448.975 (2) (d).

3 (2) The board may promulgate rules establishing requirements for license  
4 renewal under s. 448.973 (2) (a) 2. and 3.

*defining the practice under s. 448.971 (3) (e) and rules*

5 **448.975 Discipline.** (1) Subject to the rules promulgated under s. 440.03 (1),  
6 the board may conduct investigations and hearings to determine whether a person  
7 has violated this subchapter or a rule promulgated under this subchapter.

8 (2) Subject to the rules promulgated under s. 440.03 (1), if a person who applies  
9 for or holds a license issued under s. 448.973 does any of the following, the board may  
10 reprimand the person or deny, limit, suspend, or revoke the person's license:

11 (a) Makes a material misstatement in an application for a license or an  
12 application for renewal of a license under s. 448.973.

13 (b) Violates any law of this state or federal law that substantially relates to the  
14 practice of clinical exercise physiology, violates this subchapter, or violates a rule  
15 promulgated under this chapter.

16 (c) Advertises, practices, or attempts to practice under another person's name.

17 (d) Engages in unprofessional conduct.

18 (e) Subject to ss. 111.321, 111.322, and 111.335, is arrested for or convicted of  
19 an offense, the circumstances of which substantially relate to the practice of clinical  
20 exercise physiology.

21 **448.976 Penalties.** Any person who violates this subchapter is subject to a  
22 fine not to exceed \$10,000 or imprisonment not to exceed 9 months, or both.

23 **SECTION 12.** 450.10 (3) (a) 5. of the statutes is amended to read:



1 450.10 (3) (a) 5. A physician, physician assistant, podiatrist, physical  
2 therapist, physical therapist assistant, occupational therapist, or occupational  
3 therapy assistant, or clinical exercise physiologist licensed under ch. 448.

4 **SECTION 13. Nonstatutory provisions.**

5 (1) BOARD; INITIAL TERMS. Notwithstanding the length of terms specified for the  
6 members of the clinical exercise physiology affiliated credentialing board under  
7 section 15.406 (7) of the statutes, as created by this act, 2 of the initial members shall  
8 be appointed for terms expiring on July 1, 2015, 2 of the initial members shall be  
9 appointed for terms expiring on July 1, 2016, and the remaining initial member shall  
10 be appointed for a term expiring on July 1, 2017.

\*\*\*\*NOTE: These dates will probably need to be advanced when this draft is carried  
over to the next session.

11 (2) BOARD; INITIAL CLINICAL EXERCISE PHYSIOLOGIST MEMBERS. Notwithstanding  
12 section 15.406 (7) (a) of the statutes, as created by this act, <sup>chapter</sup> the initial members  
13 appointed to the clinical exercise physiology affiliated <sup>of the statutes</sup> credentialing board under  
14 ~~need not be licensed under subchapter VIII of ch. 448 as created by this act,~~ <sup>need not be licensed under subchapter VIII of ch. 448 as created by this act,</sup> but shall  
15 may be persons who are

16 engaged in the practice of clinical exercise physiology, as defined in section 448.971  
17 (3) of the statutes, as created by this act, but who are not licensed under section  
18 448.973 of the statutes, as created by this act. <sup>certified as a registered clinical</sup>

19 (3) EMERGENCY RULES. Using the procedure under section 227.24 of the statutes,  
20 the clinical exercise physiology affiliated credentialing board may promulgate rules  
21 under section 448.974 of the statutes, as created by this act. Notwithstanding section  
22 227.24 (1) (c) and (2) of the statutes, emergency rules promulgated under this  
23 subsection remain in effect for 2 years or until the date on which permanent rules  
take effect, whichever is sooner. Notwithstanding section 227.24 (1) (a) and (3) of the

*exercise physiologist by the  
American College of Sports  
Medicine*

1 statutes, the board is not required to provide evidence that promulgating a rule  
2 under this subsection as an emergency rule is necessary for the preservation of the  
3 public peace, health, safety, or welfare and is not required to provide a finding of  
4 emergency for a rule promulgated under this subsection.

\*\*\*\*NOTE: This lets the board do emergency rules, which could stay into effect for  
up to 2 years, or until permanent rules take effect, whichever comes sooner.

5 **SECTION 14. Effective dates.** This act takes effect on the day after publication,  
6 except as follows:

7 (1) The treatment of sections 146.81 (1) (eu), 146.997 (1) (d) 4., 155.01 (7),  
8 252.14 (1) (ar) 4s., 440.03 (13) (b) 19c., 440.08 (2) (a) 24am., 448.03 (2) (a), 448.972,  
9 448.973, 448.975, 448.976, and 450.10 (3) (a) 5. of the statutes takes effect on the 1st  
10 day of the 12th month beginning after publication.

\*\*\*\*NOTE: For the sake of simplicity and because the draft can't ascertain the  
precise date that rules would be finished, I drafted the effective date to be upon  
enactment, except that the requirement to obtain a license and related provisions would  
be delayed for one year. Per the provision above, the board would be able to do emergency  
rules. Note, however, that this would mean that the governor would need to appoint the  
members to the board, and the board would have to complete the emergency rules process,  
all within one year, and that at the one-year point, the licensure requirement would kick  
in. My suggestion would be to ask DSPS if this timeline seems reasonable. If more time  
is needed, we can adjust the dates accordingly.

2013-2014 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-3092/P3ins  
MED:.....

INSERT 6-16

*FD 20 Evidence*

1 *g* or of having successfully completed an examination equivalent to an  
2 examination required to obtain *g* such a certification, *under sub d. 1.*

*Insert 6-17*

\*\*\*NOTE: Par. (e) did not reference the exam itself, so I had to modify this language a bit. Let me know if it needs further refining.



**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

1     **AN ACT** *to renumber* 448.970; *to amend* 15.085 (1m) (b), 146.997 (1) (d) 4.,  
2           155.01 (7), 448.03 (2) (a) and 450.10 (3) (a) 5.; and *to create* 15.406 (7), 146.81  
3           (1) (eu), 252.14 (1) (ar) 4s., 440.03 (13) (b) 19c., 440.08 (2) (a) 24am. and  
4           subchapter VIII of chapter 448 [precedes 448.971] of the statutes; **relating to:**  
5           creation of a clinical exercise physiology affiliated credentialing board,  
6           licensure of clinical exercise physiologists, extending the time limit for  
7           emergency rule procedures, providing an exemption from emergency rule  
8           procedures, granting rule-making authority, and providing a penalty.

---

***Analysis by the Legislative Reference Bureau***

This bill regulates the practice of clinical exercise physiology, defined in the bill to include working with individuals who have chronic medical conditions for which exercise training has been shown to have a therapeutic benefit; administering clinical exercise assessments to individuals who have or are at risk for cardiovascular, pulmonary, or other chronic medical conditions; providing individuals with education and instruction based upon medical history, clinical assessment outcomes, and exercise training principles; and developing and implementing exercise training protocols and programs for individuals who have or are at risk for cardiovascular, pulmonary, and other chronic medical conditions for

which exercise training has been shown to have a therapeutic benefit. Under the bill, no one may use the title “clinical exercise physiologist” or make similar representations without a license to practice clinical exercise physiology (license). A license is granted by the five-member Clinical Exercise Physiology Affiliated Credentialing Board (board), created in the bill. Under the bill, the board is attached for limited purposes to the Medical Examining Board, which regulates physicians and certain other professions.

Under the bill, the board may grant an initial license to a person who is at least 18 years of age, holds a master’s degree in exercise physiology or a related field, is certified by the American College of Sports Medicine, has at least 600 hours of qualifying clinical experience, and pays a fee. The bill also allows the board, for one year after the requirement in the bill to obtain a license goes into effect, to grant an initial license to practice clinical exercise physiology to certain individuals who cannot satisfy all of the requirements described above but who satisfy certain experience and other requirements.

The bill requires the board to promulgate rules that establish the qualifying degrees and qualifying clinical experience that are required for licensure, a scope of practice for clinical exercise physiologists, and standards for what constitutes unprofessional conduct for a clinical exercise physiologist.

The bill includes provisions for the professional discipline of licensees, which allow the board to take certain actions against a licensee who violates certain prohibitions in the bill.

Finally, the bill also applies certain other laws, such as the law providing for confidentiality of health care records and the health care workers whistleblowers protection law, to licensed clinical exercise physiologists.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

---

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

1           SECTION 1. 15.085 (1m) (b) of the statutes is amended to read:  
2           15.085 (1m) (b) The public members of the podiatry affiliated credentialing  
3 board ~~or~~ occupational therapists affiliated credentialing board, or clinical exercise  
4 physiology affiliated credentialing board shall not be engaged in any profession or  
5 occupation concerned with the delivery of physical or mental health care.

1           **SECTION 2.** 15.406 (7) of the statutes is created to read:

2           15.406 (7) CLINICAL EXERCISE PHYSIOLOGY AFFILIATED CREDENTIALING BOARD.

3           There is created in the department of safety and professional services, attached to  
4           the medical examining board, a clinical exercise physiology affiliated credentialing  
5           board. The affiliated credentialing board shall consist of the following 5 members  
6           appointed for 4-year terms:

7           (a) Three clinical exercise physiologists licensed under subch. VIII of ch. 448.

8           (b) One physician.

9           (c) One public member.

10          **SECTION 3.** 146.81 (1) (eu) of the statutes is created to read:

11          146.81 (1) (eu) A clinical exercise physiologist licensed under subch. VIII of ch.  
12          448.

13          **SECTION 4.** 146.997 (1) (d) 4. of the statutes is amended to read:

14          146.997 (1) (d) 4. A physician, podiatrist, perfusionist, physical therapist, or  
15          physical therapist assistant, or clinical exercise physiologist licensed under ch. 448.

16          **SECTION 5.** 155.01 (7) of the statutes is amended to read:

17          155.01 (7) “Health care provider” means a nurse licensed or permitted under  
18          ch. 441, a chiropractor licensed under ch. 446, a dentist licensed under ch. 447, a  
19          physician, physician assistant, perfusionist, podiatrist, physical therapist, physical  
20          therapist assistant, occupational therapist, or occupational therapy assistant, or  
21          clinical exercise physiologist licensed under ch. 448, a person practicing Christian  
22          Science treatment, an optometrist licensed under ch. 449, a psychologist licensed  
23          under ch. 455, a partnership thereof, a corporation or limited liability company  
24          thereof that provides health care services, a cooperative health care association

1 organized under s. 185.981 that directly provides services through salaried  
2 employees in its own facility, or a home health agency, as defined in s. 50.49 (1) (a).

3 **SECTION 6.** 252.14 (1) (ar) 4s. of the statutes is created to read:

4 252.14 (1) (ar) 4s. A clinical exercise physiologist licensed under subch. VIII of  
5 ch. 448.

6 **SECTION 7.** 440.03 (13) (b) 19c. of the statutes is created to read:

7 440.03 (13) (b) 19c. Clinical exercise physiologist.

8 **SECTION 8.** 440.08 (2) (a) 24am. of the statutes is created to read:

9 440.08 (2) (a) 24am. Clinical exercise physiologist: February 1 of each  
10 odd-numbered year.

11 **SECTION 9.** 448.03 (2) (a) of the statutes is amended to read:

12 448.03 (2) (a) Any person lawfully practicing within the scope of a license,  
13 permit, registration, certificate or certification granted to practice clinical exercise  
14 physiology under subch. VIII, to practice midwifery under subch. XIII of ch. 440, to  
15 practice professional or practical nursing or nurse-midwifery under ch. 441, to  
16 practice chiropractic under ch. 446, to practice dentistry or dental hygiene under ch.  
17 447, to practice optometry under ch. 449, to practice acupuncture under ch. 451 or  
18 under any other statutory provision, or as otherwise provided by statute.

19 **SECTION 10.** 448.970 of the statutes is renumbered 448.9695.

20 **SECTION 11.** Subchapter VIII of chapter 448 [precedes 448.971] of the statutes  
21 is created to read:

22 **CHAPTER 448**

23 **SUBCHAPTER VIII**

24 **CLINICAL EXERCISE PHYSIOLOGY**

25 **AFFILIATED CREDENTIALING BOARD**

1           **448.971 Definitions.** In this subchapter:

2           (1) “Board” means the clinical exercise physiology affiliated credentialing  
3 board.

4           (2) “Clinical exercise physiologist” means an individual who holds a license to  
5 practice clinical exercise physiology granted by the board.

6           (3) “Practice of clinical exercise physiology” means any of the following:

7           (a) Working with individuals who have chronic medical conditions for which  
8 exercise training has been shown to have a therapeutic benefit.

9           (b) Administering clinical exercise assessments to individuals who have or are  
10 at risk for cardiovascular, pulmonary, or other chronic medical conditions.

11           (c) Providing individuals with education and instruction based upon medical  
12 histories, clinical assessment outcomes, and exercise training principles.

13           (d) Developing and implementing exercise training protocols and programs for  
14 individuals who have or are at risk for cardiovascular, pulmonary, or other chronic  
15 medical conditions for which exercise training has been shown to have a therapeutic  
16 benefit.

17           (e) Any other practice as defined by the board by rule.

18           **448.972 Use of title.** No person may do any of the following unless he or she  
19 is licensed by the board under s. 448.973:

20           (1) Hold oneself out as a clinical exercise physiologist.

21           (2) Use in connection with his or her name the title “clinical exercise  
22 physiologist”; the words or letters “C.E.P.” or “L.C.E.P.”; or any other words, letters,  
23 abbreviation, or insignia indicating that he or she is a clinical exercise physiologist  
24 or a licensed clinical exercise physiologist.



1           **448.973 License. (1) INITIAL LICENSE.** The board shall grant an initial license  
2 to practice clinical exercise physiology to any person who satisfies all of the following  
3 requirements:

4           (a) The person submits an application on a form provided by the department  
5 and pays the initial credential fee determined by the department under s. 440.03 (9)

6 (a).

7           (b) The person is at least 18 years of age.

8           (c) The person possesses a master's degree in exercise physiology or a related  
9 field, as determined by the board.

10          (d) The person provides evidence of having completed at least 600 hours of  
11 qualifying clinical experience, as determined by the board.

12          (e) The person provides either of the following:

13           1. Evidence of certification as a clinical exercise specialist or as a registered  
14 clinical exercise physiologist by the American College of Sports Medicine.

15           2. Evidence of having successfully completed an examination equivalent to an  
16 examination required to obtain a certification under subd. 1., as determined by the  
17 board.

          \*\*\*\*NOTE: Par. (e) did not reference the exam itself, so I had to modify this language  
a bit. Let me know if it needs further refining.

18          (f) Subject to ss. 111.321, 111.322, and 111.335, the person does not have an  
19 arrest or conviction record.

20          **(2) LICENSE RENEWAL.** (a) On or before the applicable renewal date specified  
21 under s. 440.08 (2) (a), a person issued a license under sub. (1) or (3) shall submit all  
22 of the following to the board on a form furnished by the department with the  
23 applicable renewal fee determined by the department under s. 440.03 (9) (a):

- 1           1. A statement giving his or her name and residence.
- 2           2. Evidence of having completed any examination or continuing education  
3 requirements that the board requires by rule.
- 4           3. Any other information that the board requires by rule.
- 5           (b) The board shall grant to a person who satisfies the requirements under par.  
6 (a) the renewal of his or her clinical exercise physiologist license.
- 7           **(3) PRIOR PRACTICE.** (a) Notwithstanding sub. (1), and subject to par. (c), the  
8 board shall grant an initial license to practice clinical exercise physiology to any  
9 person who satisfies all of the following requirements:
- 10           1. The person satisfies the requirements under sub. (1) (a), (b), and (f).
- 11           2. The person possesses a bachelor's or master's degree in exercise science,  
12 exercise physiology, adult fitness or cardiac rehabilitation, human performance, or  
13 kinesiology, or possesses another related qualifying exercise science degree, as  
14 determined by the board.
- 15           3. The person provides evidence satisfactory to the board of having been  
16 employed to engage in the practice of clinical exercise physiology full time in the  
17 5-year period prior to the effective date of this subdivision .... [LRB inserts date], or  
18 of having been employed to engage in the practice of clinical exercise physiology for  
19 10,000 hours or more in the 10-year period prior to the effective date of this  
20 subdivision .... [LRB inserts date].
- 21           (b) Notwithstanding sub. (1), and subject to par. (c), the board shall grant an  
22 initial license to practice clinical exercise physiology to any person who satisfies all  
23 of the following requirements:
- 24           1. The person satisfies the requirements under sub. (1) (a), (b), and (f).

1           2. The person possesses a bachelor's or master's degree in exercise science,  
2 exercise physiology, adult fitness or cardiac rehabilitation, human performance, or  
3 kinesiology, or possesses another related qualifying exercise science degree, as  
4 determined by the board.

5           3. The person provides evidence satisfactory to the board of having been  
6 employed to engage in the practice of clinical exercise physiology full time in the  
7 one-year period prior to the effective date of this subdivision .... [LRB inserts date],  
8 or of having been employed to engage in the practice of clinical exercise physiology  
9 for 2,000 hours or more in the 5-year period prior to the effective date of this  
10 subdivision .... [LRB inserts date].

11           4. The person has passed the American College of Sports Medicine's Registered  
12 Clinical Exercise Physiologist or Clinical Exercise Specialist examination in the  
13 5-year period prior the effective date of this subdivision .... [LRB inserts date].

14           (c) This subsection does not apply after the first day of the 12th month  
15 beginning after the effective date of this paragraph .... [LRB inserts date].

16           **448.974 Rules.** (1) The board shall promulgate rules to implement this  
17 subchapter, including all of the following:

18           (a) Rules establishing licensure requirements under s. 448.973 (1) (c) and (d)  
19 and (3) (a) 2. and (b) 2.

20           (b) Rules defining a scope of practice for clinical exercise physiologists.

21           (c) Rules defining what constitutes unprofessional conduct for clinical exercise  
22 physiologists, for purposes of s. 448.975 (2) (d).

23           (2) The board may promulgate rules defining the practice under s. 448.971 (3)  
24 (e) and rules establishing requirements for license renewal under s. 448.973 (2) (a)  
25 2. and 3.

1           **448.975 Discipline.** (1) Subject to the rules promulgated under s. 440.03 (1),  
2 the board may conduct investigations and hearings to determine whether a person  
3 has violated this subchapter or a rule promulgated under this subchapter.

4           (2) Subject to the rules promulgated under s. 440.03 (1), if a person who applies  
5 for or holds a license issued under s. 448.973 does any of the following, the board may  
6 reprimand the person or deny, limit, suspend, or revoke the person's license:

7           (a) Makes a material misstatement in an application for a license or an  
8 application for renewal of a license under s. 448.973.

9           (b) Violates any law of this state or federal law that substantially relates to the  
10 practice of clinical exercise physiology, violates this subchapter, or violates a rule  
11 promulgated under this chapter.

12           (c) Advertises, practices, or attempts to practice under another person's name.

13           (d) Engages in unprofessional conduct.

14           (e) Subject to ss. 111.321, 111.322, and 111.335, is arrested for or convicted of  
15 an offense, the circumstances of which substantially relate to the practice of clinical  
16 exercise physiology.

17           **448.976 Penalties.** Any person who violates this subchapter is subject to a  
18 fine not to exceed \$10,000 or imprisonment not to exceed 9 months, or both.

19           **SECTION 12.** 450.10 (3) (a) 5. of the statutes is amended to read:

20           450.10 (3) (a) 5. A physician, physician assistant, podiatrist, physical  
21 therapist, physical therapist assistant, occupational therapist, or occupational  
22 therapy assistant, or clinical exercise physiologist licensed under ch. 448.

23           **SECTION 13. Nonstatutory provisions.**

24           (1) BOARD; INITIAL TERMS. Notwithstanding the length of terms specified for the  
25 members of the clinical exercise physiology affiliated credentialing board under

1 section 15.406 (7) of the statutes, as created by this act, 2 of the initial members shall  
2 be appointed for terms expiring on July 1, 2015, 2 of the initial members shall be  
3 appointed for terms expiring on July 1, 2016, and the remaining initial member shall  
4 be appointed for a term expiring on July 1, 2017.

5 (2) BOARD; INITIAL CLINICAL EXERCISE PHYSIOLOGIST MEMBERS. Notwithstanding  
6 section 15.406 (7) (a) of the statutes, as created by this act, the initial members  
7 appointed to the clinical exercise physiology affiliated credentialing board under  
8 section 15.406 (7) (a) of the statutes, as created by this act, need not be licensed under  
9 subchapter VIII of chapter 448 of the statutes, as created by this act, but shall be  
10 persons who are certified as a registered clinical exercise physiologist by the  
11 American College of Sports Medicine.

12 (3) EMERGENCY RULES. Using the procedure under section 227.24 of the statutes,  
13 the clinical exercise physiology affiliated credentialing board may promulgate rules  
14 under section 448.974 of the statutes, as created by this act. Notwithstanding section  
15 227.24 (1) (c) and (2) of the statutes, emergency rules promulgated under this  
16 subsection remain in effect for 2 years or until the date on which permanent rules  
17 take effect, whichever is sooner. Notwithstanding section 227.24 (1) (a) and (3) of the  
18 statutes, the board is not required to provide evidence that promulgating a rule  
19 under this subsection as an emergency rule is necessary for the preservation of the  
20 public peace, health, safety, or welfare and is not required to provide a finding of  
21 emergency for a rule promulgated under this subsection.

22 **SECTION 14. Effective dates.** This act takes effect on the day after publication,  
23 except as follows:

24 (1) The treatment of sections 146.81 (1) (eu), 146.997 (1) (d) 4., 155.01 (7),  
25 252.14 (1) (ar) 4s., 440.03 (13) (b) 19c., 440.08 (2) (a) 24am., 448.03 (2) (a), 448.972,

1 448.973, 448.975, 448.976, and 450.10 (3) (a) 5. of the statutes takes effect on the 1st  
2 day of the 12th month beginning after publication.

3 (END)