



State of Wisconsin
2017 - 2018 LEGISLATURE

-0429/P1

LRB-5823/AM
MED&TJD:emw

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

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Xrec ✓✓
PWF ✓✓

Regen

1 **AN ACT to repeal** 50.01 (1b), 77.54 (14) (f) 3., 118.2925 (1) (b), 146.89 (1) (r) 3.,
2 252.01 (1c), 440.03 (13) (b) 3., 440.03 (13) (b) 42., 440.08 (2) (a) 4m., 440.08 (2)
3 (a) 50., 441.11 (title), 441.11 (1), 441.11 (3), 441.15, 441.16, 448.035 (1) (a) and
4 450.01 (1m); **to renumber and amend** 253.13 (1), 255.06 (1) (d), 441.06 (7) and
5 441.11 (2); **to amend** 29.193 (1m) (a) 2. (intro.), 29.193 (2) (b) 2., 29.193 (2) (c)
6 3., 29.193 (2) (cd) 2. b., 29.193 (2) (cd) 2. c., 29.193 (2) (e), 29.193 (3) (a), 45.40
7 (1g) (a), 46.03 (44), 50.08 (2), 50.09 (1) (a) (intro.), 50.09 (1) (f) 1., 50.09 (1) (h),
8 50.09 (1) (k), 50.49 (1) (b) (intro.), 51.41 (1d) (b) 4., 70.47 (8) (intro.), 77.54 (14)
9 (f) 4., 97.59, 102.13 (1) (a), 102.13 (1) (b) (intro.), 1., 3. and 4., 102.13 (1) (d) 1.,
10 2., 3. and 4., 102.13 (2) (a), 102.13 (2) (b), 102.17 (1) (d) 1. and 2., 102.29 (3),
11 102.42 (2) (a), 106.30 (1), 118.15 (3) (a), 118.25 (1) (a), 118.29 (1) (e), 118.2925
12 (3), 118.2925 (4) (c), 118.2925 (5), 146.343 (1) (c), 146.82 (3) (a), 146.89 (1) (r) 1.,
13 146.89 (1) (r) 8., 146.89 (6), 252.07 (8) (a) 2., 252.07 (9) (c), 252.10 (7), 252.11 (2),
14 (4), (5), (7) and (10), 252.15 (3m) (d) 11. b. and 13., (5g) (c), (5m) (d) 2. and (e) 2.
15 and 3. and (7m) (intro.) and (b), 252.16 (3) (c) (intro.), 252.17 (3) (c) (intro.),

1 253.07 (4) (d), 253.115 (4), 253.115 (7) (a) (intro.), 253.15 (2), 255.06 (2) (d),
 2 255.07 (1) (d), 257.01 (5) (a) and (b), 341.14 (1a), (1e) (a), (1m) and (1q), 343.16
 3 (5) (a), 343.51 (1), 343.62 (4) (a) 4., 440.981 (1), 440.982 (1), 440.987 (2), 441.06
 4 (3), 441.07 (1g) (intro.), (a), (c) and (e), 441.18 (2) (a) (intro.), 441.18 (2) (b),
 5 441.18 (3), 441.19 (2), 448.03 (2) (a), 448.035 (2), (3) and (4), 448.56 (1) and (1m)
 6 (b), 448.62 (2m), 448.67 (2), 448.956 (1m), 450.01 (16) (h) 2., 450.01 (16) (hr) 2.,
 7 450.03 (1) (e), 450.11 (1i) (a) 1., 450.11 (1i) (b) 2. b., 450.11 (7) (b), 450.11 (8) (e),
 8 450.13 (5) (b), 450.135 (7) (b), 462.04, 655.001 (7t), 655.001 (9), 655.005 (2) (a),
 9 961.01 (19) (a) and 961.395; and **to create** 253.115 (1) (f), 253.13 (1) (a), 253.15
 10 (1) (em), 255.06 (1) (f) 2., 440.03 (13) (b) 39m., 440.08 (2) (a) 47. and 441.09 of
 11 the statutes; **relating to:** advanced practice registered nurses, extending the
 12 time limit for emergency rule procedures, providing an exemption from
 13 emergency rule procedures, and granting rule-making authority.

Analysis by the Legislative Reference Bureau

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

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

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

14 **SECTION 1.** 29.193 (1m) (a) 2. (intro.) of the statutes is amended to read:

15 29.193 (**1m**) (a) 2. (intro.) Has a permanent substantial loss of function in one
 16 or both arms or one or both hands and fails to meet the minimum standards of any
 17 one of the following standard tests, administered under the direction of a licensed

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1 physician, a licensed physician assistant, a licensed chiropractor, or a certified
2 licensed advanced practice registered nurse prescriber:

3 **SECTION 2.** 29.193 (2) (b) 2. of the statutes is amended to read:

4 29.193 (2) (b) 2. An applicant shall submit an application on a form prepared
5 and furnished by the department, which shall include a written statement or report
6 prepared and signed by a licensed physician, a licensed physician assistant, a
7 licensed chiropractor, a licensed podiatrist, or a certified licensed advanced practice
8 registered nurse prescriber prepared no more than 6 months preceding the
9 application and verifying that the applicant is physically disabled.

10 **SECTION 3.** 29.193 (2) (c) 3. of the statutes is amended to read:

11 29.193 (2) (c) 3. The department may issue a Class B permit to an applicant
12 who is ineligible for a permit under subd. 1., 2. or 2m. or who is denied a permit under
13 subd. 1., 2. or 2m. if, upon review and after considering the physical condition of the
14 applicant and the recommendation of a licensed physician, a licensed physician
15 assistant, a licensed chiropractor, a licensed podiatrist, or a certified licensed
16 advanced practice registered nurse prescriber selected by the applicant from a list
17 of licensed physicians, licensed physician assistants, licensed chiropractors, licensed
18 podiatrists, and certified licensed advanced practice nurse prescribers registered
19 nurses compiled by the department, the department finds that issuance of a permit
20 complies with the intent of this subsection. The use of this review procedure is
21 discretionary with the department and all costs of the review procedure shall be paid
22 by the applicant.

23 **SECTION 4.** 29.193 (2) (cd) 2. b. of the statutes is amended to read:

24 29.193 (2) (cd) 2. b. The person has a permanent substantial loss of function
25 in one or both arms and fails to meet the minimum standards of the standard upper

1 extremity pinch test, the standard grip test, or the standard nine-hole peg test,
2 administered under the direction of a licensed physician, a licensed physician
3 assistant, a licensed chiropractor, or a ~~certified~~ licensed advanced practice registered
4 nurse ~~prescriber~~.

5 **SECTION 5.** 29.193 (2) (cd) 2. c. of the statutes is amended to read:

6 29.193 (2) (cd) 2. c. The person has a permanent substantial loss of function in
7 one or both shoulders and fails to meet the minimum standards of the standard
8 shoulder strength test, administered under the direction of a licensed physician, a
9 licensed physician assistant, a licensed chiropractor, or a ~~certified~~ licensed advanced
10 practice registered nurse ~~prescriber~~.

11 **SECTION 6.** 29.193 (2) (e) of the statutes is amended to read:

12 29.193 (2) (e) *Review of decisions.* An applicant denied a permit under this
13 subsection, except a permit under par. (c) 3., may obtain a review of that decision by
14 a licensed physician, a licensed physician assistant, a licensed chiropractor, a
15 licensed podiatrist, or a ~~certified~~ licensed advanced practice registered nurse
16 ~~prescriber~~ designated by the department and with an office located in the
17 department district in which the applicant resides. The department shall pay for the
18 cost of a review under this paragraph unless the denied application on its face fails
19 to meet the standards set forth in par. (c) 1. or 2. A review under this paragraph is
20 the only method of review of a decision to deny a permit under this subsection and
21 is not subject to further review under ch. 227.

22 **SECTION 7.** 29.193 (3) (a) of the statutes is amended to read:

23 29.193 (3) (a) Produces a certificate from a licensed physician, a licensed
24 physician assistant, a licensed optometrist, or a ~~certified~~ licensed advanced practice

who holds a permit to issue prescription orders

441.09

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SECTION 7

plain 441.09

1 registered nurse prescriber stating that his or her sight is impaired to the degree that
2 he or she cannot read ordinary newspaper print with or without corrective glasses.

3 SECTION 8. 45.40 (1g) (a) of the statutes is amended to read:

4 45.40 (1g) (a) "Health care provider" means an advanced practice registered
5 nurse prescriber certified under s. 441.16 (2) licensed under ch. 441, an audiologist
6 licensed under ch. 459, a dentist licensed under ch. 447, an optometrist licensed
7 under ch. 449, a physician licensed under s. 448.02, or a podiatrist licensed under s.
8 448.63.

9 SECTION 9. 46.03 (44) of the statutes is amended to read:

10 46.03 (44) SEXUALLY TRANSMITTED DISEASE TREATMENT INFORMATION. Prepare and
11 keep current an information sheet to be distributed to a patient by a physician,
12 physician assistant, or certified advanced practice registered nurse prescriber who
13 has prescribing authority under s. 441.09 (2)(c) providing expedited partner therapy
14 to that patient under s. 448.035. The information sheet shall include information
15 about sexually transmitted diseases and their treatment and about the risk of drug
16 allergies. The information sheet shall also include a statement advising a person
17 with questions about the information to contact his or her physician, pharmacist, or
18 local health department, as defined in s. 250.01 (4).

19 SECTION 10. 50.01 (1b) of the statutes is repealed.

20 SECTION 11. 50.08 (2) of the statutes is amended to read:

21 50.08 (2) A physician, an advanced practice registered nurse prescriber
22 certified under s. 441.16 (2) who has prescribing authority under s. 441.09 (2)(c) or
23 a physician assistant licensed under ch. 448, who prescribes a psychotropic
24 medication to a nursing home resident who has degenerative brain disorder shall

holds a permit to issue prescription orders

441.16 ← strike

plain

(2)

↑ plain

1 notify the nursing home if the prescribed medication has a boxed warning under 21
2 CFR 201.57.

3 **SECTION 12.** 50.09 (1) ^X(a) (intro.) of the statutes is amended to read:

4 50.09 (1) (a) (intro.) Private and unrestricted communications with the
5 resident's family, physician, physician assistant, advanced practice registered nurse
6 ~~prescriber~~, attorney, and any other person, unless medically contraindicated as
7 documented by the resident's physician, physician assistant, or advanced practice
8 registered nurse ~~prescriber~~ in the resident's medical record, except that
9 communications with public officials or with the resident's attorney shall not be
10 restricted in any event. The right to private and unrestricted communications shall
11 include, but is not limited to, the right to:

12 **SECTION 13.** 50.09 (1) (f) 1. ^Xof the statutes is amended to read:

13 50.09 (1) (f) 1. Privacy for visits by spouse or domestic partner. If both spouses
14 [△]or both domestic partners under ch.770 are residents of the same facility, the spouses
15 or domestic partners shall be permitted to share a room unless medically
16 contraindicated as documented by the resident's physician, physician assistant, or
17 advanced practice registered nurse ~~prescriber~~ in the resident's medical record.

18 **SECTION 14.** 50.09 (1) (h) ^Xof the statutes is amended to read:

19 50.09 (1) (h) Meet with, and participate in activities of social, religious, and
20 community groups at the resident's discretion, unless medically contraindicated as
21 documented by the resident's physician, physician assistant, or advanced practice
22 registered nurse ~~prescriber~~ in the resident's medical record.

23 **SECTION 15.** 50.09 (1) (k) ^Xof the statutes is amended to read:

24 50.09 (1) (k) Be free from mental and physical abuse, and be free from chemical
25 and physical restraints except as authorized in writing by a physician, physician

1 assistant, or advanced practice registered nurse ~~prescriber~~ for a specified and
2 limited period of time and documented in the resident's medical record. Physical
3 restraints may be used in an emergency when necessary to protect the resident from
4 injury to himself or herself or others or to property. However, authorization for
5 continuing use of the physical restraints shall be secured from a physician, physician
6 assistant, or advanced practice registered nurse ~~prescriber~~ within 12 hours. Any use
7 of physical restraints shall be noted in the resident's medical records. "Physical
8 restraints" includes, but is not limited to, any article, device, or garment that
9 interferes with the free movement of the resident and that the resident is unable to
10 remove easily, and confinement in a locked room.

11 **SECTION 16.** 50.49 (1) (b) (intro.) of the statutes is amended to read:

12 50.49 (1) (b) (intro.) "Home health services" means the following items and
13 services that are furnished to an individual, who is under the care of a physician,
14 physician assistant, or advanced practice registered nurse ~~prescriber~~, by a home
15 health agency, or by others under arrangements made by the home health agency,
16 that are under a plan for furnishing those items and services to the individual that
17 is established and periodically reviewed by a physician, physician assistant, or
18 advanced practice registered nurse ~~prescriber~~ and that are, except as provided in
19 subd. 6., provided on a visiting basis in a place of residence used as the individual's
20 home:

21 **SECTION 17.** 51.41 (1d) (b) 4. of the statutes is amended to read:

22 51.41 (1d) (b) 4. A psychiatric mental health advanced practice registered
23 nurse who is suggested by the Milwaukee County board of supervisors. The
24 Milwaukee County board of supervisors shall solicit suggestions from organizations
25 including the Wisconsin Nurses Association for individuals who specialize in a full

1 continuum of behavioral health and medical services including emergency
2 detention, inpatient, residential, transitional, partial hospitalization, intensive
3 outpatient, and wraparound community-based services. The Milwaukee County
4 board of supervisors shall suggest to the Milwaukee County executive 4 psychiatric
5 mental health advanced practice registered nurses for this board membership
6 position.

7 SECTION 18. 70.47 (8) (intro.) of the statutes is amended to read:

8 70.47 (8) HEARING. (intro.) The board shall hear upon oath all persons who
9 appear before it in relation to the assessment. Instead of appearing in person at the
10 hearing, the board may allow the property owner, or the property owner's
11 representative, at the request of either person, to appear before the board, under
12 oath, by telephone or to submit written statements, under oath, to the board. The
13 board shall hear upon oath, by telephone, all ill or disabled persons who present to
14 the board a letter from a physician, osteopath, physician assistant, as defined in s.
15 448.01 (6), or advanced practice registered nurse ~~prescriber certified under s. 441.16~~
16 ~~(2)~~ licensed under ch. 441 that confirms their illness or disability. At the request of
17 the property owner or the property owner's representative, the board may postpone
18 and reschedule a hearing under this subsection, but may not postpone and
19 reschedule a hearing more than once during the same session for the same property.

20 The board at such hearing shall proceed as follows:

21 SECTION 19. 77.54 (14) (f) 3. of the statutes is repealed.

22 SECTION 20. 77.54 (14) (f) 4. of the statutes is amended to read:

23 77.54 (14) (f) 4. An advanced practice registered nurse who has prescribing
24 authority under s. 441.09 (2) (c).

25 SECTION 21. 97.59 of the statutes is amended to read:

holds a permit to issue prescription orders

1 **97.59 Handling foods.** No person in charge of any public eating place or other
2 establishment where food products to be consumed by others are handled may
3 knowingly employ any person handling food products who has a disease in a form
4 that is communicable by food handling. If required by the local health officer or any
5 officer of the department for the purposes of an investigation, any person who is
6 employed in the handling of foods or is suspected of having a disease in a form that
7 is communicable by food handling shall submit to an examination by the officer or
8 by a physician, physician assistant, or advanced practice registered nurse ~~prescriber~~
9 designated by the officer. The expense of the examination, if any, shall be paid by the
10 person examined. Any person knowingly infected with a disease in a form that is
11 communicable by food handling who handles food products to be consumed by others
12 and any persons knowingly employing or permitting such a person to handle food
13 products to be consumed by others shall be punished as provided by s. 97.72.

14 **SECTION 22.** 102.13 (1) (a) of the statutes is amended to read:

15 102.13 (1) (a) Except as provided in sub. (4), whenever compensation is claimed
16 by an employee, the employee shall, upon the written request of the employee's
17 employer or worker's compensation insurer, submit to reasonable examinations by
18 physicians, chiropractors, psychologists, dentists, physician assistants, advanced
19 practice nurse ~~prescribers~~ registered nurses, or podiatrists provided and paid for by
20 the employer or insurer. No employee who submits to an examination under this
21 paragraph is a patient of the examining physician, chiropractor, psychologist,
22 dentist, physician assistant, advanced practice registered nurse ~~prescriber~~, or
23 podiatrist for any purpose other than for the purpose of bringing an action under ch.
24 655, unless the employee specifically requests treatment from that physician,

1 chiropractor, psychologist, dentist, physician assistant, advanced practice registered
2 nurse ~~prescriber~~, or podiatrist.

3 **SECTION 23.** 102.13 (1) (b) (intro.), 1., 3. and 4. of the statutes are amended to
4 read:

5 102.13 (1) (b) (intro.) An employer or insurer who requests that an employee
6 submit to reasonable examination under par. (a) or (am) shall tender to the employee,
7 before the examination, all necessary expenses including transportation expenses.
8 The employee is entitled to have a physician, chiropractor, psychologist, dentist,
9 physician assistant, advanced practice registered nurse ~~prescriber~~, or podiatrist
10 provided by himself or herself present at the examination and to receive a copy of all
11 reports of the examination that are prepared by the examining physician,
12 chiropractor, psychologist, podiatrist, dentist, physician assistant, advanced
13 practice registered nurse ~~prescriber~~, or vocational expert immediately upon receipt
14 of those reports by the employer or worker's compensation insurer. The employee is
15 also entitled to have a translator provided by himself or herself present at the
16 examination if the employee has difficulty speaking or understanding the English
17 language. The employer's or insurer's written request for examination shall notify
18 the employee of all of the following:

19 1. The proposed date, time, and place of the examination and the identity and
20 area of specialization of the examining physician, chiropractor, psychologist, dentist,
21 podiatrist, physician assistant, advanced practice registered nurse ~~prescriber~~, or
22 vocational expert.

23 3. The employee's right to have his or her physician, chiropractor, psychologist,
24 dentist, physician assistant, advanced practice registered nurse ~~prescriber~~, or
25 podiatrist present at the examination.

1 4. The employee's right to receive a copy of all reports of the examination that
2 are prepared by the examining physician, chiropractor, psychologist, dentist,
3 podiatrist, physician assistant, advanced practice registered nurse ~~prescriber~~, or
4 vocational expert immediately upon receipt of these reports by the employer or
5 worker's compensation insurer. X

6 **SECTION 24.** 102.13 (1) (d) 1., 2., 3. and 4. of the statutes are amended to read:

7 102.13 (1) (d) 1. Any physician, chiropractor, psychologist, dentist, podiatrist,
8 physician assistant, advanced practice registered nurse ~~prescriber~~, or vocational
9 expert who is present at any examination under par. (a) or (am) may be required to
10 testify as to the results of the examination.

11 2. Any physician, chiropractor, psychologist, dentist, physician assistant,
12 advanced practice registered nurse ~~prescriber~~, or podiatrist who attended a worker's
13 compensation claimant for any condition or complaint reasonably related to the
14 condition for which the claimant claims compensation may be required to testify
15 before the division when the division so directs.

16 3. Notwithstanding any statutory provisions except par. (e), any physician,
17 chiropractor, psychologist, dentist, physician assistant, advanced practice registered
18 nurse ~~prescriber~~, or podiatrist attending a worker's compensation claimant for any
19 condition or complaint reasonably related to the condition for which the claimant
20 claims compensation may furnish to the employee, employer, worker's compensation
21 insurer, department, or division information and reports relative to a compensation
22 claim.

23 4. The testimony of any physician, chiropractor, psychologist, dentist,
24 physician assistant, advanced practice registered nurse ~~prescriber~~, or podiatrist who
25 is licensed to practice where he or she resides or practices in any state and the

1 testimony of any vocational expert may be received in evidence in compensation
2 proceedings.

3 **SECTION 25.** 102.13 (2) (a) of the statutes is amended to read:

4 102.13 (2) (a) An employee who reports an injury alleged to be work-related
5 or files an application for hearing waives any physician-patient,
6 psychologist-patient, or chiropractor-patient privilege with respect to any condition
7 or complaint reasonably related to the condition for which the employee claims
8 compensation. Notwithstanding ss. 51.30 and 146.82 and any other law, any
9 physician, chiropractor, psychologist, dentist, podiatrist, physician assistant,
10 advanced practice registered nurse ~~prescriber~~, hospital, or health care provider
11 shall, within a reasonable time after written request by the employee, employer,
12 worker's compensation insurer, department, or division, or its representative,
13 provide that person with any information or written material reasonably related to
14 any injury for which the employee claims compensation.

15 **SECTION 26.** 102.13 (2) (b) of the statutes is amended to read:

16 102.13 (2) (b) A physician, chiropractor, podiatrist, psychologist, dentist,
17 physician assistant, advanced practice registered nurse ~~prescriber~~, hospital, or
18 health service provider shall furnish a legible, certified duplicate of the written
19 material requested under par. (a) in paper format upon payment of the actual costs
20 of preparing the certified duplicate, not to exceed the greater of 45 cents per page or
21 \$7.50 per request, plus the actual costs of postage, or shall furnish a legible, certified
22 duplicate of that material in electronic format upon payment of \$26 per request. Any
23 person who refuses to provide certified duplicates of written material in the person's
24 custody that is requested under par. (a) shall be liable for reasonable and necessary

1 costs and, notwithstanding s. 814.04 (1), reasonable attorney fees incurred in
2 enforcing the requester's right to the duplicates under par. (a).

3 **SECTION 27.** 102.17 (1) (d) 1. and 2. of the statutes are amended to read:

4 102.17 (1) (d) 1. The contents of certified medical and surgical reports by
5 physicians, podiatrists, surgeons, dentists, psychologists, physician assistants,
6 advanced practice nurse prescribers registered nurses, and chiropractors licensed in
7 and practicing in this state, and of certified reports by experts concerning loss of
8 earning capacity under s. 102.44 (2) and (3), presented by a party for compensation
9 constitute prima facie evidence as to the matter contained in those reports, subject
10 to any rules and limitations the division prescribes. Certified reports of physicians,
11 podiatrists, surgeons, dentists, psychologists, physician assistants, advanced
12 practice nurse prescribers registered nurses, and chiropractors, wherever licensed
13 and practicing, who have examined or treated the claimant, and of experts, if the
14 practitioner or expert consents to being subjected to cross-examination, also
15 constitute prima facie evidence as to the matter contained in those reports. Certified
16 reports of physicians, podiatrists, surgeons, psychologists, and chiropractors are
17 admissible as evidence of the diagnosis, necessity of the treatment, and cause and
18 extent of the disability. Certified reports by doctors of dentistry, physician
19 assistants, and advanced practice nurse prescribers registered nurses are
20 admissible as evidence of the diagnosis and necessity of treatment but not of the
21 cause and extent of disability. Any physician, podiatrist, surgeon, dentist,
22 psychologist, chiropractor, physician assistant, advanced practice registered nurse
23 ~~prescriber~~, or expert who knowingly makes a false statement of fact or opinion in a
24 certified report may be fined or imprisoned, or both, under s. 943.395.

plain

1 2. The record of a hospital or sanatorium in this state that is satisfactory to the
 2 division, established by certificate, affidavit, or testimony of the supervising officer
 3 of the hospital or sanitorium sanatorium, any other person having charge of the
 4 record, or a physician, podiatrist, surgeon, dentist, psychologist, physician assistant,
 5 advanced practice registered nurse ~~prescriber~~, or chiropractor to be the record of the
 6 patient in question, and made in the regular course of examination or treatment of
 7 the patient, constitutes prima facie evidence as to the matter contained in the record,
 8 to the extent that the record is otherwise competent and relevant.

9 **SECTION 28.** 102.29 (3) of the statutes is amended to read:

10 102.29 (3) Nothing in this chapter shall prevent an employee from taking the
 11 compensation that the employee may be entitled to under this chapter and also
 12 maintaining a civil action against any physician, chiropractor, psychologist, dentist,
 13 physician assistant, advanced practice registered nurse ~~prescriber~~, or podiatrist for
 14 malpractice.

15 **SECTION 29.** 102.42 (2) (a) of the statutes is amended to read:

16 102.42 (2) (a) When the employer has notice of an injury and its relationship
 17 to the employment, the employer shall offer to the injured employee his or her choice
 18 of any physician, chiropractor, psychologist, dentist, physician assistant, advanced
 19 practice registered nurse ~~prescriber~~, or podiatrist licensed to practice and practicing
 20 in this state for treatment of the injury. By mutual agreement, the employee may
 21 have the choice of any qualified practitioner not licensed in this state. In case of
 22 emergency, the employer may arrange for treatment without tendering a choice.
 23 After the emergency has passed the employee shall be given his or her choice of
 24 attending practitioner at the earliest opportunity. The employee has the right to a
 25 2nd choice of attending practitioner on notice to the employer or its insurance carrier.

1 Any further choice shall be by mutual agreement. Partners and clinics are
2 considered to be one practitioner. Treatment by a practitioner on referral from
3 another practitioner is considered to be treatment by one practitioner.

4 **SECTION 30.** 106.30 (1) of the statutes is amended to read:

5 106.30 (1) DEFINITION. In this section, "nurse" means a registered nurse
6 licensed under s. 441.06 or permitted under s. 441.08, a licensed practical nurse
7 licensed or permitted under s. 441.10, or an advanced practice registered nurse
8 ~~prescriber certified under s. 441.16 (2), or a nurse-midwife licensed under s. 441.15~~
9 441.09.

10 **SECTION 31.** 118.15 (3) (a) of the statutes is amended to read:

11 118.15 (3) (a) Any child who is excused by the school board because the child
12 is temporarily not in proper physical or mental condition to attend a school program
13 but who can be expected to return to a school program upon termination or
14 abatement of the illness or condition. The school attendance officer may request the
15 parent or guardian of the child to obtain a written statement from a licensed
16 physician, dentist, chiropractor, optometrist, psychologist, physician assistant, or
17 ~~nurse practitioner, as defined in s. 255.06 (1) (d), or certified advanced practice~~
18 registered nurse prescriber or Christian Science practitioner living and residing in
19 this state, who is listed in the Christian Science Journal, as sufficient proof of the
20 physical or mental condition of the child. An excuse under this paragraph shall be
21 in writing and shall state the time period for which it is valid, not to exceed 30 days.

22 **SECTION 32.** 118.25 (1) (a) of the statutes, as created by 2017 Wisconsin Act 107,

23 is amended to read:

24 118.25 (1) (a) "Practitioner" means a person licensed as a physician or as a
25 physician assistant in any state or licensed as an advanced practice registered nurse

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1 or certified as an advanced practice registered nurse prescriber in any state. In this
2 paragraph, "physician" has the meaning given in s. 448.01 (5).

3 **SECTION 33.** 118.29 (1) (e) of the statutes is amended to read:

4 118.29 (1) (e) "Practitioner" means any physician, dentist, optometrist,
5 physician assistant, advanced practice registered nurse prescriber with prescribing
6 authority, or podiatrist licensed in any state.

7 **SECTION 34.** 118.2925 (1) (b) of the statutes is repealed.

8 **SECTION 35.** 118.2925 (3) of the statutes is amended to read:

9 118.2925 (3) PRESCRIPTIONS FOR SCHOOLS. A physician, an advanced practice
10 registered nurse prescriber who has prescribing authority under s. 441.09 (2) (c), or
11 a physician assistant may prescribe epinephrine auto-injectors in the name of a
12 school that has adopted a plan under sub. (2) (a), to be maintained by the school for
13 use under sub. (4).

14 **SECTION 36.** 118.2925 (4) (c) of the statutes is amended to read:

15 118.2925 (4) (c) Administer an epinephrine auto-injector to a pupil or other
16 person who the school nurse or designated school personnel in good faith believes is
17 experiencing anaphylaxis in accordance with a standing protocol from a physician,
18 an advanced practice registered nurse prescriber who has prescribing authority
19 under s. 441.09 (2) (c), or a physician assistant, regardless of whether the pupil or
20 other person has a prescription for an epinephrine auto-injector. If the pupil or other
21 person does not have a prescription for an epinephrine auto-injector, or the person
22 who administers the epinephrine auto-injector does not know whether the pupil or
23 other person has a prescription for an epinephrine auto-injector, the person who
24 administers the epinephrine auto-injector shall, as soon as practicable, report the
25 administration by dialing the telephone number "911" or, in an area in which the

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1 telephone number "911" is not available, the telephone number for an emergency
2 medical service provider.

3 SECTION 37. 118.2925 (5) of the statutes is amended to read:

4 118.2925 (5) IMMUNITY FROM CIVIL LIABILITY; EXEMPTION FROM PRACTICE OF
5 MEDICINE. A school and its designated school personnel, and a physician, advanced
6 practice registered nurse prescriber who has prescribing authority under s. 441.09
7 (2) (c), or ^a physician assistant who provides a prescription or standing protocol for
8 school epinephrine auto-injectors, are not liable for any injury that results from the
9 administration or self-administration of an epinephrine auto-injector under this
10 section, regardless of whether authorization was given by the pupil's parent or
11 guardian or by the pupil's physician, physician assistant, or advanced practice
12 registered nurse prescriber, unless the injury is the result of an act or omission that
13 constitutes gross negligence or willful or wanton misconduct. The immunity from
14 liability provided under this subsection is in addition to and not in lieu of that
15 provided under s. 895.48.

16 SECTION 38. 146.343 (1) (c) of the statutes is amended to read:

17 146.343 (1) (c) "Nurse-midwife" means an individual who is licensed to engage
18 in the practice of nurse-midwifery under s. 441.15 (3) (a) as an advanced practice
19 registered nurse and possesses a certified nurse-midwife specialty designation
20 under s. 441.09.

21 SECTION 39. 146.82 (3) (a) of the statutes is amended to read:

22 146.82 (3) (a) Notwithstanding sub. (1), a physician, physician assistant, as
23 defined in s. 448.01 (6), or advanced practice registered nurse prescriber certified
24 under s. 441.16 (2) licensed under s. 441.09 who treats a patient whose physical or
25 mental condition in the physician's, physician assistant's, or advanced practice nurse

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1 ~~under s. 441.16 (2) prescribing authority under s. 441.09 (2) (c)~~ is not required to
2 maintain in effect malpractice insurance.

3 SECTION 44. 252.01 (1c) of the statutes is repealed.

4 SECTION 45. 252.07 (8) (a) 2. of the statutes is amended to read:

5 252.07 (8) (a) 2. The department or local health officer provides to the court a
6 written statement from a physician, physician assistant, or advanced practice
7 registered nurse prescriber that the individual has infectious tuberculosis or suspect
8 tuberculosis.

9 SECTION 46. 252.07 (9) (c) of the statutes is amended to read:

10 252.07 (9) (c) If the court orders confinement of an individual under this
11 subsection, the individual shall remain confined until the department or local health
12 officer, with the concurrence of a treating physician, physician assistant, or advanced
13 practice registered nurse prescriber, determines that treatment is complete or that
14 the individual is no longer a substantial threat to himself or herself or to the public
15 health. If the individual is to be confined for more than 6 months, the court shall
16 review the confinement every 6 months.

17 SECTION 47. 252.10 (7) of the statutes is amended to read:

18 252.10 (7) Drugs necessary for the treatment of mycobacterium tuberculosis
19 shall be purchased by the department from the appropriation account under s.
20 20.435 (1) (e) and dispensed to patients through the public health dispensaries, local
21 health departments, physicians, or advanced practice nurse prescribers registered
22 nurses who have prescribing authority under s. 441.09 (2) (c).

23 SECTION 48. 252.11 (2), (4), (5), (7) and (10) of the statutes are amended to read:

24 252.11 (2) An officer of the department or a local health officer having
25 knowledge of any reported or reasonably suspected case or contact of a sexually

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1 transmitted disease for which no appropriate treatment is being administered, or of
2 an actual contact of a reported case or potential contact of a reasonably suspected
3 case, shall investigate or cause the case or contact to be investigated as necessary.
4 If, following a request of an officer of the department or a local health officer, a person
5 reasonably suspected of being infected with a sexually transmitted disease refuses
6 or neglects examination by a physician, physician assistant, or advanced practice
7 registered nurse ~~prescriber~~ or treatment, an officer of the department or a local
8 health officer may proceed to have the person committed under sub. (5) to an
9 institution or system of care for examination, treatment, or observation.

10 (4) If a person infected with a sexually transmitted disease ceases or refuses
11 treatment before reaching what in a physician's, physician assistant's, or advanced
12 practice nurse ~~prescriber's~~ registered nurse's opinion is the noncommunicable stage,
13 the physician, physician assistant, or advanced practice registered nurse ~~prescriber~~
14 shall notify the department. The department shall without delay take the necessary
15 steps to have the person committed for treatment or observation under sub. (5), or
16 shall notify the local health officer to take these steps.

17 (5) Any court of record may commit a person infected with a sexually
18 transmitted disease to any institution or may require the person to undergo a system
19 of care for examination, treatment, or observation if the person ceases or refuses
20 examination, treatment, or observation under the supervision of a physician,
21 physician assistant, or advanced practice registered nurse ~~prescriber~~. The court
22 shall summon the person to appear on a date at least 48 hours, but not more than
23 96 hours, after service if an officer of the department or a local health officer petitions
24 the court and states the facts authorizing commitment. If the person fails to appear
25 or fails to accept commitment without reasonable cause, the court may cite the

1 person for contempt. The court may issue a warrant and may direct the sheriff, any
2 constable, or any police officer of the county immediately to arrest the person and
3 bring the person to court if the court finds that a summons will be ineffectual. The
4 court shall hear the matter of commitment summarily. Commitment under this
5 subsection continues until the disease is no longer communicable or until other
6 provisions are made for treatment that satisfy the department. The certificate of the
7 petitioning officer is prima facie evidence that the disease is no longer communicable
8 or that satisfactory provisions for treatment have been made.

9 (7) Reports, examinations and inspections, and all records concerning sexually
10 transmitted diseases are confidential and not open to public inspection, and may not
11 be divulged except as may be necessary for the preservation of the public health, in
12 the course of commitment proceedings under sub. (5), or as provided under s. 938.296
13 (4) or 968.38 (4). If a physician, physician assistant, or advanced practice registered
14 nurse ~~prescriber~~ has reported a case of sexually transmitted disease to the
15 department under sub. (4), information regarding the presence of the disease and
16 treatment is not privileged when the patient, physician, physician assistant, or
17 advanced practice registered nurse ~~prescriber~~ is called upon to testify to the facts
18 before any court of record.

19 (10) The state laboratory of hygiene shall examine specimens for the diagnosis
20 of sexually transmitted diseases for any physician, physician assistant, advanced
21 practice registered nurse ~~prescriber~~, or local health officer in the state, and shall
22 report the positive results of the examinations to the local health officer and to the
23 department. All laboratories performing tests for sexually transmitted diseases
24 shall report all positive results to the local health officer and to the department, with

1 the name of the physician, physician assistant, or advanced practice registered nurse
2 ~~prescriber~~ to whom reported.

3 **SECTION 49.** 252.15 (3m) (d) 11. b. and 13., (5g) (c), (5m) (d) 2. and (e) 2. and 3.
4 and (7m) (intro.) and (b) of the statutes are amended to read:

5 252.15 **(3m)** (d) 11. b. The coroner, medical examiner, or appointed assistant
6 is investigating the cause of death of the subject of the HIV test and has contact with
7 the body fluid of the subject of the HIV test that constitutes a significant exposure,
8 if a physician, physician assistant, or advanced practice registered nurse ~~prescriber~~,
9 based on information provided to the physician, physician assistant, or advanced
10 practice registered nurse ~~prescriber~~, determines and certifies in writing that the
11 coroner, medical examiner, or appointed assistant has had a contact that constitutes
12 a significant exposure and if the certification accompanies the request for disclosure.

13 13. If the subject of the HIV test has a positive HIV test result and is deceased,
14 by the subject's attending physician, physician assistant, or advanced practice
15 registered nurse ~~prescriber~~, to persons, if known to the physician, physician
16 assistant, or advanced practice registered nurse ~~prescriber~~, with whom the subject
17 had sexual contact or shared intravenous drug use paraphernalia.

18 **(5g)** (c) A physician, physician assistant, or advanced practice registered nurse
19 ~~prescriber~~, based on information provided to the physician, physician assistant, or
20 advanced practice registered nurse ~~prescriber~~, determines and certifies in writing
21 that the person has had contact that constitutes a significant exposure. The
22 certification shall accompany the request for HIV testing and disclosure. If the
23 person is a physician, physician assistant, or advanced practice registered nurse
24 ~~prescriber~~, he or she may not make this determination or certification. The
25 information that is provided to a physician, physician assistant, or advanced practice

1 ~~registered~~ nurse ~~prescriber~~ to document the occurrence of the contact that
2 constitutes a significant exposure and the physician's, physician assistant's, or
3 advanced practice nurse ~~prescriber's~~ registered nurse's certification that the person
4 has had contact that constitutes a significant exposure, shall be provided on a report
5 form that is developed by the department of safety and professional services under
6 s. 101.02 (19) (a) or on a report form that the department of safety and professional
7 services determines, under s. 101.02 (19) (b), is substantially equivalent to the report
8 form that is developed under s. 101.02 (19) (a).

9 **(5m)** (d) 2. A physician, physician assistant, or advanced practice registered
10 nurse ~~prescriber~~, based on information provided to the physician, physician
11 assistant, or advanced practice registered nurse ~~prescriber~~, determines and certifies
12 in writing that the contact under subd. 1. constitutes a significant exposure. A health
13 care provider who has a contact under subd. 1. c. may not make the certification
14 under this subdivision for himself or herself.

15 (e) 2. If the contact occurs as provided under par. (d) 1. b., the attending
16 physician, physician assistant, or advanced practice registered nurse ~~prescriber~~ of
17 the funeral director, coroner, medical examiner, or appointed assistant.

18 3. If the contact occurs as provided under par. (d) 1. c., the physician, physician
19 assistant, or advanced practice registered nurse ~~prescriber~~ who makes the
20 certification under par. (d) 2.

21 **(7m)** REPORTING OF PERSONS SIGNIFICANTLY EXPOSED. (intro.) If a positive,
22 validated HIV test result is obtained from a test subject, the test subject's physician,
23 physician assistant, or advanced practice registered nurse ~~prescriber~~ who maintains
24 a record of the HIV test result under sub. (4) (c) may report to the state epidemiologist
25 the name of any person known to the physician, physician assistant, or advanced

1 practice registered nurse ~~prescriber~~ to have had contact with body fluid of the test
2 subject that constitutes a significant exposure, only after the physician, physician
3 assistant, or advanced practice registered nurse ~~prescriber~~ has done all of the
4 following:

5 (b) Notified the HIV test subject that the name of any person known to the
6 physician, physician assistant, or advanced practice registered nurse ~~prescriber~~ to
7 have had contact with body fluid of the test subject that constitutes a significant
8 exposure will be reported to the state epidemiologist.

9 **SECTION 50.** 252.16 (3) (c) (intro.) of the statutes is amended to read:

10 252.16 (3) (c) (intro.) Has submitted to the department a certification from a
11 physician, as defined in s. 448.01 (5), physician assistant, or advanced practice
12 registered nurse ~~prescriber~~ of all of the following:

13 **SECTION 51.** 252.17 (3) (c) (intro.) of the statutes is amended to read:

14 252.17 (3) (c) (intro.) Has submitted to the department a certification from a
15 physician, as defined in s. 448.01 (5), physician assistant, or advanced practice
16 registered nurse ~~prescriber~~ of all of the following:

17 **SECTION 52.** 253.07 (4) (d) of the statutes is amended to read:

18 253.07 (4) (d) In each fiscal year, \$31,500 as grants for employment in
19 communities of licensed registered nurses, licensed practical nurses, ~~certified~~
20 ~~nurse-midwives~~ licensed advanced practice registered nurses, or licensed physician
21 assistants who are members of a racial minority.

22 **SECTION 53.** 253.115 (1) (f) of the statutes is created to read:

23 253.115 (1) (f) "Nurse-midwife" means an individual who is licensed as an
24 advanced practice registered nurse and possesses a certified nurse-midwife
25 specialty designation under s. 441.09.

1 **SECTION 54.** 253.115 (4) of the statutes is amended to read:

2 253.115 (4) **SCREENING REQUIRED.** Except as provided in sub. (6), the physician,
3 ~~nurse-midwife licensed under s. 441.15~~, or certified professional midwife licensed
4 under s. 440.982 who attended the birth shall ensure that the infant is screened for
5 hearing loss before being discharged from a hospital, or within 30 days of birth if the
6 infant was not born in a hospital.

7 **SECTION 55.** 253.115 (7) (a) (intro.) of the statutes is amended to read:

8 253.115 (7) (a) (intro.) The physician, ~~nurse-midwife licensed under s. 441.15~~,
9 or certified professional midwife licensed under s. 440.982 who is required to ensure
10 that the infant is screened for hearing loss under sub. (4) shall do all of the following:

11 **SECTION 56.** 253.13 (1) of the statutes is renumbered 253.13 (1) (b) and
12 amended to read:

13 253.13 (1) (b) The attending physician or ~~nurse licensed under s. 441.15~~
14 nurse-midwife shall cause every infant born in each hospital or maternity home,
15 prior to its discharge therefrom, to be subjected to tests for congenital and metabolic
16 disorders, as specified in rules promulgated by the department. If the infant is born
17 elsewhere than in a hospital or maternity home, the attending physician, ~~nurse~~
18 ~~licensed under s. 441.15~~ nurse-midwife, or birth attendant who attended the birth
19 shall cause the infant, within one week of birth, to be subjected to these tests.

20 **SECTION 57.** 253.13 (1) (a) of the statutes is created to read:

21 253.13 (1) (a) In this subsection, “nurse-midwife” means an individual who is
22 licensed as an advanced practice registered nurse and possesses a certified
23 nurse-midwife specialty designation under s. 441.09.

24 **SECTION 58.** 253.15 (1) (em) of the statutes is created to read:

1 253.15 (1) (em) "Nurse-midwife" means an individual who is licensed as an
2 advanced practice registered nurse and possesses a certified nurse-midwife
3 specialty designation under s. 441.09.

4 **SECTION 59.** 253.15 (2) of the statutes is amended to read:

5 253.15 (2) INFORMATIONAL MATERIALS. The board shall purchase or prepare or
6 arrange with a nonprofit organization to prepare printed and audiovisual materials
7 relating to shaken baby syndrome and impacted babies. The materials shall include
8 information regarding the identification and prevention of shaken baby syndrome
9 and impacted babies, the grave effects of shaking or throwing on an infant or young
10 child, appropriate ways to manage crying, fussing, or other causes that can lead a
11 person to shake or throw an infant or young child, and a discussion of ways to reduce
12 the risks that can lead a person to shake or throw an infant or young child. The
13 materials shall be prepared in English, Spanish, and other languages spoken by a
14 significant number of state residents, as determined by the board. The board shall
15 make those written and audiovisual materials available to all hospitals, maternity
16 homes, and nurse-midwives licensed under s. 441.15 that are required to provide or
17 make available materials to parents under sub. (3) (a) 1., to the department and to
18 all county departments and nonprofit organizations that are required to provide the
19 materials to child care providers under sub. (4) (d), and to all school boards and
20 nonprofit organizations that are permitted to provide the materials to pupils in one
21 of grades 5 to 8 and in one of grades 10 to 12 under sub. (5). The board shall also make
22 those written materials available to all county departments and Indian tribes that
23 are providing home visitation services under s. 48.983 (4) (b) 1. and to all providers
24 of prenatal, postpartum, and young child care coordination services under s. 49.45
25 (44). The board may make available the materials required under this subsection

1 to be made available by making those materials available at no charge on the board's
2 Internet site.

3 SECTION 60. 255.06 (1) (d) of the statutes, as affected by 2017 Wisconsin Act
4 135, is renumbered 255.06 (1) (f) (intro.) and amended to read:

5 255.06 (1) (f) (intro.) "~~Nurse practitioner~~" "Women's health nurse clinician"
6 means ~~a~~ any of the following:

7 1. A registered nurse who is licensed under ch. 441 or who holds a multistate
8 license, as defined in s. 441.51 (2) (h), issued in a party state, as defined in s. 441.51
9 (2) (k), and whose practice of professional nursing under s. 441.001 (4) includes
10 performance of delegated medical services under the supervision of a physician,
11 dentist, ~~or podiatrist, or advanced practice registered nurse.~~

12 SECTION 61. 255.06 (1) (f) 2. of the statutes is created to read:

13 255.06 (1) (f) 2. An advanced practice registered nurse.

14 SECTION 62. 255.06 (2) (d) of the statutes is amended to read:

15 255.06 (2) (d) *Specialized training for rural colposcopic examinations and*
16 *activities.* Provide not more than \$25,000 in each fiscal year as reimbursement for
17 the provision of specialized training of ~~nurse practitioners~~ women's health nurse
18 clinicians to perform, in rural areas, colposcopic examinations and follow-up
19 activities for the treatment of cervical cancer.

20 SECTION 63. 255.07 (1) (d) of the statutes is amended to read:

21 255.07 (1) (d) "Health care practitioner" means a physician, a physician
22 assistant licensed under s. 448.04 (1) (f), or an advanced practice registered nurse
23 who is certified ^{holds a permit} to issue prescription orders under s. 441.16 has prescribing authority
24 under s. 441.09 (2) (c).

25 SECTION 64. 257.01 (5) (a) and (b) of the statutes are amended to read:

1 257.01 (5) (a) An individual who is licensed as a physician, a physician
2 assistant, or a podiatrist under ch. 448, licensed as a registered nurse, licensed
3 practical nurse, or ~~nurse-midwife~~ advanced practice registered nurse under ch. 441,
4 licensed as a dentist under ch. 447, licensed as a pharmacist under ch. 450, licensed
5 as a veterinarian or certified as a veterinary technician under ch. 89, or certified as
6 a respiratory care practitioner under ch. 448.

7 (b) An individual who was at any time within the previous 10 years, but is not
8 currently, licensed as a physician, a physician assistant, or a podiatrist under ch. 448,
9 licensed as a registered nurse, licensed practical nurse, or ~~nurse-midwife~~, advanced
10 practice registered nurse under ch. 441, licensed as a nurse-midwife under ch. 441,
11 2015 stats., licensed as a dentist under ch. 447, licensed as a pharmacist under ch.
12 450, licensed as a veterinarian or certified as a veterinary technician under ch. 89,
13 or certified as a respiratory care practitioner under ch. 448, if the individual's license
14 or certification was never revoked, limited, suspended, or denied renewal.

15 **SECTION 65.** 341.14 (1a), (1e) (a), (1m) and (1q) of the statutes are amended to
16 read:

17 341.14 (1a) If any resident of this state, who is registering or has registered an
18 automobile, or a motor truck, dual purpose motor home or dual purpose farm truck
19 which has a gross weight of not more than 8,000 pounds, a farm truck which has a
20 gross weight of not more than 12,000 pounds or a motor home, submits a statement
21 once every 4 years, as determined by the department, from a physician licensed to
22 practice medicine in any state, from an advanced practice registered nurse licensed
23 to practice nursing in any state, from a public health nurse certified or licensed to
24 practice in any state, from a physician assistant licensed or certified to practice in
25 any state, from a podiatrist licensed to practice in any state, from a chiropractor

1 licensed to practice chiropractic in any state, or from a Christian Science practitioner
2 residing in this state and listed in the Christian Science journal certifying to the
3 department that the resident is a person with a disability that limits or impairs the
4 ability to walk, the department shall procure, issue and deliver to the disabled
5 person plates of a special design in lieu of plates which ordinarily would be issued
6 for the vehicle, and shall renew the plates. The plates shall be so designed as to
7 readily apprise law enforcement officers of the fact that the vehicle is owned by a
8 nonveteran disabled person and is entitled to the parking privileges specified in s.
9 346.50 (2a). No charge in addition to the registration fee shall be made for the
10 issuance or renewal of such plates.

11 (1e) (a) If any resident of this state, who is registering or has registered a
12 motorcycle, submits a statement once every 4 years, as determined by the
13 department, from a physician licensed to practice medicine in any state, from an
14 advanced practice registered nurse licensed to practice nursing in any state, from a
15 public health nurse certified or licensed to practice in any state, from a physician
16 assistant licensed or certified to practice in any state, from a podiatrist licensed to
17 practice in any state, from a chiropractor licensed to practice chiropractic in any
18 state, from a Christian Science practitioner residing in this state and listed in the
19 Christian Science journal, or from the U.S. department of veterans affairs certifying
20 to the department that the resident is a person with a disability that limits or impairs
21 the ability to walk, the department shall procure, issue and deliver to the disabled
22 person a plate of a special design in lieu of the plate which ordinarily would be issued
23 for the motorcycle, and shall renew the plate. The statement shall state whether the
24 disability is permanent or temporary and, if temporary, the opinion of the physician,
25 advanced practice registered nurse, public health nurse, physician assistant,

1 podiatrist, chiropractor, practitioner, or U.S. department of veterans affairs as to the
2 duration of the disability. The plate shall be so designed as to readily apprise law
3 enforcement officers of the fact that the motorcycle is owned by a disabled person and
4 is entitled to the parking privileges specified in s. 346.50 (2a). No charge in addition
5 to the registration fee may be made for the issuance or renewal of the plate.

6 (1m) If any licensed driver submits to the department a statement once every
7 4 years, as determined by the department, from a physician licensed to practice
8 medicine in any state, from a public health nurse certified or licensed to practice in
9 any state, from an advanced practice registered nurse licensed to practice nursing
10 in any state, from a physician assistant licensed or certified to practice in any state,
11 from a podiatrist licensed to practice in any state, from a chiropractor licensed to
12 practice chiropractic in any state, or from a Christian Science practitioner residing
13 in this state and listed in the Christian Science journal certifying that another
14 person who is regularly dependent on the licensed driver for transportation is a
15 person with a disability that limits or impairs the ability to walk, the department
16 shall issue and deliver to the licensed driver plates of a special design in lieu of the
17 plates which ordinarily would be issued for the automobile or motor truck, dual
18 purpose motor home or dual purpose farm truck having a gross weight of not more
19 than 8,000 pounds, farm truck having a gross weight of not more than 12,000 pounds
20 or motor home, and shall renew the plates. The plates shall be so designed as to
21 readily apprise law enforcement officers of the fact that the vehicle is operated by a
22 licensed driver on whom a disabled person is regularly dependent and is entitled to
23 the parking privileges specified in s. 346.50 (2a). No charge in addition to the
24 registration fee may be made for the issuance or renewal of the plates. The plates
25 shall conform to the plates required in sub. (1a).

1 **(1q)** If any employer who provides an automobile, or a motor truck, dual
2 purpose motor home or dual purpose farm truck which has a gross weight of not more
3 than 8,000 pounds, a farm truck which has a gross weight of not more than 12,000
4 pounds or a motor home, for an employee's use submits to the department a
5 statement once every 4 years, as determined by the department, from a physician
6 licensed to practice medicine in any state, from an advanced practice registered
7 nurse licensed to practice nursing in any state, from a public health nurse certified
8 or licensed to practice in any state, from a physician assistant licensed or certified
9 to practice in any state, from a podiatrist licensed to practice in any state, from a
10 chiropractor licensed to practice chiropractic in any state, or from a Christian
11 Science practitioner residing in this state and listed in the Christian Science journal
12 certifying that the employee is a person with a disability that limits or impairs the
13 ability to walk, the department shall issue and deliver to such employer plates of a
14 special design in lieu of the plates which ordinarily would be issued for the vehicle,
15 and shall renew the plates. The plates shall be so designed as to readily apprise law
16 enforcement officers of the fact that the vehicle is operated by a disabled person and
17 is entitled to the parking privileges specified in s. 346.50 (2a). No charge in addition
18 to the registration fee may be made for the issuance or renewal of the plates. The
19 plates shall conform to the plates required in sub. (1a).

20 **SECTION 66.** 343.16 (5) (a) of the statutes is amended to read:

21 343.16 **(5)** (a) The secretary may require any applicant for a license or any
22 licensed operator to submit to a special examination by such persons or agencies as
23 the secretary may direct to determine incompetency, physical or mental disability,
24 disease, or any other condition that might prevent such applicant or licensed person
25 from exercising reasonable and ordinary control over a motor vehicle. If the

SECTION 66

1 department requires the applicant to submit to an examination, the applicant shall
2 pay for the examination. If the department receives an application for a renewal or
3 duplicate license after voluntary surrender under s. 343.265 or receives a report from
4 a physician, physician assistant, as defined in s. 448.01 (6), advanced practice
5 registered nurse prescriber certified under s. 441.16 (2) licensed under s. 441.09, or
6 optometrist under s. 146.82 (3), or if the department has a report of 2 or more arrests
7 within a one-year period for any combination of violations of s. 346.63 (1) or (5) or
8 a local ordinance in conformity with s. 346.63 (1) or (5) or a law of a federally
9 recognized American Indian tribe or band in this state in conformity with s. 346.63
10 (1) or (5), or s. 346.63 (1m), 1985 stats., or s. 346.63 (2) or (6) or 940.25, or s. 940.09
11 where the offense involved the use of a vehicle, the department shall determine, by
12 interview or otherwise, whether the operator should submit to an examination under
13 this section. The examination may consist of an assessment. If the examination
14 indicates that education or treatment for a disability, disease or condition concerning
15 the use of alcohol, a controlled substance or a controlled substance analog is
16 appropriate, the department may order a driver safety plan in accordance with s.
17 343.30 (1q). If there is noncompliance with assessment or the driver safety plan, the
18 department shall revoke the person's operating privilege in the manner specified in
19 s. 343.30 (1q) (d). X

20 **SECTION 67.** 343.51 (1) of the statutes is amended to read:

21 343.51 (1) Any person who qualifies for registration plates of a special design
22 under s. 341.14 (1), (1a), (1m), or (1q) or any other person with a disability that limits
23 or impairs the ability to walk may request from the department a special
24 identification card that will entitle any motor vehicle parked by, or under the
25 direction of, the person, or a motor vehicle operated by or on behalf of the

1 organization when used to transport such a person, to parking privileges under s.
2 346.50 (2), (2a), and (3). The department shall issue the card at a fee to be determined
3 by the department, upon submission by the applicant, if the applicant is an
4 individual rather than an organization, of a statement from a physician licensed to
5 practice medicine in any state, from an advanced practice registered nurse licensed
6 to practice nursing in any state, from a public health nurse certified or licensed to
7 practice in any state, from a physician assistant licensed or certified to practice in
8 any state, from a podiatrist licensed to practice in any state, from a chiropractor
9 licensed to practice chiropractic in any state, or from a Christian Science practitioner
10 residing in this state and listed in the Christian Science journal that the person is
11 a person with a disability that limits or impairs the ability to walk. The statement
12 shall state whether the disability is permanent or temporary and, if temporary, the
13 opinion of the physician, advanced practice registered nurse, public health nurse,
14 physician assistant, podiatrist, chiropractor, or practitioner as to the duration of the
15 disability. The department shall issue the card upon application by an organization
16 on a form prescribed by the department if the department believes that the
17 organization meets the requirements under this subsection.

18 **SECTION 68.** 343.62 (4) (a) 4. of the statutes is amended to read:

19 343.62 (4) (a) 4. The applicant submits with the application a statement
20 completed within the immediately preceding 24 months, except as provided by rule,
21 by a physician licensed to practice medicine in any state, from an advanced practice
22 registered nurse licensed to practice nursing in any state, from a physician assistant
23 licensed or certified to practice in any state, from a podiatrist licensed to practice in
24 any state, from a chiropractor licensed to practice chiropractic in any state, or from
25 a Christian Science practitioner residing in this state, and listed in the Christian

1 Science journal certifying that, in the medical care provider's judgment, the
2 applicant is physically fit to teach driving.

3 ✓ SECTION 69. 440.03 (13) (b) 3. of the statutes is repealed. Ins 34-3

4 SECTION 70. 440.03 (13) (b) 39m. of the statutes is created to read:

5 440.03 (13) (b) 39m. Nurse, advanced practice registered.

6 SECTION 71. 440.03 (13) (b) 42. of the statutes is repealed.

7 ✓ SECTION 72. 440.08 (2) (a) 4m. of the statutes is repealed. Ins 34-7

8 SECTION 73. 440.08 (2) (a) 47. of the statutes is created to read:

9 440.08 (2) (a) 47. Nurse, advanced practice registered: March 1 of each
10 even-numbered year.

11 SECTION 74. 440.08 (2) (a) 50. of the statutes is repealed.

12 SECTION 75. 440.981 (1) of the statutes is amended to read:

13 440.981 (1) No person may use the title "licensed midwife," describe or imply
14 that he or she is a licensed midwife, or represent himself or herself as a licensed
15 midwife unless the person is granted a license under this subchapter or is licensed
16 as ~~a nurse-midwife under s. 441.15~~ an advanced practice registered nurse and
17 possesses a certified nurse-midwife specialty designation under s. 441.09.

18 SECTION 76. 440.982 (1) of the statutes is amended to read:

19 440.982 (1) No person may engage in the practice of midwifery unless the
20 person is granted a license under this subchapter, is granted a temporary permit
21 pursuant to a rule promulgated under s. 440.984 (2m), or is licensed as ~~a~~
22 ~~nurse-midwife under s. 441.15~~ an advanced practice registered nurse and possesses
23 a certified nurse-midwife specialty designation under s. 441.09.

24 SECTION 77. 440.987 (2) of the statutes is amended to read:

1 440.987 (2) One member who is licensed as ~~a nurse-midwife~~ under s. 441.15
2 an advanced practice registered nurse and possesses a certified nurse-midwife
3 specialty designation under s. 441.09 and who practices in an out-of-hospital
4 setting.

5 **SECTION 78.** 441.06 (3) of the statutes, as affected by 2017 Wisconsin Act 329,
6 is amended to read:

7 441.06 (3) ~~A~~ Except as provided in s. 441.09 (3) a registered nurse practicing
8 for compensation shall, on or before the applicable renewal date specified under s.
9 440.08 (2) (a), submit to the board on furnished forms a statement giving name,
10 residence, and other facts that the board requires, with the nursing workforce survey
11 and fee required under s. 441.01 (7) and the applicable renewal fee determined by
12 the department under s. 440.03 (9) (a).

13 **SECTION 79.** 441.06 (7) of the statutes is renumbered 441.09 (5) and amended
14 to read:

15 441.09 (5) CIVIL LIABILITY. No person ~~certified~~ licensed as an advanced practice
16 registered nurse prescriber under s. 441.16 (2) this section is liable for civil damages
17 for any of the following:

18 (a) Reporting in good faith to the department of transportation under s. 146.82
19 (3) a patient's name and other information relevant to a physical or mental condition
20 of the patient that in the advanced practice nurse ~~prescriber's~~ registered nurse's
21 judgment impairs the patient's ability to exercise reasonable and ordinary control
22 over a motor vehicle.

23 (b) In good faith, not reporting to the department of transportation under s.
24 146.82 (3) a patient's name and other information relevant to a physical or mental
25 condition of the patient that in the advanced practice nurse ~~prescriber's~~ registered

Ins
35-4

Ins
35-12

5

13

15

as affected by 2017 Wisconsin Act 329,

(1)(d)

(8) (7)

(8) (7)

permit to issue prescription orders
under s. 441.09 (2)

LRB-5823/P1
MED&TJD:emw
SECTION 79

issue prescription orders

1 nurse's judgment does not impair the patient's ability to exercise reasonable and
2 ordinary control over a motor vehicle. X

3 SECTION 80. 441.07 (1g) (intro.), (a), (c) and (e) of the statutes are amended to
4 read:

5 441.07 (1g) (intro.) Subject to the rules promulgated under s. 440.03 (1), the
6 board may deny an initial license or revoke, limit, suspend, or deny the renewal of
7 a license of a registered nurse, ~~nurse-midwife advanced practice registered nurse,~~
8 or licensed practical nurse; ~~deny an initial certificate or revoke, limit, suspend, or~~
9 ~~deny the renewal of a certificate to prescribe drugs or devices granted under s.~~
10 ~~441.16~~ or reprimand a registered nurse, ~~nurse-midwife advanced practice~~
11 ~~registered nurse,~~ or licensed practical nurse, if the board finds that the applicant or
12 licensee committed any of the following:

13 (a) Fraud in the procuring or renewal of the ~~certificate or~~ license. holds

14 (c) Acts ^{that} which show the registered nurse, ~~nurse-midwife advanced practice~~
15 ~~registered nurse,~~ or licensed practical nurse to be unfit or incompetent by reason of
16 negligence, abuse of alcohol or other drugs, or mental incompetency. permit

17 (e) A violation of any state or federal law that regulates prescribing or
18 dispensing drugs or devices, if the person has ~~a certificate to prescribe drugs or~~
19 ~~devices under s. 441.16~~ is authorized to issue prescription orders under s. 441.09 (2)

20 (c).

21 SECTION 81. 441.09 of the statutes is created to read:

22 441.09 Advanced practice registered nurses. (1) DEFINITIONS. In this
23 section:

24 (a) "Advanced practice registered nursing" means practicing in one of the 4
25 recognized roles based on advanced clinical knowledge and skills focusing on direct

plain

permit

plain

plain

permit

plain

holds

permit

plain

plain

civil liability exemption

1 care of individuals, greater responsibility, autonomy, and accountability for the
2 provision of care, health promotion and maintenance, and management of patient
3 conditions.

4 (b) "Clinical pharmacology or therapeutics" means the identification of
5 individual and classes of drugs, their indications and contraindications, their
6 efficacy, their side effects and their interactions, as well as, clinical judgment skills
7 and decision-making based on thorough interviewing, history-taking, physical
8 assessment, test selection and interpretation, pathophysiology, epidemiology,
9 diagnostic reasoning, differentiation of conditions, treatment decisions, case
10 evaluation, and nonpharmacological interventions.

11 (c) "Practice of nurse-midwifery" means the management of women's health
12 care, pregnancy, childbirth, postpartum care for newborns, family planning, and
13 gynecological services consistent with the standards of practice of the American
14 College of Nurse-Midwives and the education, training, and experience of the
15 nurse-midwife.

16 (d) ^(c) "Recognized role" means one of the following roles:

- 17 1. Certified nurse-midwife.
- 18 2. Certified registered nurse anesthetist.
- 19 3. Clinical nurse specialist.
- 20 4. Nurse practitioner.

(b)

21 (1) (2) INITIAL LICENSE (a) ^{An applicant} Any person who satisfies all of the following
22 requirements may apply to the ^{board} department for initial licensure by the board as an
23 advanced practice registered nurse:

- 24 1. The ^{applicant} person satisfies one of the following criteria:

LICENSE

1 a. The ^{e applicant} person holds a valid license to practice as a registered nurse issued under
2 s. 441.06 (1), (1c), or (1m).

3 b. The ^{e applicant} person applies concurrently for a license under s. 441.06 (1), (1c), or (1m)
4 with the application for a license under this paragraph.

5 c. The ^{e applicant} person is a registered nurse who holds a multistate license, as defined
6 in s. 441.51 (2) (h), issued by a jurisdiction, other than this state, that has adopted
7 the ^e enhanced nurse licensure compact ^e (under s. 441.51).

****NOTE: Instead of the requested language, I used this language, which I believe says the same thing and more closely matches the language in 2017 Wisconsin Act 135 (the enhanced compact bill). OK?

8 2. The ^{e applicant} person provides evidence satisfactory to the board that he or she satisfies
9 one of the following criteria:

10 a. The ^{e applicant} person has completed a graduate-level or postgraduate-level education
11 program that is approved by the board and that prepares the ^{e applicant} person for the practice
12 of advanced practice registered nursing in one of the 4 recognized roles, and the
13 ^{e applicant} person holds a current certification by a national certifying body approved by the
14 board.

****NOTE: Should loss of the national certification be grounds for discipline (i.e., license revocation) or is that not necessary? Also, I assumed "board approved" here referred to the Wisconsin Board of Nursing, correct?

15 b. On January 1, 2017, the ^{e applicant} person was licensed as a registered nurse in this
16 state and was practicing in a recognized role, and the ^{e applicant} person satisfies additional
17 criteria established by the board by rule under this subd. 2. b. relating to practice,
18 education, or certification.

19 3. The ^{e applicant} person pays the fee specified under s. 440.05 (1).

20 4. The ^{e applicant} person provides evidence of malpractice liability insurance coverage ^{e required} as
21 provided in sub. (7). ^{e (5)} any ^{e required} under

ws 38-18

1 5. If the ^{e applicant} (person) is applying to receive a certified nurse-midwife specialty
 2 designation under par. (b) ^{e (c) 1.2. e applicant} the (person) provides evidence satisfactory to the board
 3 that the ^{e applicant} (person) is currently certified by a national certifying body approved by the
 4 board.

5 ^{e 7. e applicant} (6) The (person) meets any other criteria established by the board by rule relating
 6 to the education, training, or experience required for each recognized role.

7 (b) The board shall grant an advanced practice registered nurse license to a
 8 ^{person} the board determines meets the requirements under par. (a). The board shall
 9 also grant a person who receives a license under this paragraph one or more specialty
 10 designations corresponding to the recognized roles for which the board determines
 11 that the person qualifies based on the person's qualifications under par. (a). Each
 12 such specialty designation shall appear on the person's advanced practice registered
 13 nurse license. The board may not grant a license under this paragraph to a person
 14 applying concurrently for a license under s. 441.06 (1), (1c), or (1m), unless the board
 15 also grants the person a license to practice as a registered nurse. The board may
 16 place specific limitations on a person licensed as an advanced practice registered
 17 nurse as a condition of licensure.

18 (c) The board, upon application, shall also grant authority to issue prescription
 19 orders to a person who is granted a license under this subsection and who meets the
 20 education, training, and examination requirements established by the board for
 21 authority to issue prescription orders. The board shall designate the authority to
 22 prescribe on the person's advanced practice registered nurse license. The board may
 23 grant, deny, or limit the authority to prescribe separate from the advanced practice
 24 registered nurse license and shall promulgate rules relating to the exercise of that
 25 authority. An advanced practice registered nurse with the authority to issue

lws
39-4

lws
39-7

1 prescription orders under this paragraph may provide expedited partner therapy in
2 the manner described in s. 448.035.

****NOTE: The instructions said that the board should be able to separately "grant, deny, or limit" prescribing authority. Is what I have in accord with the intent? It is unusual to have the board taking such action without it being an actual credential, though in one place it's referred to as an "additional permit," which suggests it is some type of credential. Can you clarify on this point? Also, what about revoking and suspending? Should I add those in? Without it, it sounds like once you have it, it can only be limited but can't be revoked or suspended. Finally, do you want to specify the reasons for which the board could take action against prescribing authority? For example, you could cross-reference the grounds for discipline under s. 441.07 (1g) (a) to (f). If not, do you want to make clear that the rules would address grounds for exercising that authority?

3 **(3) LICENSE RENEWAL.** ^{e (d)} On or before the applicable renewal date specified under

4 s. 440.08 (2) (a), a person issued a license under sub. (2) ^{e an advanced practice registered nurse} shall submit to the board on

5 a form furnished by the board a statement giving his or her name and residence, the

6 nursing workforce survey and fee required under s. 441.01 (7), evidence of having

7 satisfied the continuing education requirements under sub. (6), ⁽⁴⁾ evidence of ^{any}

8 malpractice liability insurance coverage ^{required under} as provided in sub. (7), ⁽⁵⁾ current evidence

9 that the person satisfies each of the requirements under sub. (2) ^{e par.} (a) 1., 2., 5., and (6) ^{e 7.}

10 that apply with respect to the person, and ^{any} other information that the board requires

11 by rule, with the applicable renewal fee determined by the department under s.

12 440.03 (9) (a). The board shall grant to a person who satisfies the requirements

13 under this subsection ^{e paragraph} the renewal of his or her advanced practice registered nurse

14 license and specialty designations granted under sub. (2) (b) ^{e par. (b) l. a.} and shall, if the person

15 holds a license under s. 441.06 (1), (1c), or (1m), also grant the renewal of that license.

16 **(4) PRACTICE; TITLES.** ^{e (3) (a)} (a) 1. The holder of a license issued under this section is

17 an "advanced practice registered nurse" ^e and may append to his or her name the title

18 "A.P.R.N.," and is authorized to practice advanced practice registered nursing.

Ins 40-15

(2) per ins 40-15
Ins from p. 42

(1)(c)1.a

1 2. The holder of a specialty designation for a recognized role granted under sub.

2 (2) (b) may append to his or her name the title and an abbreviation corresponding to
3 that recognized role.

4 3. The holder of a certified nurse-midwife specialty designation granted under
5 sub. (2) (b) is a certified nurse-midwife and is authorized to engage in the practice
6 of nurse-midwifery.

7 (b) 1. Except as provided in s. 257.03, no person may practice or attempt to
8 practice advanced practice registered nursing, nor use the title "advanced practice
9 registered nurse," the title "A.P.R.N.," or anything else to indicate that he or she is
10 an advanced practice registered nurse unless he or she is licensed under this section.

11 2. Except as provided in s. 257.03, no person may do any of the following:

12 a. Use the title "certified nurse-midwife," the title "C.N.M.," or anything else
13 to indicate that he or she is a certified nurse-midwife unless he or she has been
14 granted a certified nurse-midwife specialty designation under sub. (2) (b).

15 b. Engage in the practice of nurse-midwifery unless he or she has been granted
16 a certified nurse-midwife specialty designation under sub. (2) (b).

17 b. c. Use the title "certified registered nurse anesthetist," the title "C.R.N.A.," or
18 anything else to indicate that he or she is a certified registered nurse anesthetist
19 unless he or she has been granted a certified registered nurse anesthetist specialty
20 designation under sub. (2) (b).

21 c. d. Use the title "clinical nurse specialist," the title "C.N.S.," or anything else to
22 indicate that he or she is a clinical nurse specialist unless he or she has been granted
23 a clinical nurse specialist specialty designation under sub. (2) (b).

SECTION 81

ed.

1 (e) Use the title "nurse practitioner," the title "N.P.," or anything else to indicate
2 that he or she is a nurse practitioner unless he or she has been granted a nurse
3 practitioner specialty designation under sub. (2) (b). *e (1)(c) / a.*

e (4)

4 (6) CONTINUING EDUCATION. Every advanced practice registered nurse shall
5 submit to the board evidence of having completed at least 16 contact hours per
6 biennium in clinical pharmacology or therapeutics relevant to the advanced practice
7 registered nurse's area of practice. The board may promulgate rules regarding the
8 continuing education requirements under this subsection. *ins 42-8*

***NOTE: You may also want to be more detailed about the board's authority here.
Can the board require more than 16 hours? Can the board mandate specific topics?
Should the board be able to grant exemptions?

9 (7) MALPRACTICE LIABILITY INSURANCE. Every advanced practice registered
10 nurse shall at all times have in effect malpractice liability insurance coverage in the
11 minimum amounts required by the rules of the board. An advanced practice
12 registered nurse shall submit evidence of that coverage to the board when applying
13 for an initial license under this section or a renewal of a license under this section.
14 Evidence of malpractice liability coverage of the advanced practice registered nurse
15 by his or her employer in the amounts specified under s. 655.23 (4) shall be
16 considered as compliance with the requirement. An advanced practice registered
17 nurse shall also submit such evidence to the board upon request of the board.

***NOTE: I added language here about s. 655.23 (4), but it seems to conflict with
the first sentence, which says the board has the authority to determine minimum
amounts. Can you confirm you essentially want this new sentence to override the first
sentence? If so, I'd suggest adding this as an exception to the first sentence, instead of
after the second sentence. Also, would/should this language cover an APRN who is
self-employed?

Move to P. 40

holds a permit

e (e)
(8) DELEGATION

holds a permit
has authority to

18 issue prescription orders may not delegate the act of issuing a prescription order to
19 *under this subsection*

... does not hold such a permit.

sub-section

1 any nurse who is not authorized to issue prescription orders. Nothing in this section
2 prohibits a nurse from issuing a prescription order as an act delegated by a physician.

3 (9) RULES. The board shall promulgate rules necessary to administer this
4 section, including rules for all of the following:

Scope of practice within which an advanced practice registered nurse who holds a permit under sub. (7) may

5 (a) *Further* Defining the scope of practice of an advanced practice registered nurse, the
6 scope of practice for each recognized role, and the authorization to issue prescription
7 orders under sub. (2) (c).

Ins 43-7

****NOTE: It seems unusual to have the board define a scope of practice when "advanced practice registered nursing" is already defined in s. 441.09 (1) (a). Also, regarding "authority to prescribe," this is already referenced below in pars. (c) and (d). Can you clarify what more you want these rules to be doing with respect to prescribing authority? (I'm not sure what a scope of practice for prescribing authority means—don't you either have the authority to prescribe or not?)

8 (b) Determining acceptable national certification for purposes of sub. (2) (a) 2. *(1) (a)*

9 (c) Establishing the appropriate education, training, or experience
10 requirements that a registered nurse must satisfy to be an advanced practice
11 registered nurse and to qualify to be granted the authority to issue prescription
12 orders under sub. (2) (c). *(c) a permit*

13 (d) Specifying the classes of drugs, individual drugs, or devices that may not
14 be prescribed by an advanced practice registered nurse authorized to issue
15 prescription orders under sub. (2) (c). *who holds a permit*

16 (e) Specifying the conditions to be met for registered nurses to do the following:

- 17 1. Administer a drug prescribed by an advanced practice registered nurse.
- 18 2. Administer a drug at the direction of an advanced practice registered nurse.

19 SECTION 82. 441.11 (title) of the statutes is repealed.

20 SECTION 83. 441.11 (1) of the statutes is repealed.

21 SECTION 84. 441.11 (2) of the statutes is renumbered 441.09 (8m) and amended

(5m)

22 to read:

Ins 43-18

licensed under this section

g (1)(c) 1.00

1 ^{gan} 441.09 (8m) NURSE ANESTHETISTS. The provisions of s. 448.04 (1) (g) do not apply
2 to a licensed advanced practice registered nurse who possesses a certified registered
3 nurse anesthetist specialty designation under sub. (2) (b).

4 SECTION 85. 441.11 (3) of the statutes is repealed.

5 SECTION 86. 441.15 of the statutes, as affected by 2017 Wisconsin Acts 135 and
6 329, is repealed. *g (us 44-7)*

7 SECTION 87. 441.16 of the statutes, as affected by 2017 Wisconsin Acts 227 and
8 329, is repealed. *plan X*

9 SECTION 88. 441.18 (2) (a) (intro.) of the statutes is amended to read:

10 441.18 (2) (a) (intro.) An advanced practice registered nurse certified to issue
11 prescription orders under s. 441.16 who has prescribing authority under s. 441.09 (2)
12 (c) may do any of the following: *who holds a permit plain*

13 SECTION 89. 441.18 (2) (b) of the statutes is amended to read:

14 441.18 (2) (b) An advanced practice registered nurse who prescribes or delivers
15 an opioid antagonist under par. (a) 1. shall ensure that the person to whom the opioid
16 antagonist is prescribed has or has the capacity to provide the knowledge and
17 training necessary to safely administer the opioid antagonist to an individual
18 undergoing an opioid-related overdose and that the person demonstrates the
19 capacity to ensure that any individual to whom the person further delivers the opioid
20 antagonist has or receives that knowledge and training.

21 SECTION 90. 441.18 (3) of the statutes is amended to read:

22 441.18 (3) An advanced practice registered nurse who, acting in good faith,
23 prescribes or delivers an opioid antagonist in accordance with sub. (2), or who, acting
24 in good faith, otherwise lawfully prescribes or dispenses an opioid antagonist, shall
25 be immune from criminal or civil liability and may not be subject to professional

1 discipline under s. 441.07 for any outcomes resulting from prescribing, delivering,
2 or dispensing the opioid antagonist.

3 SECTION 91. 441.19 (2) of the statutes, as created by 2017 Wisconsin Act 262,

4 is amended to read:

5 441.19 (2) With respect to the ability of an advanced practice registered nurse
6 ~~who is certified to issue prescription orders~~ to obtain and practice under a waiver, a
7 physician who meets any of the conditions specified in 21 USC 823 (g) (2) (G) (ii) shall
8 be considered eligible to serve as a qualifying physician for purposes of the
9 requirement under 21 USC 823 (g) (2) (G) (iv) (III), regardless of whether the
10 physician himself or herself holds a waiver.

g-16545-10

***NOTE: I added this to change the reference here regarding buprenorphine
waivers.

11 SECTION 92. 448.03 (2) (a) of the statutes is amended to read:

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

19 SECTION 93. 448.035 (1) (a) of the statutes is repealed.

20 SECTION 94. 448.035 (2), (3) and (4) of the statutes are amended to read:

21 448.035 (2) Notwithstanding the requirements of s. 448.30, a physician,
22 ^a (physician assistant, or certified ^{an} advanced practice registered nurse prescriber who
23 has prescribing authority under s. 441.09 (2) ^{or} (c) may provide expedited partner

↳ holds a permit to issue prescription orders

1 therapy if the patient is diagnosed as infected with a chlamydial infection,
2 gonorrhea, or trichomoniasis and the patient has had sexual contact with a sexual
3 partner during which the chlamydial infection, gonorrhea, or trichomoniasis may
4 have been transmitted to or from the sexual partner. The physician, physician
5 assistant, or ~~certified~~ advanced practice registered nurse ~~prescriber~~ shall attempt to
6 obtain the name of the patient's sexual partner. A prescription order for an
7 antimicrobial drug prepared under this subsection shall include the name and
8 address of the patient's sexual partner, if known. If the physician, physician
9 assistant, or ~~certified~~ advanced practice registered nurse ~~prescriber~~ is unable to
10 obtain the name of the patient's sexual partner, the prescription order shall include,
11 in ordinary bold-faced capital letters, the words, "expedited partner therapy" or the
12 letters "EPT."

13 (3) The physician, physician assistant, or ~~certified~~ advanced practice
14 registered nurse ~~prescriber~~ shall provide the patient with a copy of the information
15 sheet prepared by the department of health services under s. 46.03 (44) and shall
16 request that the patient give the information sheet to the person with whom the
17 patient had sexual contact.

18 (4) (a) Except as provided in par. (b), a physician, physician assistant, or
19 ~~certified~~ advanced practice registered nurse ~~prescriber~~ is immune from civil liability
20 for injury to or the death of a person who takes any antimicrobial drug if the
21 antimicrobial drug is prescribed, dispensed, or furnished under this section and if
22 expedited partner therapy is provided as specified under this section.

23 (b) The immunity under par. (a) does not extend to the donation, distribution,
24 furnishing, or dispensing of an antimicrobial drug by a physician, physician

1 assistant, or ~~certified~~ advanced practice registered nurse ~~prescriber~~ whose act or
2 omission involves reckless, wanton, or intentional misconduct.

3 **SECTION 95.** 448.56 (1) and (1m) (b) of the statutes are amended to read:

4 448.56 (1) WRITTEN REFERRAL. Except as provided in this subsection and s.
5 448.52, a person may practice physical therapy only upon the written referral of a
6 physician, physician assistant, chiropractor, dentist, podiatrist, or advanced practice
7 registered nurse ~~prescriber~~ ~~certified under s. 441.16 (2)~~. Written referral is not
8 required if a physical therapist provides services in schools to children with
9 disabilities, as defined in s. 115.76 (5), pursuant to rules promulgated by the
10 department of public instruction; provides services as part of a home health care
11 agency; provides services to a patient in a nursing home pursuant to the patient's
12 plan of care; provides services related to athletic activities, conditioning, or injury
13 prevention; or provides services to an individual for a previously diagnosed medical
14 condition after informing the individual's physician, physician assistant,
15 chiropractor, dentist, podiatrist, or advanced practice registered nurse ~~prescriber~~
16 ~~certified under s. 441.16 (2)~~ who made the diagnosis. The examining board may
17 promulgate rules establishing additional services that are excepted from the written
18 referral requirements of this subsection.

19 **(1m)** (b) The examining board shall promulgate rules establishing the
20 requirements that a physical therapist must satisfy if a physician, physician
21 assistant, chiropractor, dentist, podiatrist, or advanced practice registered nurse
22 ~~prescriber~~ makes a written referral under sub. (1). The purpose of the rules shall be
23 to ensure continuity of care between the physical therapist and the health care
24 practitioner.

1 **SECTION 96.** 448.62 (2m) of the statutes, as created by 2017 Wisconsin Act 227,

2 is amended to read:

3 448.62 (2m) An advanced practice registered nurse ~~who is certified to issue~~
4 ~~prescription orders under s. 441.16 and~~ who is providing nonsurgical patient services
5 as directed, supervised, and inspected by a podiatrist who has the power to direct,
6 decide, and oversee the implementation of the patient services rendered.

****NOTE: I amended this provision that was created this session that allows an
APRN prescriber to practice under the delegation of a podiatrist. Note that this provision
speaks to an APRN who is acting under a podiatrist's authority, and not under an APRN's
general practice authority. Let me know if you think this should be addressed differently.

7 **SECTION 97.** 448.67 (2) of the statutes is amended to read:

8 448.67 (2) **SEPARATE BILLING REQUIRED.** Except as provided in sub. (4), a licensee
9 who renders any podiatric service or assistance, or gives any podiatric advice or any
10 similar advice or assistance, to any patient, podiatrist, physician, physician
11 assistant, advanced practice registered nurse ~~prescriber certified under s. 441.16 (2),~~
12 partnership, or corporation, or to any other institution or organization, including a
13 hospital, for which a charge is made to a patient, shall, except as authorized by
14 Title 18 or Title 19 of the federal Social Security Act, render an individual statement
15 or account of the charge directly to the patient, distinct and separate from any
16 statement or account by any other podiatrist, physician, physician assistant,
17 advanced practice registered nurse ~~prescriber~~, or other person.

18 **SECTION 98.** 448.956 (1m) of the statutes is amended to read:

19 448.956 (1m) Subject to sub. (1) (a), a licensee may provide athletic training
20 to an individual without a referral, except that a licensee may not provide athletic
21 training as described under s. 448.95 (5) (d) or (e) in an outpatient rehabilitation
22 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 under ch. 446; or under s. 441.16 (2) 441.09.

3 SECTION 99. 450.01 (1m) of the statutes is repealed.

4 SECTION 100. 450.01 (16) (h) 2. of the statutes is amended to read:

5 450.01 (16) (h) 2. The patient's advanced practice registered nurse prescriber,
6 if the advanced practice registered nurse prescriber ~~has entered into a written~~
7 ~~agreement to collaborate with a physician~~ has prescribing authority under s. 441.09

8 (2)(c).

holds a permit to issue prescription orders

9 SECTION 101. 450.01 (16) (hr) 2. of the statutes is amended to read:

10 450.01 (16) (hr) 2. An advanced practice registered nurse prescriber who has
11 prescribing authority under s. 441.09 (2)(c).
e a permit to issue prescription orders

12 SECTION 102. 450.03 (1) (e) of the statutes is amended to read:

13 450.03 (1) (e) Any person lawfully practicing within the scope of a license,
14 permit, registration, certificate, or certification granted to provide home medical
15 oxygen under s. 450.076, to practice professional ~~or~~ practical, or advanced practice
16 registered nursing ~~or nurse-midwifery~~ under ch. 441, to practice dentistry or dental
17 hygiene under ch. 447, to practice medicine and surgery under ch. 448, to practice
18 optometry under ch. 449 or to practice veterinary medicine under ch. 89, or as
19 otherwise provided by statute.

20 SECTION 103. 450.11 (1i) (a) 1. of the statutes is amended to read:

21 450.11 (1i) (a) 1. A pharmacist may, upon and in accordance with the
22 prescription order of an advanced practice registered nurse prescriber under s.
23 441.18 (2) (a) 1., or of a physician or physician assistant under s. 448.037 (2) (a) 1.,
24 that complies with the requirements of sub. (1), deliver an opioid antagonist to a
25 person specified in the prescription order and may, upon and in accordance with the

1 standing order of an advanced practice registered nurse ~~prescriber~~ under s. 441.18
2 (2) (a) 2., or of a physician or physician assistant under s. 448.037 (2) (a) 2., that
3 complies with the requirements of sub. (1), deliver an opioid antagonist to an
4 individual in accordance with the order. The pharmacist shall provide a consultation
5 in accordance with rules promulgated by the board for the delivery of a prescription
6 to the person to whom the opioid antagonist is delivered.

7 **SECTION 104.** 450.11 (1i) (b) 2. b. of the statutes is amended to read:

8 450.11 (1i) (b) 2. b. An advanced practice registered nurse ~~prescriber~~ may only
9 deliver or dispense an opioid antagonist in accordance with s. 441.18 (2) or in
10 accordance with his or her other legal authority to dispense prescription drugs.

11 **SECTION 105.** 450.11 (7) (b) of the statutes is amended to read:

12 450.11 (7) (b) Information communicated to a physician, physician assistant,
13 or advanced practice registered nurse ~~prescriber~~ in an effort to procure unlawfully
14 a prescription drug or the administration of a prescription drug is not a privileged
15 communication.

16 **SECTION 106.** 450.11 (8) (e) of the statutes is amended to read:

17 450.11 (8) (e) The board of nursing, insofar as this section applies to advanced
18 practice nurse ~~prescribers~~ registered nurses.

19 **SECTION 107.** 450.13 (5) (b) of the statutes is amended to read:

20 450.13 (5) (b) The patient's advanced practice registered nurse ~~prescriber~~, if the
21 advanced practice registered nurse ~~prescriber~~ has entered into a written agreement
22 to collaborate with a physician has prescribing authority under s. 441.09 (2) (c).

23 **SECTION 108.** 450.135 (7) (b) of the statutes, as created by 2017 Wisconsin Act

24 149 is amended to read:

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prescription orders*

1 450.135 (7) (b) The patient's advanced practice registered nurse prescriber, if
2 the advanced practice registered nurse prescriber has entered into a written
3 agreement to collaborate with a physician (has prescribing authority) under s. 441.09
4 (2) (c).

****NOTE: This is a new provision, which I amended the same way s. 450.13 (5) (b) is amended, as that is what this provision is based on.

5 **SECTION 109.** 462.04 of the statutes is amended to read:

6 **462.04 Prescription or order required.** A person who holds a license or
7 limited X-ray machine operator permit under this chapter may not use diagnostic
8 X-ray equipment on humans for diagnostic purposes unless authorized to do so by
9 prescription or order of a physician licensed under s. 448.04 (1) (a), a dentist licensed
10 under s. 447.04 (1), a podiatrist licensed under s. 448.63, a chiropractor licensed
11 under s. 446.02, an advanced practice registered nurse certified licensed under s.
12 ~~441.16 (2)~~ 441.09, a physician assistant licensed under s. 448.04 (1) (f), or, subject to
13 s. 448.56 (7) (a), a physical therapist licensed under s. 448.53.

14 **SECTION 110.** 655.001 (7t) of the statutes is amended to read:

15 655.001 (7t) "Health care practitioner" means a health care professional, as
16 defined in s. 180.1901 (1m), who is an employee of a health care provider described
17 in s. 655.002 (1) (d), (e), (em), or (f) and who has the authority to provide health care
18 services that are not in collaboration with a physician under s. 441.15 (2) (b) or under
19 the direction and supervision of a physician or nurse anesthetist.

20 **SECTION 111.** 655.001 (9) of the statutes, as affected by 2017 Wisconsin Act 135,

21 is amended to read:

22 655.001 (9) "Nurse anesthetist" means ~~a nurse~~ an individual who is licensed
23 under ch. 441 or who holds a multistate license, as defined in s. 441.51 (2) (h), issued

1 in a party state, as defined in s. 441.51 (2) (k), and who is certified as a nurse
2 anesthetist by the American association of nurse anesthetists as an advanced
3 practice registered nurse and possesses a certified registered nurse anesthetist
4 specialty designation under s. 441.09.

5 SECTION 112. 655.005 (2) (a) of the statutes is amended to read:

6 655.005 (2) (a) An employee of a health care provider if the employee is a
7 physician or a nurse anesthetist or is a health care practitioner who is providing
8 health care services that are not in collaboration with a physician under s. 441.15 (2)
9 (b) or under the direction and supervision of a physician or nurse anesthetist.

10 SECTION 113. 961.01 (19) (a) of the statutes is amended to read:

11 961.01 (19) (a) A physician, advanced practice registered nurse, dentist,
12 veterinarian, podiatrist, optometrist, scientific investigator or, subject to s. 448.21
13 (3), a physician assistant, or other person licensed, registered, certified or otherwise
14 permitted to distribute, dispense, conduct research with respect to, administer or use
15 in teaching or chemical analysis a controlled substance in the course of professional
16 practice or research in this state.

17 SECTION 114. 961.395 of the statutes is amended to read:

18 **961.395 Limitation on advanced practice registered nurses.** (1) An
19 advanced practice registered nurse who is certified under s. 441.16 who has
20 prescribing authority under s. 441.09 (2) (c) may prescribe controlled substances only
21 as permitted by the rules promulgated under s. 441.16 (3) 441.09 (9).

22 (2) An advanced practice registered nurse certified under s. 441.16 shall
23 include with each prescription order the advanced practice registered nurse
24 prescriber certification number identifier issued to him or her by the board of
25 nursing.

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(3) An advanced practice registered nurse certified under s. 441.16 who has prescribing authority under s. 441.09 (2) (c) may dispense a controlled substance only by prescribing or administering the controlled substance or as otherwise permitted by the rules promulgated under s. 441.16 (3) 441.09 (9). *(b)(d)*

SECTION 115. Nonstatutory provisions.

(1) Using the procedure under section 227.24 of the statutes, the board of nursing may promulgate rules under chapter 441 of the statutes that are necessary to implement the changes in this act. Notwithstanding section 227.24 (1) (a) and (3) of the statutes, the board is not required to provide evidence that promulgating a rule under this subsection as an emergency rule is necessary for the preservation of the public peace, health, safety, or welfare and is not required to provide a finding of emergency for a rule promulgated under this subsection. Notwithstanding section 227.24 (1) (c) and (2) of the statutes, the effective period of a rule promulgated under this subsection is for 2 years after its promulgation, or until permanent rules take effect, whichever is sooner, and the effective period may not be further extended under section 227.24 (2) of the statutes.

SECTION 116. Effective dates. This act takes effect on March 1, 2020, except as follows:

(1) SECTION 115 (1) of this act takes effect on the day after publication.

(END)

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