

2017 DRAFTING REQUEST

Bill

For: Rob Stafsholt (608) 266-7683

Drafter: mduchek

By: Sharlene

Secondary Drafters:

Date: 7/10/2017

May Contact:

Same as LRB:

Submit via email: YES

Requester's email: Rep.Stafsholt@legis.wisconsin.gov

Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

PT compact

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mduchek 7/17/2017				
/P1	mduchek 10/19/2017	kfollett 10/31/2017	mbarman 7/20/2017		State
/P2	mduchek 1/24/2018	kfollett 1/24/2018	dwalker 10/31/2017		State
/1			dwalker 1/24/2018	dwalker 1/24/2018	State

FE Sent For:

<END>

At Intro.

Changed requester
1/24/18

2017 DRAFTING REQUEST

Bill

Statshot

For: Joe Sanfelippo (608) 266-0620

Drafter: mduchek

By: Josh ~~Sharlene~~

Secondary Drafters:

Date: 7/10/2017

May Contact:

Same as LRB:

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

Pre Topic:

No specific pre topic given

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/?	mduchek 7/17/2017				
/P1	mduchek 10/19/2017	kfollett 10/31/2017	mbarman 7/20/2017		State
/P2			dwalker 10/31/2017		State

FE Sent For: <END>



Monday
7/17

-3936/P1

LRB-1387/P2
MED&KP:kjf

DOA:.....Potts, BB0238 - DSPS Board Consolidations

FOR 2017-2019 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; relating to: the budget.

ratification of the physical therapy
licensure compact

Analysis by the Legislative Reference Bureau

SAFETY AND PROFESSIONAL SERVICES

PROFESSIONAL LICENSURE

Under current law, various professions are regulated by DSPS and various examining boards and affiliated credentialing boards are created under DSPS. Affiliated credentialing boards are each attached to a specific examining board. This bill makes numerous changes to the laws governing DSPS and the examining boards, affiliated credentialing boards, and councils under DSPS, including all of the following:

1. Elimination of certain boards and transfer of their functions to the Medical Examining Board.

Under current law, the Radiography Examining Board regulates the practice of radiographers and limited X-ray machine operators in Wisconsin, the Podiatry Affiliated Credentialing Board, which is attached to the Medical Examining Board, regulates the practice of podiatrists, and the Optometry Examining Board regulates the practice of optometrists. This bill eliminates each of those boards and transfers their functions to the Medical Examining Board.

2. Elimination of certain boards and transfer of their functions to the Medical Therapy Examining Board.

Under current law, physical therapists and physical therapist assistants are regulated by the Physical Therapy Examining Board, occupational therapists and

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occupational therapy assistants are regulated by the Occupational Therapists Affiliated Credentialing Board, athletic trainers are regulated by the Athletic Trainers Affiliated Credentialing Board, and massage therapists and bodywork therapists are regulated by the Massage Therapy and Bodywork Therapy Affiliated Credentialing Board.

This bill eliminates the aforementioned boards and transfers their functions to a newly created Medical Therapy Examining Board. Under the bill, the membership of the Medical Therapy Examining Board includes two physical therapists, two occupational therapists, two athletic trainers, and two massage therapists or bodywork therapists, as well as one public member.

3. *Elimination of sign language interpreter council and transfer of functions to Hearing and Speech Examining Board.*

Under current law, a license is generally required to perform sign language interpretation services, and a license to act as a sign language interpreter is issued by DSPS. However, also under current law, there is a Sign Language Interpreter Council that is required to perform certain duties, including advising DSPS on rule making regarding sign language interpreting and promulgating certain rules for sign language interpreters.

This bill eliminates the Sign Language Interpreter Council and transfers the duties of both DSPS and the Sign Language Interpreter Council regarding sign language interpreters to the Hearing and Speech Examining Board. In addition, the bill eliminates one of the hearing instrument specialist members on the Hearing and Speech Examining Board and adds to that board two sign language interpreters and one additional public member.

4. *Elimination of Medical Examining Board councils; creation of consolidated council.*

Under current law, there are four councils created to serve the Medical Examining Board in an advisory capacity regarding certain professions for which licenses or certificates are issued by the Medical Examining Board: 1) the Perfusionists Examining Council, which advises the Medical Examining Board regarding the practice of perfusion; 2) the Council on Physician Assistants, which advises the Medical Examining Board and the UW System Board of Regents regarding licensing, practice standards, and education and training for physician assistants; 3) the Council on Anesthesiologist Assistants, which advises the Medical Examining Board on the practice of anesthesiologist assistants; and 4) the Respiratory Care Practitioners Examining Council, which advises the Medical Examining Board on the regulation of respiratory care practitioners.

This bill eliminates these four councils and transfers their duties to a newly created council called the Medical Assistants Council. Under the bill, the Medical Assistants Council includes two licensed anesthesiologist assistants; two certified respiratory care practitioners; two licensed perfusionists; one physician; two physician assistants; and one public member.

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

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

13 **SECTION 2.** 15.085 (1m) (b) of the statutes is repealed.

14 **SECTION 3.** 15.405 (6m) (dm) of the statutes is created to read:

15 15.405 (6m) (dm) Two interpreters licensed under s. 459.42.

16 **SECTION 4.** 15.405 (6m) (e) of the statutes is amended to read:

17 15.405 (6m) (e) ~~Two~~ Three public members. ~~One~~ Two of the public members
18 shall be ~~a hearing aid user~~ deaf or hard of hearing individuals.

19 **SECTION 5.** 15.405 (7e) of the statutes is repealed.

20 **SECTION 6.** 15.405 (7r) of the statutes is repealed.

21 **SECTION 7.** 15.405 (8) of the statutes is repealed.

1 **SECTION 8.** 15.405 (10) of the statutes is created to read:

2 **15.405 (10) MEDICAL THERAPY EXAMINING BOARD.** There is created in the
3 department of safety and professional services a medical therapy examining board
4 consisting of the following members appointed for staggered 4-year terms:

5 (a) Two physical therapists licensed under subch. I of ch. 464.

6 (b) Two occupational therapists licensed under subch. II of ch. 464.

7 (c) Two athletic trainers licensed under subch. III of ch. 464.

8 (d) Two individuals, each of whom is a massage therapist or bodywork therapist
9 licensed under subch. IV of ch. 464.

10 (e) One public member.

11 **SECTION 9.** 15.406 (3) of the statutes is repealed.

12 **SECTION 10.** 15.406 (4) of the statutes is repealed.

13 **SECTION 11.** 15.406 (5) of the statutes is repealed.

14 **SECTION 12.** 15.406 (6) of the statutes is repealed.

15 **SECTION 13.** 15.407 (1m) of the statutes is repealed.

16 **SECTION 14.** 15.407 (2) of the statutes is repealed.

17 **SECTION 15.** 15.407 (2m) of the statutes is repealed.

18 **SECTION 16.** 15.407 (4) of the statutes is created to read:

19 **15.407 (4) MEDICAL ASSISTANTS COUNCIL.** There is created a medical assistants
20 council in the department of safety and professional services and serving the medical
21 examining board in an advisory capacity. The council shall consist of the following
22 members appointed by the medical examining board for 3-year terms:

23 (a) Two licensed anesthesiologist assistants.

24 (b) Two certified respiratory care practitioners.

25 (c) Two licensed perfusionists.

1 (d) One physician appointed by the chairperson of the medical examining
2 board.

3 (e) Two physician assistants.

4 (f) One public member.

5 **SECTION 17.** 15.407 (7) of the statutes is repealed.

6 **SECTION 18.** 15.407 (9) of the statutes is repealed.

7 **SECTION 19.** 20.165 (1) (g) of the statutes is amended to read:

8 20.165 (1) (g) *General program operations.* The amounts in the schedule for
9 the licensing, rule making, and regulatory functions of the department, other than
10 the licensing, rule-making, and credentialing functions of the medical examining
11 board ~~and the affiliated credentialing boards attached to the medical examining~~
12 ~~board~~ and except for preparing, administering, and grading examinations. Ninety
13 percent of all moneys received under chs. 440 to 480, except chs. 449 and 462 and
14 subchs. II and IV of ch. 448 and ss. 440.03 (13), 440.05 (1) (b), and, less \$10 of each
15 renewal fee received under s. 452.12 (5); all moneys transferred from the
16 appropriation under par. (i); and all moneys received under s. 440.055 (2), shall be
17 credited to this appropriation.

18 **SECTION 20.** 20.165 (1) (hg) of the statutes is amended to read:

19 20.165 (1) (hg) *General program operations; medical examining board;*
20 *interstate medical licensure compact; prescription drug monitoring program.*

21 Biennially, the amounts in the schedule for the licensing, rule-making, and
22 regulatory functions of the medical examining board and the dietitians affiliated
23 ~~credentialing boards attached to the medical examining board~~, except for preparing,
24 administering, and grading examinations; for any costs associated with the
25 interstate medical licensure compact under s. 448.980, including payment of

1 assessments under s. 448.980 (13) (a); and for the controlled substances board's
2 operation of the prescription drug monitoring program under s. 961.385. Ninety
3 percent of all moneys received for issuing and renewing credentials under chs. 449
4 and 462 and subchs. II and IV of ch. 448 shall be credited to this appropriation. All
5 moneys received from the interstate medical licensure compact commission under
6 s. 448.980 shall be credited to this appropriation.

7 **SECTION 21.** 20.165 (1) (hg) of the statutes, as affected by 2015 Wisconsin Act
8 116 and 2017 Wisconsin Act (this act), is repealed and recreated to read:

9 20.165 (1) (hg) *General program operations; medical examining board;*
10 *prescription drug monitoring program.* Biennially, the amounts in the schedule for
11 the licensing, rule-making, and regulatory functions of the medical examining board
12 and the dietitians affiliated credentialing board, except for preparing,
13 administering, and grading examinations; and for the controlled substances board's
14 operation of the prescription drug monitoring program under s. 961.385. Ninety
15 percent of all moneys received for issuing and renewing credentials under chs. 449
16 and 462 and subchs. II and IV of ch. 448 shall be credited to this appropriation.

***NOTE: This SECTION involves a change in an appropriation, but should not be
reflected in the revised schedule in s. 20.005, stats., because of a delayed effective date.

17 **SECTION 22.** 46.90 (5m) (br) 5. of the statutes is amended to read:

18 46.90 (5m) (br) 5. Refer the case to the department of safety and professional
19 services if the financial exploitation, neglect, self-neglect, or abuse involves an
20 individual who is required to hold a credential, as defined in s. 440.01 (2) (a), under
21 chs. 440 to 460 480.

22 **SECTION 23.** 48.78 (2) (g) of the statutes is amended to read:

1 48.78 (2) (g) Paragraph (a) does not prohibit an agency from disclosing
2 information about an individual in its care or legal custody on the written request
3 of the department of safety and professional services or of any interested examining
4 board or affiliated credentialing board in that department for use in any
5 investigation or proceeding relating to any alleged misconduct by any person who is
6 credentialed or who is seeking credentialing under ch. 448, 455 ~~or~~, 457, or 464. ✓
7 Unless authorized by an order of the court, the department of safety and professional
8 services and any examining board or affiliated credentialing board in that
9 department shall keep confidential any information obtained under this paragraph
10 and may not disclose the name of or any other identifying information about the
11 individual who is the subject of the information disclosed, except to the extent that
12 redisclosure of that information is necessary for the conduct of the investigation or
13 proceeding for which that information was obtained. ✓

14 **SECTION 24.** 49.45 (8) (a) 3. of the statutes is amended to read: ✓

15 49.45 (8) (a) 3. "Occupational therapist" has the meaning given in s. 448.96
16 464.20 (4). ✓

17 **SECTION 25.** 49.45 (8) (a) 5. of the statutes is amended to read: ✓

18 49.45 (8) (a) 5. "Physical therapist" has the meaning given in s. 448.50 464.01
19 (3). ✓

20 **SECTION 26.** 50.01 (2) of the statutes is amended to read:

21 50.01 (2) "Nurse aide" means a person who performs routine patient care
22 duties delegated by a registered nurse or licensed practical nurse who supervises the
23 person, for the direct health care of a patient or resident. "Nurse aide" does not mean
24 a feeding assistant, as defined in s. 146.40 (1) (aw); a person who is licensed,
25 permitted, certified, or registered under ch. 441, 448, 449, 450, 451, 455, 459, ~~or~~ 460,

1 or 464; or a person whose duties primarily involve skills that are different than those
2 taught in instructional programs for nurse aides.

3 **SECTION 27.** 50.36 (3) (b) of the statutes is amended to read:

4 50.36 (3) (b) If, as a result of peer investigation or written notice thereof, a
5 hospital staff member who is licensed by the medical examining board ~~or podiatry~~
6 ~~affiliated credentialing board~~, for any reasons that include the quality of or ability
7 to practice, loses his or her hospital staff privileges, has his or her hospital staff
8 privileges reduced, or resigns from the hospital staff, the hospital shall so notify the
9 medical examining board ~~or podiatry affiliated credentialing board~~, whichever is
10 applicable, within 30 days after the loss, reduction or resignation takes effect.
11 Temporary suspension due to incomplete records need not be reported.

12 **SECTION 28.** 50.36 (3) (c) of the statutes is amended to read:

13 50.36 (3) (c) If, as a result of peer investigation or written notice thereof, a
14 hospital staff member who is licensed by the medical examining board ~~or podiatry~~
15 ~~affiliated credentialing board~~, for reasons that do not include the quality of or ability
16 to practice, loses his or her hospital staff privileges for 30 days or more, has his or
17 her hospital staff privileges reduced for 30 days or more, or resigns from the hospital
18 staff for 30 days or more, the hospital shall so notify the medical examining board
19 ~~or podiatry affiliated credentialing board~~, whichever is applicable, within 30 days
20 after the loss, reduction or resignation takes effect. Temporary suspension due to
21 incomplete records need not be reported.

22 **SECTION 29.** 50.39 (3) of the statutes is amended to read:

23 50.39 (3) Facilities governed by ss. 45.50, 48.62, 49.70, 49.72, 50.02, 51.09, and
24 252.10, juvenile correctional facilities as defined in s. 938.02 (10p), correctional
25 institutions governed by the department of corrections under s. 301.02, and the

1 offices and clinics of persons licensed to treat the sick under chs. 446, 447, and 448,
2 and 464 are exempt from ss. 50.32 to 50.39. Sections 50.32 to 50.39 do not abridge
3 the rights of the medical examining board, physical medical therapy examining
4 board, podiatry affiliated credentialing board, dentistry examining board, pharmacy
5 examining board, chiropractic examining board, and board of nursing in carrying out
6 their statutory duties and responsibilities.

7 **SECTION 30.** 50.50 (7m) of the statutes is amended to read:

8 50.50 (7m) "Occupational therapy" has the meaning given in s. 448.96 464.20
9 (5).

10 **SECTION 31.** 55.043 (4) (b) 5. of the statutes is amended to read:

11 55.043 (4) (b) 5. Refer the case to the department of safety and professional
12 services or the department of agriculture, trade and consumer protection, as
13 appropriate, if the financial exploitation, neglect, self-neglect, or abuse involves an
14 individual who is required to hold a credential, as defined in s. 440.01 (2) (a), under
15 chs. 440 to 460 480 or to hold a license, certification, or permit issued under s. 89.06,
16 89.072, or 89.073.

17 **SECTION 32.** 118.135 (3) of the statutes is amended to read:

18 118.135 (3) To the extent feasible, the medical examining board and the
19 ~~optometry examining board~~ shall encourage physicians and optometrists, for the
20 purpose of this section, to conduct free eye examinations or evaluations of pupils who
21 are in financial need and do not have insurance coverage for eye examinations or
22 evaluations.

23 **SECTION 33.** 146.37 (1g) of the statutes is amended to read:

24 146.37 (1g) Except as provided in s. 153.76, no person acting in good faith who
25 participates in the review or evaluation of the services of health care providers or

1 facilities or the charges for such services conducted in connection with any program
2 organized and operated to help improve the quality of health care, to avoid improper
3 utilization of the services of health care providers or facilities, or to determine the
4 reasonable charges for such services, or who participates in the obtaining of health
5 care information under subch. I of ch. 153, is liable for any civil damages as a result
6 of any act or omission by such person in the course of such review or evaluation. Acts
7 and omissions to which this subsection applies include, but are not limited to, acts
8 or omissions by peer review committees or hospital governing bodies in censuring,
9 reprimanding, limiting, or revoking hospital staff privileges or notifying the medical
10 examining board ~~or podiatry-affiliated credentialing board~~ under s. 50.36 or taking
11 any other disciplinary action against a health care provider or facility and acts or
12 omissions by a medical director in reviewing the performance of emergency medical
13 technicians or ambulance service providers.

14 **SECTION 34.** 146.40 (1) (d) of the statutes is amended to read:

15 146.40 (1) (d) "Nurse aide" means an individual who performs routine patient
16 care duties delegated by a registered nurse or licensed practical nurse who
17 supervises the individual, for the direct health care of a patient or resident. "Nurse
18 aide" does not mean a feeding assistant, an individual who is licensed, permitted,
19 certified, or registered under ch. 441, 448, 449, 450, 451, 455, 459, ~~or 460, or 464,~~ or
20 an individual whose duties primarily involve skills that are different than those
21 taught in instructional programs for nurse aides approved under sub. (3) or (3g) or
22 evaluated by competency evaluation programs for nurse aides approved under sub.
23 (3m).

24 **SECTION 35.** 146.81 (1) (dg) of the statutes is amended to read:

1 146.81 (1) (dg) A physical therapist or physical therapist assistant licensed
2 under subch. III I of ch. 448 464.

3 **SECTION 36.** 146.81 (1) (eq) of the statutes is amended to read:

4 146.81 (1) (eq) An athletic trainer licensed under subch. VI III of ch. 448 464.

5 **SECTION 37.** 146.81 (1) (es) of the statutes is amended to read:

6 146.81 (1) (es) An occupational therapist or occupational therapy assistant
7 licensed under subch. VII II of ch. 448 464.

8 **SECTION 38.** 146.81 (1) (hp) of the statutes is amended to read:

9 146.81 (1) (hp) A massage therapist or bodywork therapist licensed under
10 subch. IV of ch. 460 464.

11 **SECTION 39.** 146.89 (1) (r) 1. of the statutes is amended to read:

12 146.89 (1) (r) 1. Licensed as a physician under ch. 448, a dentist or dental
13 hygienist under ch. 447, a registered nurse, practical nurse, or nurse-midwife under
14 ch. 441, an optometrist under ch. 449, a physician assistant under ch. 448, a
15 pharmacist under ch. 450, a chiropractor under ch. 446, a podiatrist under subch. IV
16 of ch. 448, or a physical therapist under subch. III I of ch. 448 464.

17 **SECTION 40.** 146.997 (1) (d) 4. of the statutes is amended to read:

18 146.997 (1) (d) 4. A physician, podiatrist, or perfusionist, ~~physical therapist,~~
19 ~~or physical therapist assistant~~ licensed under ch. 448.

20 **SECTION 41.** 146.997 (1) (d) 5. of the statutes is amended to read:

21 146.997 (1) (d) 5. ~~An occupational therapist, occupational therapy assistant,~~
22 A physician assistant or respiratory care practitioner licensed or certified under ch.
23 448.

24 **SECTION 42.** 146.997 (1) (d) 13. of the statutes is renumbered 146.997 (1) (d) 13s.
25 and amended to read:

1 146.997 (1) (d) 13s. A massage therapist or bodywork therapist licensed under
2 subch. IV of ch. 460 464.

3 SECTION 43. 146.997 (1) (d) 13e. of the statutes is created to read:

4 146.997 (1) (d) 13e. A physical therapist or physical therapist assistant
5 licensed under subch. I of ch. 464.

6 SECTION 44. 146.997 (1) (d) 13m. of the statutes is created to read:

7 146.997 (1) (d) 13m. An occupational therapist or occupational therapy
8 assistant licensed under subch. II of ch. 464.

9 SECTION 45. 154.01 (3) of the statutes is amended to read:

10 154.01 (3) "Health care professional" means a person licensed, certified or
11 registered under ch. 441, 448 ~~or~~, 455, or 464.

12 SECTION 46. 155.01 (7) of the statutes is amended to read:

13 155.01 (7) "Health care provider" means a nurse licensed or permitted under
14 ch. 441, a chiropractor licensed under ch. 446, a dentist licensed under ch. 447, a
15 physician, physician assistant, perfusionist, ~~or~~ ^{plain} podiatrist, ~~physical therapist,~~
16 ~~physical therapist assistant,~~ occupational therapist, or occupational therapy
17 assistant ^{plain} licensed under ch. 448, a person practicing Christian Science treatment,
18 an optometrist licensed under ch. 449, a psychologist licensed under ch. 455, a
19 ~~physical therapist,~~ ^{per} physical therapist assistant, occupational therapist, or
20 occupational therapy assistant licensed under ch. 464, a partnership thereof, a
21 corporation or limited liability company thereof that provides health care services,
22 a cooperative health care association organized under s. 185.981 that directly
23 provides services through salaried employees in its own facility, or a home health
24 agency, as defined in s. 50.49 (1) (a).

25 SECTION 47. 180.1901 (1m) (ag) of the statutes is repealed.

1 **SECTION 48.** 180.1901 (1m) (b) of the statutes is amended to read:

2 180.1901 (1m) (b) Medical examining board under subch. II or IV of ch. 448 or
3 ch. 449.

4 **SECTION 49.** 180.1901 (1m) (bg) of the statutes is renumbered 180.1901 (1m)
5 (h) and amended to read: *plain*

6 180.1901 (1m) (h) ~~Physical Medical~~ therapy examining board under subch. III *plain*
7 *of* ch. 448 ~~464~~. *I*

8 **SECTION 50.** 180.1901 (1m) (bk) of the statutes is repealed. ✓

9 **SECTION 51.** 180.1901 (1m) (bs) of the statutes is repealed. ✓

10 **SECTION 52.** 180.1901 (1m) (bu) of the statutes is repealed. ✓

11 **SECTION 53.** 180.1901 (1m) (c) of the statutes is repealed. ✓

12 **SECTION 54.** 231.01 (7) (d) 2. of the statutes is amended to read:

13 231.01 (7) (d) 2. Any office or clinic of a person licensed under ch. 446, 447, 448,
14 449, ~~or 455, or 464~~, or the substantially equivalent laws or rules of another state.

15 **SECTION 55.** 252.14 (1) (ar) 4e. of the statutes is renumbered 252.14 (1) (ar) 8e.
16 and amended to read:

17 252.14 (1) (ar) 8e. A physical therapist or physical therapist assistant licensed
18 under subch. III I of ch. 448 464. *9*

19 **SECTION 56.** 252.14 (1) (ar) 4p. of the statutes is renumbered 252.14 (1) (ar) 8m.
20 and amended to read:

21 252.14 (1) (ar) 8m. An occupational therapist or occupational therapy assistant
22 licensed under subch. VII II of ch. 448 464. ✓

23 **SECTION 57.** 252.14 (1) (ar) 4q. of the statutes is renumbered 252.14 (1) (ar) 8s.
24 and amended to read:

25 252.14 (1) (ar) 8s. An athletic trainer licensed under subch. VI III of ch. 448 464.

1 SECTION 58. 252.14 (1) (ar) 9. of the statutes is amended to read:

2 252.14 (1) (ar) 9. An employee or agent of any provider specified under subds.

3 1. to 8. 8s. e se. ✓

4 SECTION 59. 252.14 (1) (ar) 10. of the statutes is amended to read:

5 252.14 (1) (ar) 10. A partnership of any provider specified under subds. 1. to

6 8. 8s. e se. ✓

7 SECTION 60. 252.14 (1) (ar) 11. of the statutes is amended to read:

8 252.14 (1) (ar) 11. A corporation of any provider specified under subds. 1. to 8.

9 8s. e se. that provides health care services.

10 SECTION 61. 255.40 (2) (a) (intro.) of the statutes is amended to read:

11 255.40 (2) (a) (intro.) Any person licensed, certified or registered by the state
12 under ch. 441, 448 ~~or~~, 455, or 464 who treats a patient suffering from any of the
13 following shall report in accordance with par. (b):

14 SECTION 62. 440.03 (16) of the statutes is amended to read:

15 440.03 (16) Annually, the department shall distribute the form developed by
16 the medical and optometry examining boards under 2001 Wisconsin Act 16, section
17 9143 (3c), to all school districts and charter schools that offer kindergarten, to be used
18 by pupils to provide evidence of eye examinations under s. 118.135.

19 SECTION 63. 440.032 (title) of the statutes is repealed. ✓

20 SECTION 64. 440.032 (1) (intro.) of the statutes is renumbered 459.40 (intro.)
21 and amended to read:

22 459.40 Definitions. (intro.) In this section subchapter: ✓

23 SECTION 65. 440.032 (1) (a) of the statutes is renumbered 459.40 (1). ✓

24 SECTION 66. 440.032 (1) (b) of the statutes is repealed. ✓

25 SECTION 67. 440.032 (1) (c) of the statutes is renumbered 459.40 (3).

1 **SECTION 68.** 440.032 (1) (d) of the statutes is renumbered 459.40 (4) and
2 amended to read:

3 459.40 (4) "Wisconsin interpreting and transliterating assessment" means a
4 program administered by the department of health services to determine and verify
5 the level of competence of communication access services providers who are not
6 certified by the Registry of Interpreters for the Deaf, Inc., or its successor, the
7 National Association of the Deaf or its successor, or ~~other~~ another similar nationally
8 recognized certification organization, or a successor program administered by the
9 department of health services.

10 **SECTION 69.** 440.032 (2) of the statutes is renumbered 459.41, and 459.41 (1),
11 (2) (intro.) and (c) and (3), as renumbered, are amended to read:

12 459.41 (1) Except as provided in ~~pars. (b) and (c)~~ subs. (2) and (3), no person
13 may, for compensation, provide sign language interpretation services for a client
14 unless the person is licensed by the department examining board under ~~sub. (3) s.~~
15 459.42.

16 (2) (intro.) No license is required under ~~this subsection~~ sub. (1) for any of the
17 following:

18 (c) A person interpreting at a religious service or at a religious function,
19 including educational or social events sponsored by a religious organization. This
20 ~~subdivision paragraph~~ does not apply to a person interpreting for a religious
21 organization at a professional service provided or sponsored by the religious
22 organization.

23 (3) (a) ~~The council~~ examining board may grant a temporary exemption from the
24 requirement under sub. (1) to an individual who is not a resident of this state that
25 authorizes the individual to provide interpretation services for a period not to exceed

1 20 days, if the individual is certified by the Registry of Interpreters for the Deaf, Inc.,
2 or its successor, or the National Association of the Deaf or its successor. The ~~council~~
3 examining board may not grant an individual more than 2 temporary exemptions
4 under this ~~subdivision~~ paragraph per year.

5 (b) The ~~council~~ examining board may grant a temporary or permanent
6 exemption from the requirement under sub. (1) to an individual who is a resident of
7 this state that authorizes the individual to provide interpretation services for a
8 period specified by the ~~council~~ examining board or for persons specified by the ~~council~~
9 examining board.

10 SECTION 70. 440.032 (3) of the statutes is renumbered 459.42, and 459.42 (1)
11 (a) (intro.) and 3., (b) and (c) and (2) (a) (intro.), (b) (intro.) and (c), as renumbered,
12 are amended to read:

13 459.42 (1) (a) (intro.) The ~~department~~ examining board shall grant a license
14 as a sign language interpreter to an applicant who submits an application on a form
15 provided by the department, pays the fee determined by the department under s.
16 440.03 (9) (a), and submits evidence satisfactory to the ~~department~~ examining board
17 that the applicant has received an associate degree in sign language interpretation
18 or has received a certificate of completion of an education and training program
19 regarding such interpretation, and the applicant has one of the following:

20 3. Any valid certification granted by any other organization that the
21 ~~department~~ examining board determines is substantially equivalent to a
22 certification specified in subd. 1. ~~a. or b.~~ or 2.

23 (b) The ~~department~~ examining board shall grant a license as a sign language
24 interpreter to an applicant who submits an application on a form provided by the
25 department and pays the fee determined by the department under s. 440.03 (9) (a),

1 if the applicant has a certification specified in ~~subd. 1. a. par. (a) 1.~~ and if the
2 applicant provides to the department examining board satisfactory evidence of a
3 diagnosis by a physician that the applicant is deaf or hard of hearing.

4 (c) The department examining board shall grant a license as a sign language
5 interpreter to an applicant who has not received an associate degree in sign language
6 interpretation or a certificate of completion of an education and training program
7 regarding such interpretation, but who otherwise satisfies the requirements in ~~subd.~~
8 ~~1. par. (a)~~ (intro.), if, within 24 months after establishing residency in the state, the
9 applicant provides evidence satisfactory to the department examining board that the
10 applicant holds one of the certifications specified in ~~subd. 1. a., b., or c. par. (a) 1., 2.,~~
11 ~~or 3.~~, that the applicant obtained the certification prior to establishing residency in
12 the state, and that the applicant held the certification at the time the applicant
13 established residency in the state.

14 (2) (a) (intro.) The department examining board shall grant a license as a sign
15 language interpreter to an applicant who submits an application on a form provided
16 by the department, pays the fee determined by the department under s. 440.03 (9)
17 (a), and submits evidence satisfactory to the department examining board of all of
18 the following:

19 (b) (intro.) The department examining board shall grant a restricted license as
20 a sign language interpreter, authorizing the holder to provide interpretation services
21 only under the supervision of an interpreter licensed under ~~par. (a) sub. (1),~~ to an
22 applicant who submits an application on a form provided by the department, pays
23 the fee determined by the department under s. 440.03 (9) (a), and submits evidence
24 satisfactory to the department examining board of all of the following:

1 (c) A license granted under ~~subd. 1. or 2. par. (a) or (b)~~ may be renewed twice
2 and is not valid upon the expiration of the 2nd renewal period.

3 **SECTION 71.** 440.032 (4) of the statutes is renumbered 459.44 and amended to
4 read:

5 **459.44 Notification required.** A person who is licensed under ~~sub. (3) s.~~
6 459.42 shall notify the ~~department~~ examining board in writing within 30 days if the
7 person's certification or membership specified in ~~sub. (3) s. 459.42~~ that is required
8 for the license is revoked or invalidated. The ~~department~~ examining board shall
9 revoke a license granted under ~~sub. (3) s. 459.42~~ if such a certification or membership
10 is revoked or invalidated.

11 **SECTION 72.** 440.032 (5) of the statutes is renumbered 459.43 and amended to
12 read:

13 **459.43 License renewal.** The renewal ~~dates~~ date for licenses granted under
14 ~~sub. (3) (a) are s. 459.42 (1) is~~ specified in s. 440.08 (2) (a) 68e. Renewal applications
15 shall be submitted to the ~~department~~ examining board on a form provided by the
16 department and shall include the renewal fee determined by the department under
17 s. 440.03 (9) (a) and evidence satisfactory to the ~~department~~ examining board that
18 the person's certification or membership specified in ~~sub. (3) s. 459.42~~ that is
19 required for the license has not been revoked or invalidated.

20 **SECTION 73.** 440.032 (6) (intro.) of the statutes is renumbered 459.45 (1) (intro.)
21 and amended to read:

22 **459.45 (1) COUNCIL.** (intro.) ~~The council~~ Subject to sub. (2), the examining
23 board shall do all of the following:

24 **SECTION 74.** 440.032 (6) (a) of the statutes is repealed.

1 **SECTION 75.** 440.032 (6) (b) of the statutes is renumbered 459.45 (1) (a) and
2 amended to read:

3 459.45 (1) (a) ~~Advise the department regarding the promulgation and~~
4 ~~implementation of~~ Promulgate and implement rules regarding the practice of sign
5 language interpreters.

6 **SECTION 76.** 440.032 (6) (c) of the statutes is renumbered 459.45 (1) (d).

7 **SECTION 77.** 440.032 (6) (d) of the statutes is renumbered 459.45 (1) (c) and
8 amended to read:

9 459.45 (1) (c) Promulgate rules establishing a process and criteria for granting
10 exemptions under ~~sub. (2) (e) 2. s. 459.41 (3) (b).~~

11 **SECTION 78.** 440.032 (6) (e) of the statutes is repealed.

12 **SECTION 79.** 440.032 (7) (title) of the statutes is repealed.

13 **SECTION 80.** 440.032 (7) (a) of the statutes is renumbered 459.45 (2) and
14 amended to read:

15 459.45 (2) The department examining board may not promulgate rules that
16 impose requirements for granting a license under s. 459.42 that are in addition to the
17 requirements specified in ~~sub. (3) s. 459.42.~~

18 **SECTION 81.** 440.032 (7) (b) of the statutes is renumbered 459.45 (1) (b) and
19 amended to read:

20 459.45 (1) (b) ~~After considering the recommendations of the council, the~~
21 ~~department shall promulgate~~ Promulgate rules that establish a code of ethics that
22 governs the professional conduct of persons licensed under ~~sub. (3) s. 459.42.~~ In
23 promulgating rules under this paragraph, the department examining board shall
24 consider including as part or all of the rules part or all of the code of ethics established
25 by the Registry of Interpreters for the Deaf, Inc., or its successor. The department

1 examining board shall periodically review the code of ethics established by the
2 Registry of Interpreters for the Deaf, Inc., or its successor, and, if appropriate, revise
3 the rules promulgated under this paragraph to reflect revisions to that code of ethics.

4 **SECTION 82.** 440.032 (8) (title) of the statutes is renumbered 459.46 (title).

****NOTE: This is reconciled s. 440.032 (8) (title). This SECTION has been affected
by drafts with the following LRB numbers: -1397/P1 and -0497/P2.

5 **SECTION 83.** 440.032 (8) of the statutes is renumbered 459.46 (1) and amended
6 to read:

7 459.46 (1) Subject to the rules promulgated under s. 440.03 (1), the ~~department~~
8 examining board may make investigations and conduct hearings to determine
9 whether a violation of this ~~section~~ subchapter or any rule promulgated under this
10 ~~section~~ subchapter has occurred and may reprimand a person who is licensed under
11 ~~sub. (3) s. 459.42~~ or may deny, limit, suspend, or revoke a license granted under ~~sub.~~
12 ~~(3) s. 459.42~~ if it finds that the applicant or licensee has violated this ~~section~~
13 subchapter or any rule promulgated under this ~~section~~ subchapter.

****NOTE: This is reconciled s. 440.032 (8). This SECTION has been affected by drafts
with the following LRB numbers: -1397/P1 and -0497/P2.

14 **SECTION 84.** 440.032 (9) of the statutes is renumbered 459.47 and amended to
15 read:

16 **459.47 Penalty.** A person who violates this ~~section~~ subchapter or any rule
17 promulgated under this ~~section~~ subchapter may be fined not more than \$200 or
18 imprisoned for not more than 6 months or both.

19 **SECTION 85.** 440.035 (2m) of the statutes is amended to read:

20 440.035 (2m) The medical examining board, ~~the podiatry affiliated~~
21 ~~credentialing board~~, the board of nursing, or the dentistry examining board, ~~or the~~
22 ~~optometry examining board~~ may issue guidelines regarding best practices in

1 prescribing controlled substances, as defined in s. 961.01 (4), for persons
2 credentialed by that board who are authorized to prescribe controlled substances.

3 **SECTION 86.** 448.05 (5) (c) of the statutes is amended to read:

4 448.05 (5) (c) In promulgating rules under par. (a), the board shall recognize
5 the objective under s. 448.20 (4) (2m) (d).

6 **SECTION 87.** 448.20 (title) of the statutes is repealed and recreated to read:

7 **448.20 (title) Medical assistants council.**

8 **SECTION 88.** 448.20 of the statutes is renumbered 448.20 (2m), and 448.20 (2m)
9 (title), (a), (c) (intro.) and (d), as renumbered, are amended to read:

10 448.20 (2m) (title) ~~COUNCIL ON DUTIES; PHYSICIAN ASSISTANTS; DUTIES.~~ (a)
11 *Recommend licensing and practice standards.* The council ~~on physician assistants~~
12 shall develop and recommend to the examining board licensing and practice
13 standards for physician assistants. In developing the standards, the council shall
14 consider the following factors: an individual's training, wherever given; experience,
15 however acquired, including experience obtained in a hospital, a physician's office,
16 the armed services or the federal health service of the United States, or their
17 equivalent as found by the examining board; and education, including that offered
18 by a medical school and the technical college system board.

19 (c) *Advise board.* (intro.) The council shall advise the board on all of the
20 following:

21 (d) *Adhere to program objectives.* In formulating standards under this ~~section~~
22 subsection, the council shall recognize that an objective of this program is to increase
23 the existing pool of health personnel.

24 **SECTION 89.** 448.20 (1m) of the statutes is created to read:

1 448.20 (1m) DEFINITION. In this section, "council" means the medical assistants
2 council.

3 **SECTION 90.** 448.20 (4m) of the statutes is created to read: ✓

4 448.20 (4m) DUTIES; PERFUSIONISTS. The council shall consult with the board
5 as provided in s. 448.40 (2) (b) and (c).

6 **SECTION 91.** 448.20 (5m) of the statutes is created to read: ✓

7 448.20 (5m) DUTIES; RESPIRATORY CARE PRACTITIONERS. The council shall advise
8 the board regarding the promulgation of rules relating to respiratory care
9 practitioners.

10 **SECTION 92.** 448.23 of the statutes is renumbered 448.20 (3m) and amended
11 to read: ✓

12 448.20 (3m) ~~COUNCIL ON~~ DUTIES; ANESTHESIOLOGIST ASSISTANTS. The council ~~on~~
13 ~~anesthesiologist assistants~~ shall guide, advise, and make recommendations to the
14 board regarding the scope of anesthesiologist assistant practice and promote the safe
15 and competent practice of anesthesiologist assistants in the delivery of health care
16 services.

17 **SECTION 93.** 448.40 (2) (b) of the statutes is amended to read:

18 448.40 (2) (b) Establishing the scope of the practice of perfusion. In
19 promulgating rules under this paragraph, the board shall consult with the
20 ~~perfusionists examining~~ medical assistants council.

21 **SECTION 94.** 448.40 (2) (c) of the statutes is amended to read:

22 448.40 (2) (c) Establishing continuing education requirements for renewal of
23 a license to practice perfusion under s. 448.13 (2). In promulgating rules under this
24 paragraph, the board shall consult with the ~~perfusionists examining~~ medical
25 assistants council.

1 **SECTION 95.** Subchapter III (title) of chapter 448 [precedes 448.50] of the
2 statutes is repealed. *repealed* *renumbered subchapter I (title) of chapter 464 [precedes*

3 **SECTION 96.** 448.50 of the statutes is renumbered 464.01, and 464.01 (1v) and
4 (4) (b) 1., as renumbered, *are* amended to read:

5 464.01 (1v) "Examining board" means the physical medical therapy examining
6 board.

7 *464.01* (4) (b) 1. Using roentgen rays or radium for any purpose, except that "physical
8 therapy" includes ordering X-rays to be performed by qualified persons, subject to
9 s. 448.56 (7) 464.08 (9) (a), and using X-ray results to determine a course of care or
10 to determine whether a referral to another health care provider is necessary.

11 **SECTION 97.** 448.51 (title) of the statutes is renumbered 464.02 (title).

12 **SECTION 98.** 448.51 (1) of the statutes is renumbered 464.02 (1) (a) and
13 amended to read:

14 464.02 (1) (a) Except as provided in s. 448.52 sub. (2), no person may practice
15 physical therapy unless the person is licensed as a physical therapist under this
16 subchapter.

17 **SECTION 99.** 448.51 (1e) of the statutes is renumbered 464.02 (1) (b).

18 **SECTION 100.** 448.51 (1s) of the statutes is renumbered 464.02 (1) (c).

19 **SECTION 101.** 448.51 (2) of the statutes is renumbered 464.02 (1) (d) and
20 amended to read:

21 464.02 (1) (d) Except as provided in s. 448.52 (2m) sub. (2) (b), no person may
22 claim to render physical therapy or physiotherapy services unless the person is
23 licensed as a physical therapist under this subchapter.

24 **SECTION 102.** 448.52 (title) of the statutes is repealed.

25 **SECTION 103.** 448.52 (1m) of the statutes is renumbered 464.02 (2) (a).

1 **SECTION 104.** 448.52 (2m) of the statutes is renumbered 464.02 (2) (b), and
2 464.02 (2) (b) 1., as renumbered, is amended to read:

3 464.02 (2) (b) 1. Except as provided in par. (b) subd. 2., a chiropractor licensed
4 under ch. 446 claiming to render physical therapy, if the physical therapy is provided
5 by a physical therapist employed by the chiropractor.

6 **SECTION 105.** 448.522 of the statutes is renumbered 464.08 (7).

7 **SECTION 106.** 448.527 (title) of the statutes is repealed.

8 **SECTION 107.** 448.527 of the statutes is renumbered 464.03 (1) and amended
9 to read:

10 464.03 (1) ~~The examining board shall promulgate~~ Promulgate rules
11 establishing a code of ethics governing the professional conduct of physical
12 therapists and physical therapist assistants.

13 **SECTION 108.** 448.53 of the statutes is renumbered 464.04, and 464.04 (1) (e),
14 as renumbered, is amended to read:

15 464.04 (1) (e) Passes an examination under s. 448.54 464.06.

16 **SECTION 109.** 448.535 of the statutes is renumbered 464.05, and 464.05 (1) (e),
17 as renumbered, is amended to read:

18 464.05 (1) (e) Passes an examination under s. 448.54 464.06.

19 **SECTION 110.** 448.54 of the statutes is renumbered 464.06, and 464.06 (3), as
20 renumbered, is amended to read:

21 464.06 (3) Notwithstanding s. 448.53 464.04 (1) (f), the examining board may
22 not require an applicant for physical therapist licensure to take an oral examination
23 or an examination to test proficiency in the English language for the sole reason that
24 the applicant was educated at a physical therapy school that is not in the United

1 States if the applicant establishes, to the satisfaction of the examining board, that
2 he or she satisfies the requirements under s. 448.53 464.04 (3).

3 **SECTION 111.** 448.55 of the statutes is renumbered 464.07, and 464.07 (2), as
4 renumbered, is amended to read:

5 464.07 (2) The renewal dates for licenses granted under this subchapter, other
6 than temporary licenses granted under rules promulgated under s. 448.53 464.04 (2),
7 are specified under s. 440.08 (2) (a). Renewal applications shall be submitted to the
8 department on a form provided by the department and shall include the renewal fee
9 determined by the department under s. 440.03 (9) (a) and proof of compliance with
10 the requirements established in any rules promulgated under sub. (3).

11 **SECTION 112.** 448.56 (title) of the statutes is renumbered 464.08 (title) and
12 amended to read:

13 **464.08 (title) Practice requirements and restrictions.**

14 **SECTION 113.** 448.56 (1) of the statutes is renumbered 464.08 (1) (a) and
15 amended to read:

16 464.08 (1) (a) Except as provided in this subsection paragraph and s. 448.52
17 464.02 (2), a person may practice physical therapy only upon the written referral of
18 a physician, physician assistant, chiropractor, dentist, podiatrist, or advanced
19 practice nurse prescriber certified under s. 441.16 (2). Written referral is not
20 required if a physical therapist provides services in schools to children with
21 disabilities, as defined in s. 115.76 (5), pursuant to rules promulgated by the
22 department of public instruction; provides services as part of a home health care
23 agency; provides services to a patient in a nursing home pursuant to the patient's
24 plan of care; provides services related to athletic activities, conditioning, or injury
25 prevention; or provides services to an individual for a previously diagnosed medical

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

6 **SECTION 114.** 448.56 (1m) (title) of the statutes is renumbered 464.08 (2) (title).

7 **SECTION 115.** 448.56 (1m) (a) of the statutes is renumbered 464.08 (2).

8 **SECTION 116.** 448.56 (1m) (b) of the statutes is renumbered 464.08 (1) (b) and
9 amended to read:

10 464.08 (1) (b) The examining board shall promulgate rules establishing the
11 requirements that a physical therapist must satisfy if a physician, physician
12 assistant, chiropractor, dentist, podiatrist, or advanced practice nurse prescriber
13 makes a written referral under sub. (1) par. (a). The purpose of the rules shall be to
14 ensure continuity of care between the physical therapist and the health care
15 practitioner.

16 **SECTION 117.** 448.56 (2) of the statutes is renumbered 464.08 (3) and amended
17 to read:

18 464.08 (3) FEE SPLITTING. No licensee may give or receive, directly or indirectly,
19 to or from any other person any fee, commission, rebate, or other form of
20 compensation or anything of value for sending, referring, or otherwise inducing a
21 person to communicate with a licensee in a professional capacity, or for any
22 professional services not actually rendered personally by the licensee or at the
23 licensee's direction.

24 **SECTION 118.** 448.56 (3) to (5) of the statutes are renumbered 464.08 (4) to (6).

1 **SECTION 119.** 448.56 (6) of the statutes is renumbered 464.08 (8) and amended
2 to read:

3 464.08 (8) **PHYSICAL THERAPIST ASSISTANTS.** A physical therapist assistant may
4 assist a physical therapist in the practice of physical therapy if the physical therapist
5 provides direct or general supervision of the physical therapist assistant. The
6 examining board shall promulgate rules defining "direct or general supervision" for
7 purposes of this subsection. Nothing in this subsection interferes with delegation
8 authority under any other provision of this chapter or ch. 448.

9 **SECTION 120.** 448.56 (7) of the statutes is renumbered 464.08 (9).

10 **SECTION 121.** 448.565 (title) of the statutes is repealed.

11 **SECTION 122.** 448.565 of the statutes is renumbered 464.03 (2) and amended
12 to read:

13 464.03 (2) ~~The examining board shall promulgate~~ Promulgate rules
14 establishing procedures and requirements for filing complaints against licensees
15 and shall publicize the procedures and requirements.

16 **SECTION 123.** 448.567 (title) of the statutes is repealed.

17 **SECTION 124.** 448.567 of the statutes is renumbered 464.03 (3) and amended
18 to read:

19 464.03 (3) ~~The examining board shall promulgate~~ Promulgate rules that
20 require the examining board on a periodic basis to conduct performance self-audits
21 of its activities under this subchapter.

22 **SECTION 125.** 448.57 of the statutes is renumbered 464.09, and 464.09 (2)
23 (intro.), (c), (d) and (f), as renumbered, are amended to read:

24 464.09 (2) (intro.) Subject to the rules promulgated under s. 440.03 (1), the
25 examining board may reprimand a licensee or may deny, limit, suspend, or revoke

1 a license granted under this subchapter if it finds that the applicant or licensee has
2 done any of the following:

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

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

5 (f) Engaged in unprofessional or unethical conduct in violation of the code of
6 ethics established in the rules promulgated under s. ~~448.527~~ 464.03 (1).

7 **SECTION 126.** 448.58 (title) of the statutes is repealed.

8 **SECTION 127.** 448.58 of the statutes is renumbered ~~464.10~~ 464.10 (2) and amended to
9 read:

10 464.10 (2) If the examining board has reason to believe that any person is
11 violating this subchapter or any rule promulgated under this subchapter, the
12 examining board, the department, the attorney general, or the district attorney of
13 the proper county may investigate and may, in addition to any other remedies, bring
14 an action in the name and on behalf of this state to enjoin the person from the
15 violation.

16 **SECTION 128.** 448.59 (title) of the statutes is repealed.

17 **SECTION 129.** 448.59 of the statutes is renumbered ~~464.10~~ 464.10 (1).

18 **SECTION 130.** Subchapter IV (title) of chapter 448 [precedes 448.60] of the
19 statutes is amended to read:

20 **CHAPTER 448**

21 **SUBCHAPTER IV**

22 **PODIATRY AFFILIATED**

23 **CREDENTIALING BOARD**

24 **SECTION 131.** 448.60 (1) of the statutes is amended to read:

1 448.60 (1) ~~“Affiliated credentialing board”~~ “Board” means the podiatry
2 ~~affiliated credentialing~~ medical examining board.

3 **SECTION 132.** 448.60 (3) of the statutes is amended to read:

4 448.60 (3) “Podiatrist” means an individual possessing the degree of doctor of
5 podiatric medicine or doctor of surgical chiropody or equivalent degree as determined
6 by the ~~affiliated credentialing~~ board, and holding a license to practice podiatry or
7 podiatric medicine and surgery granted by the ~~affiliated credentialing~~ board under
8 this subchapter.

9 **SECTION 133.** 448.60 (5) of the statutes is amended to read:

10 448.60 (5) “Unprofessional conduct” means an act or attempted act of
11 commission or omission, as defined by the ~~affiliated credentialing~~ board by rule
12 under s. 448.695 (1), or an act by a podiatrist in violation of ch. 450 or 961.

13 **SECTION 134.** 448.63 (1) (intro.) of the statutes is amended to read:

14 448.63 (1) (intro.) Subject to sub. (4), the ~~affiliated credentialing~~ board shall
15 grant a license as a podiatrist to a person who does all of the following:

16 **SECTION 135.** 448.63 (1) (c) of the statutes is amended to read:

17 448.63 (1) (c) Subject to ss. 111.321, 111.322, and 111.335, submits evidence
18 satisfactory to the ~~affiliated credentialing~~ board that the applicant does not have an
19 arrest or conviction record.

20 **SECTION 136.** 448.63 (1) (d) (intro.) of the statutes is amended to read:

21 448.63 (1) (d) (intro.) Submits evidence satisfactory to the ~~affiliated~~
22 ~~credentialing~~ board of all of the following:

23 **SECTION 137.** 448.63 (1) (d) 1. of the statutes is amended to read:

24 448.63 (1) (d) 1. That the applicant is a graduate of a school of podiatric
25 medicine and surgery approved by the ~~affiliated credentialing~~ board and possesses

1 a diploma from such school conferring the degree of doctor of podiatric medicine, or
2 equivalent degree as determined by the ~~affiliated credentialing~~ board, unless the
3 ~~affiliated credentialing~~ board waives these requirements under sub. (2).

4 **SECTION 138.** 448.63 (1) (d) 2. of the statutes is amended to read:

5 448.63 (1) (d) 2. That the applicant has completed 2 years of postgraduate
6 training in a program approved by the ~~affiliated credentialing~~ board or one year of
7 postgraduate training in a program approved by the ~~affiliated credentialing~~ board
8 if the one-year postgraduate training was completed by June 1, 2010.

9 **SECTION 139.** 448.63 (2) (intro.) of the statutes is amended to read:

10 448.63 (2) (intro.) The ~~affiliated credentialing~~ board may waive the
11 requirement under sub. (1) (d) 1. for an applicant who establishes, to the satisfaction
12 of the ~~affiliated credentialing~~ board, all of the following:

13 **SECTION 140.** 448.63 (3) of the statutes is amended to read:

14 448.63 (3) The ~~affiliated credentialing~~ board may promulgate rules providing
15 for various classes of temporary licenses to practice podiatry.

16 **SECTION 141.** 448.63 (4) of the statutes is amended to read:

17 448.63 (4) The ~~affiliated credentialing~~ board may grant a limited license to an
18 applicant for a license under sub. (1) if the ~~affiliated credentialing~~ board finds that
19 the applicant has not demonstrated adequate education, training or performance on
20 any past examination or in any past practice, and that, based upon considerations
21 of public health and safety, the applicant does not qualify for full licensure under sub.
22 (1).

23 **SECTION 142.** 448.64 (1) of the statutes is amended to read:

1 448.64 (1) The ~~affiliated credentialing~~ board shall conduct or arrange for
2 examinations for podiatrist licensure at least semiannually and at times and places
3 determined by the ~~affiliated credentialing~~ board.

4 **SECTION 143.** 448.64 (3) of the statutes is amended to read:

5 448.64 (3) The ~~affiliated credentialing~~ board may not require an applicant to
6 take an oral examination or an examination to test proficiency in the English
7 language for the sole reason that the applicant was educated at a podiatry school that
8 is not in the United States if the applicant establishes, to the satisfaction of the
9 ~~affiliated credentialing~~ board, that he or she satisfies the requirements under s.
10 448.63 (2).

11 **SECTION 144.** 448.64 (4) of the statutes is amended to read:

12 448.64 (4) The ~~affiliated credentialing~~ board may require an applicant who
13 fails to appear for or to complete an examination under this section to reapply for
14 licensure before being admitted to a subsequent examination.

15 **SECTION 145.** 448.64 (5) of the statutes is amended to read:

16 448.64 (5) An applicant who fails to pass an examination under this section
17 may request reexamination, and may be reexamined not more than twice at not less
18 than 4-month intervals, and shall pay a reexamination fee for each reexamination.
19 An applicant who fails to pass an examination on the 2nd such reexamination may
20 not be admitted to further examination until the applicant reapplies for licensure
21 and submits evidence that shows, to the satisfaction of the ~~affiliated credentialing~~
22 board, that he or she has completed additional education or received additional
23 professional training.

24 **SECTION 146.** 448.655 (1) (intro.) of the statutes is amended to read:

1 448.655 (1) (intro.) A licensed podiatrist shall annually submit to the ~~affiliated~~
2 ~~credentialing~~ board evidence satisfactory to the ~~affiliated credentialing~~ board that
3 the podiatrist satisfies one of the following:

4 **SECTION 147.** 448.655 (1) (b) 3. a. of the statutes is amended to read:

5 448.655 (1) (b) 3. a. At least the minimum amount of malpractice liability
6 insurance coverage that is required under the laws of the state in which the ~~affiliated~~
7 ~~credentialing~~ board determines that his or her principal place of practice is located.

8 **SECTION 148.** 448.655 (1) (b) 3. b. of the statutes is amended to read:

9 448.655 (1) (b) 3. b. If the podiatrist is not required under the laws of the state
10 in which the ~~affiliated credentialing~~ board determines that his or her principal place
11 of practice is located to have in effect a minimum amount of malpractice liability
12 insurance coverage, at least the minimum amount of malpractice liability insurance
13 coverage that the ~~affiliated credentialing~~ board determines is necessary to protect
14 the public.

15 **SECTION 149.** 448.655 (2) (intro.) of the statutes is amended to read:

16 448.655 (2) (intro.) For purposes of sub. (1), a podiatrist's principal place of
17 practice is not in this state if the ~~affiliated credentialing~~ board determines that,
18 during the following 12 months, any of the following applies:

19 **SECTION 150.** 448.655 (3) of the statutes is amended to read:

20 448.655 (3) The ~~affiliated credentialing~~ board may suspend, revoke, or refuse
21 to issue or renew the license of a podiatrist who fails to procure or to submit proof of
22 the malpractice liability insurance coverage required under sub. (1).

23 **SECTION 151.** 448.665 of the statutes is amended to read:

24 **448.665 Continuing education.** The ~~affiliated credentialing~~ board shall
25 promulgate rules establishing requirements and procedures for licensees to

1 complete continuing education programs or courses of study in order to qualify for
2 renewal of a license granted under this subchapter. The rules shall require a licensee
3 to complete at least 30 hours of continuing education programs or courses of study
4 within each 2-year period immediately preceding the renewal date specified under
5 s. 440.08 (2) (a). The ~~affiliated credentialing~~ board may waive all or part of these
6 requirements for the completion of continuing education programs or courses of
7 study if the ~~affiliated credentialing~~ board determines that prolonged illness,
8 disability or other exceptional circumstances have prevented a licensee from
9 completing the requirements.

10 **SECTION 152.** 448.675 (1) (a) of the statutes is amended to read:

11 448.675 (1) (a) The ~~affiliated credentialing~~ board shall investigate allegations
12 of unprofessional conduct and negligence in treatment by a licensee. Information
13 contained in reports filed with the ~~affiliated credentialing~~ board under s. 49.45 (2)
14 (a) 12r., 50.36 (3) (b), 609.17, or 632.715, or under 42 CFR 1001.2005, shall be
15 investigated by the ~~affiliated credentialing~~ board. Information contained in a report
16 filed with the ~~affiliated credentialing~~ board under s. 50.36 (3) (c) may, within the
17 discretion of the ~~affiliated credentialing~~ board, be used as the basis of an
18 investigation of a person named in the report. The ~~affiliated credentialing~~ board may
19 require a licensee to undergo and may consider the results of a physical, mental, or
20 professional competency examination if the ~~affiliated credentialing~~ board believes
21 that the results of the examination may be useful to the ~~affiliated credentialing~~ board
22 in conducting its investigation.

23 **SECTION 153.** 448.675 (1) (b) of the statutes is amended to read:

24 448.675 (1) (b) After an investigation, if the ~~affiliated credentialing~~ board finds
25 that there is probable cause to believe that the person is guilty of unprofessional

1 conduct or negligence in treatment, the ~~affiliated credentialing~~ board shall hold a
2 hearing on such conduct. The ~~affiliated credentialing~~ board may require a licensee
3 to undergo and may consider the results of a physical, mental, or professional
4 competency examination if the ~~affiliated credentialing~~ board believes that the
5 results of the examination may be useful to the ~~affiliated credentialing~~ board in
6 conducting its hearing. A finding by a court that a podiatrist has acted negligently
7 in treating a patient is conclusive evidence that the podiatrist is guilty of negligence
8 in treatment. A certified copy of the order of a court is presumptive evidence that the
9 finding of negligence in treatment was made. The ~~affiliated credentialing~~ board
10 shall render a decision within 90 days after the date on which the hearing is held or,
11 if subsequent proceedings are conducted under s. 227.46 (2), within 90 days after the
12 date on which those proceedings are completed.

13 **SECTION 154.** 448.675 (1) (c) of the statutes is amended to read:

14 448.675 (1) (c) After a disciplinary hearing, the ~~affiliated credentialing~~ board
15 may, when it determines that a court has found that a person has been negligent in
16 treating a patient or when it finds a person guilty of unprofessional conduct or
17 negligence in treatment, do one or more of the following: warn or reprimand that
18 person, or limit, suspend, or revoke a license granted by the ~~affiliated credentialing~~
19 ~~board~~ under this subchapter to that person. The ~~affiliated credentialing~~ board may
20 condition the removal of limitations on a license, or the restoration of a suspended
21 or revoked license, upon obtaining minimum results specified by the ~~affiliated~~
22 ~~credentialing~~ board on a physical, mental, or professional competency examination
23 if the ~~affiliated credentialing~~ board believes that obtaining the minimum results is
24 related to correcting one or more of the bases upon which the limitation, suspension,
25 or revocation was imposed.

1 **SECTION 155.** 448.675 (1) (d) 2. of the statutes is amended to read:

2 448.675 (1) (d) 2. Appear before the ~~affiliated credentialing~~ board or its officers
3 or agents at such times and places designated by the ~~affiliated credentialing~~ board.

4 **SECTION 156.** 448.675 (1) (d) 3. of the statutes is amended to read:

5 448.675 (1) (d) 3. Fully disclose to the ~~affiliated credentialing~~ board or its
6 officers or agents the nature of the person's practice and conduct.

7 **SECTION 157.** 448.675 (1) (d) 4. of the statutes is amended to read:

8 448.675 (1) (d) 4. Fully comply with the limits placed on his or her practice and
9 conduct by the ~~affiliated credentialing~~ board.

10 **SECTION 158.** 448.675 (1) (d) 5. of the statutes is amended to read:

11 448.675 (1) (d) 5. Obtain additional training, education, or supervision
12 required by the ~~affiliated credentialing~~ board.

13 **SECTION 159.** 448.675 (1) (d) 6. of the statutes is amended to read:

14 448.675 (1) (d) 6. Cooperate with the ~~affiliated credentialing~~ board.

15 **SECTION 160.** 448.675 (1) (e) of the statutes is amended to read:

16 448.675 (1) (e) Unless a suspended license is revoked during the period of
17 suspension, upon expiration of the period of suspension the ~~affiliated credentialing~~
18 board shall reinstate the person's license, except that the ~~affiliated credentialing~~
19 board may, as a condition precedent to the reinstatement of the license, require the
20 person to pass the examinations required for the original grant of the license.

21 **SECTION 161.** 448.675 (1) (f) of the statutes is amended to read:

22 448.675 (1) (f) The ~~affiliated credentialing~~ board shall comply with rules of
23 procedure for the investigation, hearing, and action promulgated by the department
24 under s. 440.03 (1).

25 **SECTION 162.** 448.675 (1) (g) of the statutes is amended to read:

1 448.675 (1) (g) Nothing in this subsection prohibits the ~~affiliated credentialing~~
2 board, in its discretion, from investigating and conducting disciplinary proceedings
3 on allegations of unprofessional conduct by a licensee when the allegations of
4 unprofessional conduct may also constitute allegations of negligence in treatment.

5 **SECTION 163.** 448.675 (2) of the statutes is amended to read:

6 448.675 (2) SUSPENSION PENDING HEARING. The ~~affiliated credentialing~~ board
7 may summarily suspend a license granted by the ~~affiliated credentialing~~ board
8 under this subchapter for a period not to exceed 30 days pending hearing if the
9 ~~affiliated credentialing~~ board has in its possession evidence establishing probable
10 cause to believe that the licensee has violated the provisions of this subchapter and
11 that it is necessary to suspend the license immediately to protect the public health,
12 safety, or welfare. The licensee shall be granted an opportunity to be heard during
13 the determination of whether or not probable cause exists. The ~~affiliated~~
14 ~~credentialing~~ board may designate any of its officers to exercise the authority
15 granted by this subsection to suspend summarily a license, for a period not exceeding
16 72 hours. If a license has been summarily suspended by the ~~affiliated credentialing~~
17 board or any of its officers, the ~~affiliated credentialing~~ board may, while the hearing
18 is in progress, extend the initial period of suspension for not more than an additional
19 30 days. If the licensee has caused a delay in the hearing process, the ~~affiliated~~
20 ~~credentialing~~ board may subsequently suspend the license from the time the hearing
21 is commenced until a final decision is issued or may delegate such authority to the
22 hearing examiner.

23 **SECTION 164.** 448.675 (3) of the statutes is amended to read:

24 448.675 (3) VOLUNTARY SURRENDER. A licensee may voluntarily surrender his
25 or her license to the ~~secretary of the affiliated credentialing~~ board, but the ~~secretary~~

1 board may refuse to accept the surrender if the ~~affiliated credentialing~~ board has
2 received an allegation of unprofessional conduct against the licensee. The ~~affiliated~~
3 ~~credentialing~~ board may negotiate stipulations in consideration for accepting the
4 surrender of a license.

5 **SECTION 165.** 448.675 (4) of the statutes is amended to read:

6 448.675 (4) RESTORATION OF LICENSE, CERTIFICATE OR LIMITED PERMIT. The
7 ~~affiliated credentialing~~ board may restore a license which that has been voluntarily
8 surrendered or revoked under this subchapter on such terms and conditions as it
9 considers appropriate.

10 **SECTION 166.** 448.68 (1) of the statutes is amended to read:

11 448.68 (1) Within 30 days after receipt of a report under s. 50.36 (3) (c), the
12 ~~affiliated credentialing~~ board shall notify the licensee, in writing, of the substance
13 of the report. The licensee and the licensee's authorized representative may examine
14 the report and may place into the record a statement, of reasonable length, of the
15 licensee's view of the correctness or relevance of any information in the report. The
16 licensee may institute an action in circuit court to amend or expunge any part of the
17 licensee's record related to the report.

18 **SECTION 167.** 448.68 (2) of the statutes is amended to read:

19 448.68 (2) If the ~~affiliated credentialing~~ board determines that a report
20 submitted under s. 50.36 (3) (c) is without merit or that the licensee has sufficiently
21 improved his or her conduct, the ~~affiliated credentialing~~ board shall remove the
22 report from the licensee's record. If no report about a licensee is filed under s. 50.36
23 (3) (c) for 2 consecutive years, the licensee may petition the ~~affiliated credentialing~~
24 board to remove any prior reports, which did not result in disciplinary action, from
25 his or her record.

1 **SECTION 168.** 448.68 (3) of the statutes is amended to read:

2 448.68 (3) Upon the request of a hospital, the ~~affiliated credentialing~~ board
3 shall provide the hospital with all information relating to a licensee's loss, reduction
4 or suspension of staff privileges from other hospitals and all information relating to
5 the licensee's being found guilty of unprofessional conduct. In this subsection,
6 "hospital" has the meaning specified under s. 50.33 (2).

7 **SECTION 169.** 448.685 of the statutes is amended to read:

8 **448.685 Injunctive relief.** If the ~~affiliated credentialing~~ board has reason to
9 believe that a person is violating this subchapter or a rule promulgated under this
10 subchapter, the ~~affiliated credentialing~~ board, the department, the attorney general,
11 or the district attorney of the proper county may investigate and may, in addition to
12 any other remedies, bring an action in the name and on behalf of this state to enjoin
13 the person from the violation.

14 **SECTION 170.** 448.69 (2) of the statutes is amended to read:

15 448.69 (2) APPEAL. A person aggrieved by an action taken under this
16 subchapter by the ~~affiliated credentialing~~ board, or its officers or its agents may
17 apply for judicial review as provided in ch. 227, and shall file notice of such appeal
18 with the ~~secretary of the affiliated credentialing~~ board within 30 days. No court of
19 this state may enter an ex parte stay of an action taken by the ~~affiliated credentialing~~
20 board under this subchapter.

21 **SECTION 171.** 448.695 (1) (intro.) of the statutes is amended to read:

22 448.695 (1) (intro.) The ~~affiliated credentialing~~ board shall promulgate all of
23 the following rules:

24 **SECTION 172.** 448.695 (2) of the statutes is amended to read:

1 **SECTION 179.** 448.95 (5m) of the statutes is renumbered 464.40 (3) and
2 amended to read:

3 464.40 (3) "Consulting physician" means a person licensed as a physician
4 under subch. II of ch. 448 who consults with an athletic trainer while the athletic
5 trainer is engaging in athletic training.

6 **SECTION 180.** 448.95 (6) of the statutes is renumbered 464.40 (5).

7 **SECTION 181.** 448.95 (7) of the statutes is renumbered 464.40 (6).

8 **SECTION 182.** 448.951 (title) of the statutes is repealed.

9 **SECTION 183.** 448.951 of the statutes is renumbered 464.41 (1) and amended
10 to read:

11 464.41 (1) Except as provided in s. ~~448.952 sub. (2)~~, no person may designate
12 himself or herself as an athletic trainer or use or assume the title "athletic trainer",
13 "licensed athletic trainer", "certified athletic trainer," or "registered athletic trainer"
14 or append to the person's name any other title, letters, or designation that represents
15 or may tend to represent the person as an athletic trainer unless the person is
16 licensed under this subchapter.

17 **SECTION 184.** 448.952 (title) of the statutes is repealed.

18 **SECTION 185.** 448.952 of the statutes is renumbered 464.41 (2), and 464.41 (2)
19 (a), as renumbered, is amended to read:

20 464.41 (2) (a) Any person lawfully practicing within the scope of a license,
21 permit, registration, or certification granted by this state or the federal government,
22 if the person does not represent himself or herself as an athletic trainer.

23 **SECTION 186.** 448.9525 of the statutes is renumbered 464.42, and 464.42 (title),
24 (1) (intro.), (c) and (e) and (2), as renumbered, are amended to read:

1 **464.42 (title) Duties of ~~affiliated credentialing~~ examining board. (1)**

2 (intro.) The ~~affiliated credentialing~~ examining board shall do all of the following:

3 (c) Prescribe a form for the recording of a protocol required under s. 448.956
4 464.47 (1).

5 (e) Promulgate rules requiring each applicant for a license under this
6 subchapter to submit evidence satisfactory to the ~~affiliated credentialing~~ examining
7 board that the applicant has current proficiency in the use of an automated external
8 defibrillator achieved through instruction provided by an individual, organization,
9 or institution of higher education approved under s. 46.03 (38) to provide such
10 instruction.

11 **(2)** Subject to s. 448.956 464.47 (1), (4) and (5), the ~~affiliated credentialing~~
12 examining board and the medical examining board shall jointly promulgate rules
13 relating to the minimum requirements of a protocol required under s. 448.956 464.47
14 (1).

15 **SECTION 187.** 448.953 of the statutes is renumbered 464.43, and 464.43 (1)
16 (intro.), (c), (d), (e), (f), (h) and (i), (2) (intro.) and (5) (b) (intro.), as renumbered, are
17 amended to read:

18 **464.43 (1)** (intro.) The ~~affiliated credentialing~~ examining board shall grant an
19 athletic trainer license to a person who does all of the following:

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

23 (d) Subject to ss. 111.321, 111.322 and 111.335, submits evidence satisfactory
24 to the ~~affiliated credentialing~~ examining board that he or she does not have a history
25 of alcohol or other drug abuse.

1 (e) Submits evidence satisfactory to the ~~affiliated credentialing~~ examining
2 board that he or she has received at least a bachelor's degree from an accredited
3 college or university.

4 (f) Submits evidence satisfactory to the ~~affiliated credentialing~~ examining
5 board that he or she has met the requirements for certification established by the
6 National Athletic Trainers' Association Board of Certification, Inc., or its successor
7 agency, and has passed the certification examination administered by the National
8 Athletic Trainers' Association Board of Certification, Inc., or its successor agency.

9 (h) Passes an examination under s. ~~448.954~~ 464.44.

10 (i) Submits evidence satisfactory to the ~~affiliated credentialing~~ examining
11 board that he or she has current proficiency in the use of an automated external
12 defibrillator achieved through instruction provided by an individual, organization,
13 or institution of higher education approved under s. 46.03 (38) to provide such
14 instruction.

15 (2) (intro.) The ~~affiliated credentialing~~ examining board may waive the
16 requirements under sub. (1) (c) to (i) for an applicant for a license under sub. (1) who
17 establishes to the satisfaction of the ~~affiliated credentialing~~ examining board all of
18 the following:

19 (5) (b) (intro.) A statement that the applicant authorizes the ~~affiliated~~
20 ~~credentialing~~ examining board to have access to any of the following:

21 **SECTION 188.** 448.954 of the statutes is renumbered 464.44 and amended to
22 read:

23 **464.44 Examination.** (1) ~~The affiliated credentialing~~ Except as provided in
24 sub. (2), the examining board shall conduct or arrange for examinations for athletic
25 trainer licensure at least semiannually and at times and places determined by the

1 ~~affiliated credentialing~~ examining board. Examinations shall consist of written or
2 oral tests, or both, requiring applicants to demonstrate minimum competency in
3 subjects substantially related to athletic training.

4 (2) In lieu of an examination under sub. (1), the ~~affiliated credentialing~~
5 examining board may accept the results of an examination administered by the
6 National Athletic Trainers' Association Board of Certification, Inc., or its successor
7 agency.

8 **SECTION 189.** 448.9545 of the statutes is renumbered 464.45, and 464.45 (1) (a)
9 and (2) (intro.) and (b) 2., as renumbered, are amended to read:

10 464.45 (1) (a) To be eligible for renewal of a license issued under s. 448.953
11 ~~464.43~~ (1) or (2), a licensee shall, during the 2-year period immediately preceding
12 the renewal date specified under s. 440.08 (2) (a), complete not less than 30 credit
13 hours of continuing education in courses of study approved by the ~~affiliated~~
14 credentialing examining board.

15 (2) (intro.) The ~~affiliated credentialing~~ examining board may approve any of
16 the following courses for continuing education credit:

17 (b) 2. Each member of the course faculty has expertise in the subject area of the
18 course because he or she has received a degree from an accredited college or
19 university relating to the subject area, has experience or special training in the
20 subject area covered by the course, or has previously taught the subject area covered
21 by the course.

22 **SECTION 190.** 448.955 of the statutes is renumbered 464.46, and 464.46 (1), (2)
23 (intro.), (a) and (c) and (3) (c), as renumbered, are amended to read:

24 464.46 (1) The renewal dates date for licenses granted under this subchapter
25 are is specified under s. 440.08 (2) (a).

1 (2) (intro.) Renewal applications shall be submitted to the department on a
2 form provided, subject to sub. (3), by the department and shall include the renewal
3 fee determined by the department under s. 440.03 (9) (a) and evidence satisfactory
4 to the ~~affiliated credentialing~~ examining board that the licensee has all of the
5 following:

6 (a) Completed, during the 2-year period immediately preceding the renewal
7 date specified in s. 440.08 (2) (a), the continuing education requirements specified
8 in s. ~~448.9545~~ 464.45.

9 (c) Liability insurance or a surety bond in at least the minimum amount
10 required by the rules promulgated under s. ~~448.9525~~ 464.42 (1) (d).

11 (3) (c) A statement, signed by the licensee and the licensee's consulting
12 physician, that a current copy of the protocol required under s. ~~448.956~~ 464.47 (1) is
13 on file at the place of employment of the athletic trainer and of the consulting
14 physician.

15 **SECTION 191.** ~~448.956~~ of the statutes is renumbered 464.47, and 464.47 (1) (a),
16 (1m), (3) (intro.) and (4) ^{e of the statutes} as renumbered, are amended to read:

17 464.47 (1) (a) A licensee may engage in athletic training only in accordance
18 with an evaluation and treatment protocol that is established by the athletic trainer
19 and approved by the consulting physician in accordance with the rules promulgated
20 under s. ~~448.9525~~ 464.42 (2) and recorded on a protocol form prescribed by the
21 ~~affiliated credentialing~~ examining board under s. ~~448.9525~~ 464.42 (1) (c).

22 ^{448.956} (1m) Subject to sub. (1) (a), a licensee may provide athletic training to an
23 individual without a referral, except that a licensee may not provide athletic training
24 as described under s. ~~448.95~~ ^{plan} 464.40 (5) (d) or (e) in an outpatient rehabilitation
25 setting unless the licensee has obtained a written referral for the individual from a

1 practitioner licensed or certified under subch. II, III, IV, V, or VII of this chapter
2 subch. I or II of this chapter; under ch. 446; under subch. II, IV, or V of ch. 448; or
3 under s. 441.16 (2). *plan* *plan* *or I of ch. 464*

4 (3) (intro.) When working on behalf of his or her employer, a licensee may, in
5 accordance with a protocol established under sub. (1) (a), do all any of the following:

6 (4) If a licensee or the consulting physician of the licensee determines that a
7 patient's medical condition is beyond the scope of practice of the licensee, the licensee
8 shall, in accordance with the protocol established under sub. (1) (a), refer the patient
9 to a health care practitioner who is licensed under subch. I of this chapter; under ch.
10 446 or; under ch. 447; or under subch. II, III or IV of ch. 448 and who can provide
11 appropriate treatment to the patient. *or under subch. I of ch. 464*

12 **SECTION 192.** 448.957 of the statutes is renumbered 464.48, and 464.48 (1), (2)
13 (intro.), (c), (d) and (h) and (3), as renumbered, are amended to read:

14 464.48 (1) Subject to the rules promulgated under s. 440.03 (1), the affiliated
15 ~~credenti~~ credenti examining board may make investigations and conduct hearings to
16 determine whether a violation of this subchapter or any rule promulgated under this
17 subchapter has occurred.

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

- 22 (c) Advertised in a manner that is false, deceptive, or misleading.
- 23 (d) Advertised, practiced, or attempted to practice under another's name.
- 24 (h) Failed to cooperate with the ~~affiliated credenti~~ affiliated credenti examining board in an
25 investigation under this section.

1 464.20 (1) ~~“Affiliated credentialing~~ “Examining board” means the ~~occupational~~
2 ~~therapists affiliated credentialing~~ medical therapy examining board.

3 (3) “Occupation” means intentional, action-oriented behavior that is
4 personally meaningful to an individual and that is determined by the individual’s
5 characteristics, culture, and environment.

6 (4) “Occupational therapist” means an individual who is licensed by the
7 ~~affiliated credentialing~~ examining board to practice occupational therapy.

8 (5) “Occupational therapy” means the therapeutic use of purposeful and
9 meaningful occupations to evaluate and treat individuals of all ages who have a
10 disease, disorder, impairment, activity limitation, or participation restriction that
11 interferes with their ability to function independently in daily life roles and
12 environments and to promote health and wellness.

13 (6) “Occupational therapy assistant” means an individual who is licensed by
14 the ~~affiliated credentialing~~ examining board to assist in the practice of occupational
15 therapy under the supervision of an occupational therapist.

16 **SECTION 199.** 448.961 (title) of the statutes is renumbered 464.21 (title).

17 **SECTION 200.** 448.961 (1) of the statutes is renumbered 464.21 (1) (a) and
18 amended to read:

19 464.21 (1) (a) Except as provided in s. ~~448.962 (1) sub. (2) (a)~~, a person who is
20 not licensed as an occupational therapist may not practice occupational therapy,
21 designate himself or herself as an occupational therapist, claim to render
22 occupational therapy services, or use the abbreviation “O.T.” or “O.T.R.” after the
23 person’s name.

24 **SECTION 201.** 448.961 (2) of the statutes is renumbered 464.21 (1) (b) and
25 amended to read:

1 464.21 (1) (b) Except as provided in s. ~~448.962 (2) sub. (2) (b)~~, a person who is
2 not licensed as an occupational therapy assistant may not assist in the practice of
3 occupational therapy, describe himself or herself as an occupational therapy
4 assistant, or claim to render occupational therapy services as an occupational
5 therapy assistant or use the abbreviation "O.T.A." or "C.O.T.A." after the person's
6 name.

7 **SECTION 202.** 448.962 (intro.) of the statutes is repealed.

8 **SECTION 203.** 448.962 (1) of the statutes is renumbered 464.21 (2) (a), and
9 464.21 (2) (a) (intro.), 3. (intro.), 4. and 5., as renumbered, are amended to read:

10 464.21 (2) (a) (intro.) ~~Require any of the following~~ None of the following is
11 required to be licensed as an occupational therapist under this subchapter:

12 3. (intro.) Any person performing occupational therapy services in this state
13 under a limited permit, as provided under s. ~~448.963~~ 464.22 (4), if at least one of the
14 following applies:

15 4. Any person lawfully practicing within the scope of a license, permit,
16 registration, or certification granted by this state or the federal government.

17 5. Any person assisting an occupational therapist or occupational therapy
18 assistant in practice under the direct, immediate, and on-premises supervision of
19 the occupational therapist or occupational therapy assistant.

20 **SECTION 204.** 448.962 (2) of the statutes is renumbered 464.21 (2) (b), and
21 464.21 (2) (b) (intro.), 3. and 4., as renumbered, are amended to read:

22 464.21 (2) (b) (intro.) ~~Require any of the following~~ None of the following is
23 required to be licensed as an occupational therapy assistant under this subchapter:

1 3. (intro.) Any person performing occupational therapy services in this state
2 under a limited permit, as provided under s. ~~448.963~~ 464.22 (4), if at least one of the
3 following applies:

4 4. Any person lawfully practicing within the scope of a license, permit,
5 registration, or certification granted by this state or the federal government.

6 **SECTION 205.** 448.963 of the statutes is [✓]renumbered 464.22, and 464.22 (2)
7 (intro.), (b) (intro.), 1. and 3. and (c), (3) (intro.), (b) (intro.), 1. and 3. and (c) and (4)
8 (intro.), (a) and (b), as renumbered, are amended to read:

9 464.22 **(2)** (intro.) The ~~affiliated credentialing~~ examining board shall grant a
10 license as an occupational therapist to a person who does all of the following:

11 (b) (intro.) Submits evidence satisfactory to the ~~affiliated credentialing~~
12 examining board that he or she has done any of the following:

13 1. Successfully completed the academic requirements and supervised
14 internship of an educational program in occupational therapy recognized by the
15 ~~affiliated credentialing~~ examining board and accredited by the Accreditation Council
16 for Occupational Therapy Education of the American Occupational Therapy
17 Association.

18 3. Been initially certified as an occupational therapist by the National Board
19 for Certification in Occupational Therapy, if the ~~affiliated credentialing~~ examining
20 board determines that the requirements for the certification are equivalent to the
21 requirements under subs. 1. and 2.

22 (c) Passes an examination under s. ~~448.964~~ 464.23.

23 **(3)** (intro.) The ~~affiliated credentialing~~ examining board shall grant a license
24 as an occupational therapy assistant to a person who does all of the following:

1 (b) (intro.) Submits evidence satisfactory to the ~~affiliated credentialing~~
2 examining board that he or she has done any of the following:

3 1. Successfully completed the academic requirements and supervised
4 internship of an educational program in occupational therapy recognized by the
5 ~~affiliated credentialing~~ examining board and accredited by the Accreditation Council
6 for Occupational Therapy Education of the American Occupational Therapy
7 Association.

8 3. Been initially certified as an occupational therapy assistant by the National
9 Board for Certification in Occupational Therapy, if the ~~affiliated credentialing~~
10 examining board determines that the requirements for the certification are
11 equivalent to the requirements under subds. 1. and 2.

12 (c) Passes an examination under s. ~~448.964~~ 464.23.

13 (4) (intro.) The ~~affiliated credentialing~~ examining board may, upon application,
14 issue a permit for a limited period of time designated by the ~~affiliated credentialing~~
15 examining board to any of the following:

16 (a) A person who presents evidence satisfactory to the ~~affiliated credentialing~~
17 examining board of having met the requirements under sub. (2) (b) 1. or 2., to practice
18 occupational therapy in association with an occupational therapist.

19 (b) A person who presents evidence satisfactory to the ~~affiliated credentialing~~
20 examining board of having met the requirements under sub. (3) (b) 1. or 2., to assist
21 in the practice of occupational therapy under the supervision of an occupational
22 therapist.

23 **SECTION 206.** 448.964 of the statutes is renumbered 464.23, and 464.23 (1), as
24 renumbered, is amended to read: