

**2015 DRAFTING REQUEST**

**Bill**

Received: **6/17/2015** Received By: **mduchek**  
For: **Joe Sanfelippo (608) 266-0620** Same as LRB:  
May Contact: By/Representing: **Josh**  
Subject: **Occupational Reg. - prof lic** Drafter: **mduchek**  
Addl. Drafters:  
Extra Copies:

Submit via email: **YES**  
Requester's email: **Rep.Sanfelippo@legis.wisconsin.gov**  
Carbon copy (CC) to: **michael.gallagher@legis.wisconsin.gov**

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Allow licensed physical therapists to order imaging (X-rays)

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**Instructions:**

See attached

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mduchek 6/23/2015	anienaja 6/25/2015	_____			
/P1	mduchek 9/28/2015	jdyer 9/29/2015	_____	mbarman 6/25/2015		State
/P2	mduchek 10/27/2015	jdyer 10/27/2015	_____	mbarman 9/29/2015		State
/1			_____	lparisi	mbarman	State

Vers.    Drafted

Reviewed

Proofed

Submitted  
10/27/2015

Jacketed  
11/16/2015

Required

FE Sent For:

→ At  
Intro.

<END>

**Duchek, Michael**

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**From:** Dodge, Tamara  
**Sent:** Wednesday, June 17, 2015 12:51 PM  
**To:** Gallagher, Michael; Duchek, Michael  
**Subject:** FW: Drafting request  
**Attachments:** PT Practice Act Ordering X-rays Language.doc; x-ray proposal.doc

This looks like yours. Let Josh know that you have it when you decide.

Thanks,  
Tami

**Tamara J. Dodge**

Attorney  
Wisconsin Legislative Reference Bureau  
P.O. Box 2037  
Madison, WI 53701-2037  
(608) 267 - 7380  
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**From:** Hoisington, Joshua  
**Sent:** Wednesday, June 17, 2015 12:42 PM  
**To:** Dodge, Tamara  
**Subject:** Drafting request

Good afternoon Tami,

Would you please draft the attached language for proposed changes in CH. 462 and CH. 448?

No rush whatsoever, whenever you are able to get to it.

Thanks, Tami.

Best regards,

Josh Hoisington  
Office of Representative Joe Sanfelippo  
15th Assembly District  
608.266.0620

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NOTE: Emails sent to and from this account may be subject to open records requests and should not be considered private.

**Summary:** Allow physical therapists to order x-ray images in a direct access model.

1. Explicitly allow PT's to order x-rays in the PT Practice Act
2. Address coordination of care in statutory language
3. Identify appropriate training and education components within statutory language

**Drafting requests:**

- 462.04 Prescription or order required. A person who holds a license or limited X-ray machine operator permit under this chapter may not use diagnostic X-ray equipment on humans for diagnostic purposes unless authorized to do so by prescription or order of a physician licensed under s. 448.04(1)(a), a dentist licensed under s. 447.04(1), a podiatrist licensed under s. 448.63, a chiropractor licensed under s. 446.02, an advanced practice nurse certified under s. 441.16(2), or a physician assistant licensed under s. 448.04(1)(f), or a physical therapist licensed under s. 448.53.
- Wis. Stat. § 448.50(4)(b) should also be amended to read: "Physical therapy" does not include using roentgen rays or radium for any purpose, using electricity for surgical purposes, including cauterization, or prescribing drugs or devices, but does include ordering x-rays to be performed by qualified persons, subject to Wis. as provided for in Wis. Stat. § 448.50(4)(a) 5 and Wis. Stat. § 448.56(8), and using x-ray results to determine a course of physical therapy or to determine whether a referral to another health care provider is necessary.
- A physical therapist may order x-rays to be performed by qualified persons only if the physical therapist satisfies one of the following qualifications: (a) the physical therapist obtained a clinical doctorate degree in physical therapy; (b) the physical therapist holds a nationally recognized specialty certification; (c) the physical therapist holds a nationally recognized residency or fellowship certified by an organization recognized by the board (PTEB); or (d) The physical therapist has completed a formal x-ray ordering training program with demonstrated physician involvement.
- When a physical therapist orders an x-ray, the physical therapist must communicate with the patient's primary care physician or an appropriate health care practitioner to ensure coordination of care, unless all of the following apply: (a) a radiologist has read the x-ray and not identified a significant finding; (b) the patient does not have a primary care physician; and (c) the patient was not referred to the physical therapist by another health care provider to receive care from the physical therapist.

## **PHYSICAL THERAPIST PRACTICE ACT – PROPOSED MODIFICATIONS**

### SUBCHAPTER III

#### PHYSICAL THERAPY EXAMINING BOARD

**Cross-reference:** See also PT, Wis. adm. code.

**448.50 Definitions.** In this subchapter:

**(1m)** "Business entity" has the meaning given in s. 452.01 (3j).

**(1r)** "Diagnosis" means a judgment that is made after examining the neuromusculoskeletal system or evaluating or studying its symptoms and that utilizes the techniques and science of physical therapy for the purpose of establishing a plan of therapeutic intervention, but does not include a chiropractic or medical diagnosis.

**(1v)** "Examining board" means the physical therapy examining board.

**(2)** "Licensee" means a person who is licensed under this subchapter.

**(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 examining board.

**(3m)** "Physical therapist assistant" means an individual who holds a license as a physical therapist assistant granted by the examining board.

**(4) (a)** "Physical therapy" means, except as provided in par. (b), any of the following:

1. Examining, evaluating, or testing individuals with mechanical, physiological, or developmental impairments, functional limitations related to physical movement and mobility, disabilities, or other movement-related health conditions, in order to determine a diagnosis, prognosis, or plan of therapeutic intervention or to assess the ongoing effects of intervention. In this subdivision, "testing" means using standardized methods or techniques for gathering data about a patient.
2. Alleviating impairments or functional limitations by instructing patients or designing, implementing, or modifying therapeutic interventions.
3. Reducing the risk of injury, impairment, functional limitation, or disability, including by promoting or maintaining fitness, health, or quality of life in all age populations.

4. Engaging in administration, consultation, or research that is related to any activity specified in subs. 1. to 3.

(b) "Physical therapy" does not include using roentgen rays or radium for any purpose, using electricity for surgical purposes, including cauterization, or prescribing drugs or devices, but does include ordering x-rays to be performed by qualified persons, subject to Wis. as provided for in Wis. Stat. §448.50 (4) (a) 5 and Wis. Stat. §448.56 (8), and using x-ray results to determine a course of physical therapy or to determine whether a referral to another health care provider is necessary.

(5) "Sexual misconduct with a patient" means any of the following:

(a) Engaging in or soliciting a consensual or nonconsensual sexual relationship with a patient.

(b) Making sexual advances toward, requesting sexual favors from, or engaging in other verbal conduct or physical contact of a sexual nature with a patient.

(c) Intentionally viewing a completely or partially disrobed patient during the course of treatment if the viewing is not related to diagnosis or treatment.

(6) "Therapeutic intervention" means the purposeful and skilled interaction between a physical therapist, patient, and, if appropriate, individuals involved in the patient's care, using physical therapy procedures or techniques that are intended to produce changes in the patient's condition and that are consistent with diagnosis and prognosis.

**History:** 1993 a. 107; 2001 a. 70; 2009 a. 149.

Physical therapists and massage therapists are not prohibited from performing the activities that are within their respective scopes of practice, even if those activities extend in some degree into the field of chiropractic science. OAG 1-01.

#### **448.51 License required.**

(1) Except as provided in s. 448.52, no person may practice physical therapy unless the person is licensed as a physical therapist under this subchapter.

(1e) No person may designate himself or herself as a physical therapist or use or assume the title "physical therapist," "physiotherapist," "physical therapy technician," "licensed physical therapist," "registered physical therapist," "master of physical therapy," "master of science in physical therapy," or "doctorate in physical therapy," or append to the person's name the letters "P.T.," "P.T.T.," "L.P.T.," "R.P.T.," "M.P.T.," "M.S.P.T.," or "D.P.T.," or any other title, letters, or designation that represents or may tend to represent the person as a physical therapist, unless the person is licensed as a physical therapist under this subchapter.

**(1s)** No person may designate himself or herself as a physical therapist assistant, use or assume the title "physical therapist assistant," or append to the person's name the letters "P.T.A." or any other title, letters, or designation that represents or may tend to represent the person as a physical therapist assistant unless the person is licensed as a physical therapist assistant under this subchapter.

**(2)**

(a) In this subsection, "advertisement" includes advertisements that appear on outdoor signs, in print or electronic media, and in material mailed to a person other than a patient, client, or prospective patient or client who has requested the material.

(b) Except as provided in s. 448.52 (2m), no person may claim to render physical therapy or physiotherapy services unless the person is licensed as a physical therapist under this subchapter.

**History:** 1993 a. 107; 1995 a. 166; 2001 a. 70, 105.

**Cross-reference:** See also chs. PT 1, 3, and 4, Wis. adm. code.

#### **448.52 Applicability.**

**(1m)** A license is not required under this subchapter for any of the following, if the person does not claim to render physical therapy or physiotherapy services:

- (a) Any person lawfully practicing within the scope of a license, permit, registration or certification granted by this state or the federal government.
- (b) Any person assisting a physical therapist in practice under the direct, on-premises supervision of the physical therapist.
- (c) A physical therapy student assisting a physical therapist in the practice of physical therapy or a physical therapist assistant student assisting a physical therapist in performing physical therapy procedures and related tasks, if the assistance is within the scope of the student's education or training.
- (d) A physical therapist who is licensed to practice physical therapy in another state or country and is providing a consultation or demonstration with a physical therapist who is licensed under this subchapter.

**(2m)** A license is not required under this subchapter for any of the following:

- (a) Except as provided in par. (b), a chiropractor licensed under ch. 446 claiming to render physical therapy, if the physical therapy is provided by a physical therapist employed by the chiropractor.

- (b) A chiropractor licensed under ch. 446 claiming to render physical therapy modality services.

**History:** 1993 a. 107 ss. 51, 52, 59; 1995 a. 166; 2001 a. 70, 105.

**Cross-reference:** See also ch. PT 5, Wis. adm. code.

**448.522 Manipulation services.** A physical therapist may not claim that any manipulation service that he or she provides is in any manner a chiropractic adjustment that is employed to correct a spinal subluxation.

**History:** 2001 a. 70.

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

**History:** 2001 a. 70; 2009 a. 149.

#### **448.53 Licensure of physical therapists.**

**(1)** The examining board shall grant a license as a physical therapist to a person who does all of the following:

- (a) Submits an application for the license to the department on a form provided by the department.
- (b) Pays the fee specified in s. 440.05 (1).
- (c) Subject to ss. 111.321, 111.322 and 111.335, submits evidence satisfactory to the examining board that the applicant does not have an arrest or conviction record.
- (d) Submits evidence satisfactory to the examining board that the applicant is a graduate of a school of physical therapy approved by the examining board, unless the examining board waives this requirement under sub. (3).
- (e) Passes an examination under s. 448.54.
- (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 examining board may establish by rule.

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

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

- (a) That he or she is a graduate of a physical therapy school.



- (b) That he or she is licensed as a physical therapist by another licensing jurisdiction in the United States.
- (c) That the jurisdiction in which he or she is licensed required the licensee to be a graduate of a school approved by the licensing jurisdiction or of a school that the licensing jurisdiction evaluated for education equivalency.
- (d) That he or she has actively practiced physical therapy, under the license issued by the other licensing jurisdiction in the United States, for at least 3 years immediately preceding the date of his or her application.

**History:** 1993 a. 107; 2001 a. 70; 2009 a. 149.

**Cross-reference:** See also chs. PT 1, 3, and 4, Wis. adm. code.

#### **448.535 Licensure of physical therapist assistants.**

**(1)** The examining board shall grant a license as a physical therapist assistant to a person who does all of the following:

- (a) Submits an application for the license to the department on a form provided by the department.
- (b) Pays the fee specified in s. 440.05 (1).
- (c) Subject to ss. 111.321, 111.322, and 111.335, submits evidence satisfactory to the examining board that the applicant does not have an arrest or conviction record.
- (d) Submits evidence satisfactory to the examining board that the applicant is a graduate of a physical therapist assistant educational program accredited by an agency that is approved by the examining board.
- (e) Passes an examination under s. 448.54.

**(2)** The examining board may waive a requirement under sub. (1) (d) or (e), or both, for an applicant who establishes to the satisfaction of the examining board that he or she is licensed as a physical therapist assistant by another licensing jurisdiction in the United States. The 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.

**History:** 2001 a. 70; 2009 a. 149.

#### **448.54 Examination.**

(1) The 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 examining board.

(2)

(a) Except as provided in sub. (3), examinations for physical therapist licensure shall consist of written or oral tests, or both, requiring applicants to demonstrate minimum competency in subjects substantially related to the practice of physical therapy.

(b) Examinations for physical therapist assistant licensure shall consist of written or oral tests, or both, requiring applicants to demonstrate minimum competency in the technical application of physical therapy services.

(3) Notwithstanding s. 448.53 (1) (f), the 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 examining board, that he or she satisfies the requirements under s. 448.53 (3).

History: 1993 a. 107; 2001 a. 70; 2009 a. 149.

Cross-reference: See also ch. PT 2, Wis. adm. code.

#### **448.55 Issuance of license; expiration and renewal.**

(1) The department shall issue a certificate of licensure to each person who is licensed under this subchapter.

(2) The renewal dates for licenses granted under this subchapter, other than temporary licenses granted under rules promulgated under s. 448.53 (2), are specified under s. 440.08 (2) (a). Renewal applications shall be submitted to the department on a form provided by the department and shall include the renewal fee determined by the department under s. 440.03 (9) (a) and proof of compliance with the requirements established in any rules promulgated under sub. (3).

(3) The 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.

History: 1993 a. 107; 2001 a. 70; 2007 a. 20; 2009 a. 149.

Cross-reference: See also chs. PT 8 and 9, Wis. adm. code.

#### **448.56 Practice requirements.**

(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, physician assistant, 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, physician assistant, chiropractor, dentist, podiatrist, or advanced practice nurse prescriber certified under s. 441.16 (2) who made the diagnosis. The examining board may promulgate rules establishing additional services that are excepted from the written referral requirements of this subsection.

**(1m) DUTY TO REFER.**

- (a) A physical therapist shall refer a patient to an appropriate health care practitioner if the physical therapist has reasonable cause to believe that symptoms or conditions are present that require services beyond the scope of the practice of physical therapy.
- (b) The examining board shall promulgate rules establishing the requirements that a physical therapist must satisfy if a physician, physician assistant, 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.

**(2) FEE SPLITTING.** No licensee may give or receive, directly or indirectly, to or from any other person any fee, commission, rebate or other form of compensation or anything of value for sending, referring or otherwise inducing a person to communicate with a licensee in a professional capacity, or for any professional services not actually rendered personally by the licensee or at the licensee's direction.

**(3) BILLING BY PROFESSIONAL PARTNERSHIPS AND CORPORATIONS.** If 2 or more physical therapists have entered into a bona fide partnership or have formed a service corporation for the practice of physical therapy, the partnership or corporation may not render a single bill for physical therapy services provided in the name of the partnership or corporation unless each physical therapist who provided services that are identified on the bill is identified on the bill as having rendered those services.

**(4) RESPONSIBILITY.** A physical therapist is responsible for managing all aspects of the physical therapy care of each patient under his or her care.

**(5) PATIENT RECORDS.** A physical therapist shall create and maintain a patient record for every patient the physical therapist examines or treats.

**(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 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.

**(7) PHYSICAL THERAPIST COORDINATION OF CARE.** When a physical therapist orders an x-ray, the physical therapist must communicate with the patient's primary care physician or an appropriate health care practitioner to ensure coordination of care, unless all of the following apply:

- (a) a radiologist has read the x-ray and not identified a significant finding;
- (b) the patient does not have a primary care physician; and
- (c) the patient was not referred to the physical therapist by another health care provider to receive care from the physical therapist.

**(8) PHYSICAL THERAPIST EDUCATION AND TRAINING.** A physical therapist may order x-rays to be performed by qualified persons only if the physical therapist satisfies one of the following qualifications:

- (a) the physical therapist obtained a clinical doctorate degree in physical therapy;
- (b) the physical therapist holds a nationally recognized specialty certification;
- (c) the physical therapist holds a nationally recognized residency or fellowship certified by an organization recognized by the board (PTEB); or
- (d) the physical therapist has completed a formal x-ray ordering training program with demonstrated physician involvement.

**History:** 1993 a. 107 ss. 54, 59; 1995 a. 27 s. 9145 (1); 1997 a. 27, 164; 2001 a. 70; 2003 a. 154; 2005 a. 187; 2009 a. 149; 2011 a. 161.

**Cross-reference:** See also ch. PT 6, Wis. adm. code.

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

**History:** 2001 a. 70; 2009 a. 149.

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

**History:** 2001 a. 70; 2009 a. 149.

**448.57 Disciplinary proceedings and actions.**

(1) Subject to the rules promulgated under s. 440.03 (1), the 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.

(2) Subject to the rules promulgated under s. 440.03 (1), the 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:

(a) Made a material misstatement in an application for a license or for renewal of a license.

(am) Interfered with an investigation or disciplinary proceeding by using threats, harassment, or intentional misrepresentation of facts.

(b) Subject to ss. 111.321, 111.322, and 111.335, been convicted of an offense the circumstances of which substantially relate to the practice of physical therapy or assisting in the practice of physical therapy.

(bm) Been adjudicated mentally incompetent by a court.

(c) Advertised in a manner that is false, deceptive or misleading.

(d) Advertised, practiced or attempted to practice under another's name.

(e) Subject to ss. 111.321, 111.322, and 111.34, practiced or assisted in the practice of physical therapy while the applicant's or licensee's ability to practice or assist was impaired by alcohol or other drugs.

(f) Engaged in unprofessional or unethical conduct in violation of the code of ethics established in the rules promulgated under s. 448.527.

(fm) Engaged in sexual misconduct with a patient.

(g) Engaged in conduct while practicing or assisting in the practice of physical therapy which evidences a lack of knowledge or ability to apply professional principles or skills.

(h) Violated this subchapter or any rule promulgated under this subchapter.

(3)

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

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

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

(5) The examining board may report final disciplinary action taken against a licensee to any national database that includes information about disciplinary action taken against health care professionals.

**History:** 1993 a. 107; 2001 a. 70; 2009 a. 149.

**Cross-reference:** See also ch. PT 7, Wis. adm. code.

**448.58 Injunctive relief.** If the examining board has reason to believe that any person is violating this subchapter or any rule promulgated under this subchapter, the 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.

**History:** 1993 a. 107; 2009 a. 149.

**448.59 Penalties.** Any person who violates this subchapter or any rule promulgated under this subchapter may be fined not more than \$10,000 or imprisoned for not more than 9 months or both.

**History:** 1993 a. 107.



State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-~~8888~~  
MED:~~8888~~rs

2642/P1

In 6-23  
Out by 7-1

PWT ✓

**2013 ASSEMBLY BILL 658**

2015 BILL

and granting rule-making authority ✓  
jld

January 24, 2014 - Introduced by Representatives KOYENGA, BERNARD SCHABER, TITTL, KLEEFISCH, NASS, KAHL, STRACHOTA, KESSLER, A. OTT, WRIGHT, CZAJA and HUTTON, cosponsored by Senators VUKMIR and FARROW. Referred to Committee on Health.

the authority of physical therapists to order X-rays ✓

✓

Gen

- 1 AN ACT to amend 462.04 of the statutes; relating to prescriptions or orders for
- 2 the use of diagnostic X-ray equipment by radiography examining board
- 3 licensees and permit holders.

**Analysis by the Legislative Reference Bureau**

Under current law, subject to certain exceptions, no person may engage in the practice of radiography unless the person holds a license or limited permit issued by the Radiography Examining Board. Radiography is generally defined as the imaging of anatomical structures, produced by the combined application of X-rays to the human body. In addition, under current law, a person holding such a license or permit may not use diagnostic X-ray equipment on humans for diagnostic purposes unless authorized to do so by a prescription or order issued by one of several types of licensed medical professionals specified under current law.

This bill adds licensed physical therapists to this list of licensed medical professionals authorized to prescribe or order the use of diagnostic X-ray equipment.

Ins 1-4 ✓

Ins A ✓

Ins B ✓

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

- 4 SECTION 1. 462.04 of the statutes is amended to read:
- 5 **462.04 Prescription or order required.** A person who holds a license or
- 6 limited X-ray machine operator permit under this chapter may not use diagnostic

**ASSEMBLY BILL 658**

**SECTION 1**

1 X-ray equipment on humans for diagnostic purposes unless authorized to do so by  
2 prescription or order of a physician licensed under s. 448.04 (1) (a), a dentist licensed  
3 under s. 447.04 (1), a podiatrist licensed under s. 448.63, a chiropractor licensed  
4 under s. 446.02, an advanced practice nurse certified under s. 441.16 (2), or a  
5 physician assistant licensed under s. 448.04 (1) (f), or a physical therapist licensed  
6 under s. 448.53. ✓

subject to s. 448.56 (7); ✓

(END)

↑  
SCORE



2015-2016 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-2642/Plins  
MED:...

INSERT A

Under current law, X-rays may generally only be performed if authorized pursuant to

INSERT B

The bill provides, however, that a licensed physical therapist may only order X-rays if the Physical Therapy Examining Board certifies that the physical therapist satisfies one of certain conditions specified in the bill. In addition, the bill provides that the physical therapist must, when ordering X-rays, communicate with the patient's primary care physician or an appropriate health care provider to ensure coordination of care, unless certain criteria that are specified in the bill apply.

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

INSERT 1-4

SECTION 1. 448.50 (4) (b) of the statutes is renumbered 448.50 (4) (b) (intro.)

and amended to read:

448.50 (4) (b) (intro.) "Physical therapy" does not include using any of the following:

1. Using roentgen rays or radium for any purpose, using except that "physical therapy" includes ordering X-rays to be performed by qualified persons, subject to s. 448.56 (7) (a), and using X-ray results to determine a course of care or to determine whether a referral to another health care provider is necessary.

\*\*\*NOTE: I said "course of care" here in order to use the term "physical therapy" in its own definition. Is that OK?

2. Using electricity for surgical purposes, including cauterization, or prescribing.

3. Prescribing drugs or devices.

History: 1993 a. 107; 2001 a. 70; 2009 a. 149.

SECTION 2. 448.56 (7) of the statutes is created to read:

1           448.56 (7) ORDERING X-RAYS. (a) A physical therapist may order X-rays to be  
 2 performed by qualified persons only if the examining board certifies under par. (c)  
 3 that the physical therapist satisfies one of the following qualifications, as further  
 4 specified by the examining board by rule:

      \*\*\*NOTE: I added some material here and in par. (c) - I assumed that the intent  
 was probably to have the PTEB further define what qualifications would qualify under  
 par. (a) 2. to 4. and I required that the PTEB certify that someone has met one of those  
 requirements (otherwise, who would determine this?), modeled on what is in 2013  
 Wisconsin Act 354, which allowed the Dentistry Examining Board to grant a certificate  
 to administer nitrous oxide to a licensed dental hygienist who satisfies certain criteria.  
 If any of these changes are not in accordance with your intent, please let me know.

- 5           1. The physical therapist holds a clinical doctorate degree in physical therapy.
- 6           2. The physical therapist holds a nationally recognized specialty certification.
- 7           3. The physical therapist holds a nationally recognized residency or fellowship  
 8 certified by an organization recognized by the examining board.

      \*\*\*NOTE: Is it correct to say that someone "holds" a fellowship or residency?

- 9           4. The physical therapist has completed a formal X-ray ordering training  
 10 program with demonstrated physician involvement.

11           (b) When a physical therapist orders an X-ray, the physical therapist shall  
 12 communicate with the patient's primary care physician or an appropriate health care  
 13 practitioner to ensure coordination of care, unless all of the following apply:

      \*\*\*NOTE: Do you want to account here for patients who have someone other than  
 a physician (i.e., APRN or PA) serving as their primary health care provider?

- 14           1. A radiologist has read the X-ray and not identified a significant finding.
- 15           2. The patient does not have a primary care physician.
- 16           3. The patient was not referred to the physical therapist by another health care  
 17 practitioner to receive care from the physical therapist.



1 (c) The examining board<sup>✓</sup> shall grant a certification to order X-rays to a physical  
2 therapist who submits evidence satisfactory to the examining board that he or she  
3 satisfies one of the qualifications under par. (a).<sup>✓</sup>

(end ins 1-4)

**Duchek, Michael**

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**From:** Hoisington, Joshua  
**Sent:** Monday, September 28, 2015 9:30 AM  
**To:** Duchek, Michael  
**Subject:** LRB 2642  
**Attachments:** LRB 2642.pdf

Good morning Michael,

Would you please make the attached changes to LRB 2642? If it's possible could you turn them around quickly?

Best regards,

Josh Hoisington  
Office of Representative Joe Sanfelippo  
15th Assembly District  
608.266.0620

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State of Wisconsin  
2015 - 2016 LEGISLATURE

LRB-2642/P1  
MED:jld&an

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

1     **AN ACT to renumber and amend 448.50 (4) (b); to amend 462.04; and to create**  
2             **448.56 (7) of the statutes; relating to: the authority of physical therapists to**  
3             **order X-rays and granting rule-making authority.**

---

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

Under current law, X-rays may generally only be performed if authorized pursuant to a prescription or order issued by one of several types of licensed medical professionals specified under current law. This bill adds licensed physical therapists to this list of licensed medical professionals authorized to prescribe or order the use of diagnostic X-ray equipment. The bill provides, however, that a licensed physical therapist may only order X-rays if the Physical Therapy Examining Board certifies that the physical therapist satisfies one of certain conditions specified in the bill. In addition, the bill provides that the physical therapist must, when ordering X-rays, communicate with the patient's primary care physician or an appropriate health care provider to ensure coordination of care, unless certain criteria that are specified in the bill apply.

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. 448.50 (4) (b) of the statutes is renumbered 448.50 (4) (b) (intro.)  
2 and amended to read:

3 448.50 (4) (b) (intro.) "Physical therapy" does not include using any of the  
4 following:

5 1. Using roentgen rays or radium for any purpose, using except that "physical  
6 therapy" includes ordering X-rays to be performed by qualified persons, subject to  
7 s. 448.56 (7) (a), and using X-ray results to determine a course of care or to determine  
8 whether a referral to another health care provider is necessary.

\*\*\*\*NOTE: I said "course of care" here in order to use the term "physical therapy"  
in its own definition. Is that OK?

9 2. Using electricity for surgical purposes, including cauterization, or  
10 prescribing.

11 3. Prescribing drugs or devices.

12 SECTION 2. 448.56 (7) of the statutes is created to read:

13 448.56 (7) ORDERING X-RAYS. (a) A physical therapist may order X-rays to be  
14 performed by qualified persons only if the examining board certifies under par. (c)  
15 that the physical therapist satisfies one of the following qualifications, as further  
16 specified by the examining board by rule:

\*\*\*\*NOTE: I added some material here and in par. (c) — I assumed that the intent  
was probably to have the PTEB further define what qualifications would qualify under  
par. (a) 2. to 4. and I required that the PTEB certify that someone has met one of those  
requirements (otherwise, who would determine this?), modeled on what is in 2013  
Wisconsin Act 354, which allowed the Dentistry Examining Board to grant a certificate  
to administer nitrous oxide to a licensed dental hygienist who satisfies certain criteria.  
If any of these changes are not in accordance with your intent, please let me know.

- 17 1. The physical therapist holds a clinical doctorate degree in physical therapy.
- 18 2. The physical therapist holds a nationally recognized specialty certification.
- 19 3. The physical therapist holds a nationally recognized residency or fellowship
- 20 certified by an organization recognized by the examining board.

*no need to have  
PTEB pro-actively  
"certify"; rather  
they can come  
as reaction  
to these  
qualifications*

*"has  
completed"*





State of Wisconsin  
2015 - 2016 LEGISLATURE

In 9-28  
Out 10-1

LRB-2642/P1 P2  
MED:jld&an

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

*¶ This bill allows for X-rays to be ordered by physical therapists who satisfy certain criteria.*  
*Regen*

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16 specified by the examining board by rule:

\*\*\*\*NOTE: I added some material here and in par. (c) — I assumed that the intent was probably to have the PTEB further define what qualifications would qualify under par. (a) 2. to 4. and I required that the PTEB certify that someone has met one of those requirements (otherwise, who would determine this?), modeled on what is in 2013 Wisconsin Act 354, which allowed the Dentistry Examining Board to grant a certificate to administer nitrous oxide to a licensed dental hygienist who satisfies certain criteria. If any of these changes are not in accordance with your intent, please let me know.

17 1. The physical therapist holds a clinical doctorate degree in physical therapy.

18 2. The physical therapist holds <sup>has completed</sup> a nationally recognized specialty certification <sup>program</sup>.

19 3. The physical therapist holds <sup>has completed</sup> a nationally recognized residency or fellowship

20 certified by an organization recognized by the examining board.

\*\*\*\*NOTE: Is it correct to say that someone "holds" a fellowship or residency?

1           4. The physical therapist has completed a formal X-ray ordering training  
2 program with demonstrated physician involvement.

3           (b) When a physical therapist orders an X-ray, the physical therapist shall  
4 communicate with the patient's primary care physician or an appropriate health care  
5 practitioner to ensure coordination of care, unless all of the following apply:

\*\*\*\*NOTE: Do you want to account here for patients who have someone other than  
a physician (i.e., APRN or PA) serving as their primary health care provider?

- 6           1. A radiologist has read the X-ray and not identified a significant finding.
- 7           2. The patient does not have a primary care physician.
- 8           3. The patient was not referred to the physical therapist by another health care  
9 practitioner to receive care from the physical therapist.

10          (c) The examining board shall grant a certification to order X-rays to a physical  
11 therapist who submits evidence satisfactory to the examining board that he or she  
12 satisfies one of the qualifications under par. (a).

13           **SECTION 3.** 462.04 of the statutes is amended to read:

14           **462.04 Prescription or order required.** A person who holds a license or  
15 limited X-ray machine operator permit under this chapter may not use diagnostic  
16 X-ray equipment on humans for diagnostic purposes unless authorized to do so by  
17 prescription or order of a physician licensed under s. 448.04 (1) (a), a dentist licensed  
18 under s. 447.04 (1), a podiatrist licensed under s. 448.63, a chiropractor licensed  
19 under s. 446.02, an advanced practice nurse certified under s. 441.16 (2), or a  
20 physician assistant licensed under s. 448.04 (1) (f), or, subject to s. 448.56 (7), a  
21 physical therapist licensed under s. 448.53.

22           (END)

**Duchek, Michael**

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**From:** Hoisington, Joshua  
**Sent:** Tuesday, October 27, 2015 10:57 AM  
**To:** Duchek, Michael  
**Subject:** RE: LRB -2642/P2  
**Attachments:** 15-2642\_P2.pdf

Good morning Michael,

Would you please draft an introducible version of LRB 2642/P2 today?

Thank you for your help.

Best regards,

Josh Hoisington  
Office of Representative Joe Sanfelippo  
15th Assembly District  
608.266.0620

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State of Wisconsin  
2015 - 2016 LEGISLATURE

LRB-2642/P2  
MED:jld&an

in 10-2)  
TODAY

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

✓

Regen

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This bill allows for X-rays to be ordered by physical therapists who satisfy certain criteria.

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17           2. The physical therapist has completed a nationally recognized specialty  
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19           3. The physical therapist has completed a nationally recognized residency or  
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21           4. The physical therapist has completed a formal X-ray ordering training  
22 program with demonstrated physician involvement.

23           (b) When a physical therapist orders an X-ray, the physical therapist shall  
24 communicate with the patient’s primary care physician or an appropriate health care  
25 practitioner to ensure coordination of care, unless all of the following apply:



**Barman, Mike**

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**From:** Hoisington, Joshua  
**Sent:** Monday, November 16, 2015 8:52 AM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB -2642/1

Please Jacket LRB -2642/1 for the ASSEMBLY.