

2019 DRAFTING REQUEST

Bill

For: **Legislative Fiscal Bureau** Drafter: **kpaczusk**
 By: **Morgan** Secondary Drafters:
 Date: **4/1/2020** May Contact:

Same as LRB:

Submit via email: **YES**
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Pre Topic:

No specific pre topic given

Topic:

Allowing health care providers licensed in another state to practice during emergency (Pg. 25, DSPS, Item 3)

Instructions:

See attached

Drafting History:

| <u>Vers.</u> | <u>Drafted</u> | <u>Reviewed</u> | <u>Submitted</u> | <u>Jacketed</u> | <u>Required</u> |
|--------------|----------------------|----------------------|---------------------|-----------------|-----------------|
| /? | kpaczusk 4/1/2020 | csicilia 4/1/2020 | | | |
| /1 | | | mbarman 4/1/2020 | | State |

FE Sent For: **<END>**

Barman, Mike

From: Champagne, Rick
Sent: Wednesday, April 01, 2020 11:16 AM
To: Hanaman, Cathlene; Lunder, Erika; Wheeler, Elizabeth; Knepp, Fern; Gallagher, Michael; Dodge, Tamara; Walkenhorst Barber, Sarah; Paczuski, Konrad; McGreevy, Mary Alice; Shovers, Marc; Pleviak, Krista; Gary, Aaron; Kreye, Joseph; Pfothenauer, Mary; Duchek, Michael; Shea, Elisabeth; Wyatt, Zachary; Johns, Melinda
Cc: Jackson, Wendy
Subject: More LFB Requests

Using the LFB Summary of the Governor's bill, please draft the following items for the LFB:

http://docs.legis.wisconsin.gov/misc/lfb/misc/109_summary_of_provisions_of_lrb_5904_1_and_lrb_5920_p2_3_24_20.pdf

Pg. 5, DOA, Item 6

Pg. 6, DOA, Item 9

Pg. 6 BLDG COMM, Item 1 (RAC)

Pg. 11, ETF, Item 1

Pg. 12, ETF, Item 2

Pg. 13, GEN PROV, Item 2

Pg. 16, HEALTH, Item 4

Pg. 18, INS, Item 2

Pg. 19, INS, Item 5

Pg. 19, INS, Item 6

Pg. 22, DPI, Item 3

Pg. 24, DSPS, Item 2

Pg. 25, DSPS, Item 3

Pg. 26, DSPS, Item 4

Pg. 28, DWD, Item 1, but only for calendar year 2020

Pg. 29, DWD, Item 2

Cathlene can coordinate and make sure drafts are accounted for.

Rick



2019 BILL

1 **AN ACT relating to:** temporary credentials for health care providers licensed by
2 another state and waiving certain credential fees.

Analysis by the Legislative Reference Bureau

OCCUPATIONAL REGULATION

Temporary credentials for health care providers from other states

This bill authorizes health care providers licensed in another state or territory to obtain a temporary credential granted by the Department of Safety and Professional Services and provide health care services for which they are licensed or certified. Under the bill, DSPS may grant a temporary credential to a person who applies and holds a valid, unexpired credential granted by another state or territory that authorizes the person to act as any of the following: 1) a physician, physician assistant, or perfusionist; 2) a registered nurse, licensed practical nurse, or nurse-midwife; 3) a dentist; 4) a pharmacist; 5) a psychologist; 6) a social worker; 7) a marriage and family therapist; 8) a professional counselor; 9) a clinical substance abuse counselor; or 10) a practitioner holding a credential to practice a profession identified by the Department of Health Services. A temporary credential granted under the bill expires 90 days after the conclusion of the public health emergency declared on March 12, 2020, by executive order 72.

Current law generally prohibits a person from engaging in certain health-care related practices without holding a required credential.

The bill also authorizes DSPS, during the public health emergency, to waive fees for applications for an initial credential and renewal of a credential for

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physicians, physician assistants, nurses, dentists, pharmacists, psychologists, and certain behavioral health providers.

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

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

1 **SECTION 1. Nonstatutory provisions.**

2 (1) TEMPORARY CREDENTIALS FOR HEALTH CARE PROVIDERS FROM OTHER STATES
3 DURING EMERGENCY.

4 (a) *Definitions.* In this subsection:

5 1. "Credential" means a license or certificate.

6 2. "Department" means the department of safety and professional services.

7 3. "Health care provider" means an individual who holds a valid, unexpired
8 license, certificate, or registration granted by another state or territory that
9 authorizes or qualifies the individual to perform acts that are substantially the same
10 as the acts that any of the following are licensed or certified to perform:

11 a. A registered nurse, licensed practical nurse, or nurse-midwife licensed
12 under ch. 441.

13 b. A dentist licensed under ch. 447.

14 c. A physician, physician assistant, or perfusionist licensed under ch. 448 or a
15 respiratory care practitioner certified under ch. 448.

16 d. A pharmacist licensed under ch. 450.

17 e. A psychologist licensed under ch. 455.

18 f. A clinical social worker, marriage and family therapist, or professional
19 counselor licensed under ch. 457 or an independent social worker or social worker
20 certified under ch. 457.

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1 g. A clinical substance abuse counselor certified under s. 440.88.

2 h. Any practitioner holding a credential to practice a profession that is
3 identified by the department of health services during the period covered by the
4 public health emergency declared on March 12, 2020, by executive order 72,
5 including any extension under s. 323.10.

6 (b) *Temporary emergency credentials.*

7 1. The department may grant a temporary credential to a health care provider
8 if all of the following apply:

9 a. The health care provider submits an application to the department.

10 b. The department determines that the health care provider satisfies the
11 eligibility requirements for the credential and is fit to practice after conducting an
12 investigation of the health care provider's arrest or conviction record and record of
13 professional discipline.

14 2. The department may determine the appropriate scope of the review under
15 subd. 1. b. of the background of a health care provider who applies for a temporary
16 credential under this paragraph.

17 3. If the department denies a health care provider's application for a temporary
18 credential under this paragraph, the department shall notify the health care
19 provider of the reason for the denial.

20 4. Notwithstanding ss. 441.06 (4), 441.15 (2), 447.03 (1) and (2), 448.03 (1) (a),
21 (b), and (c) and (1m), and 450.03 (1), a health care provider granted a temporary
22 credential under this paragraph may provide services for which the health care
23 provider is licensed or certified.

24 5. A health care provider who provides services authorized by a temporary
25 credential granted under this paragraph shall maintain malpractice insurance that

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1 satisfies the requirements of the profession for which the health care provider is
2 licensed or certified.

3 6. A temporary credential granted under this paragraph expires 90 days after
4 the conclusion of the period covered by the public health emergency declared on
5 March 12, 2020, by executive order 72, including any extension under s. 323.10.

6 (2) **AUTHORITY TO WAIVE FEES.** Notwithstanding s. 440.05 and the applicable fee
7 provisions in chs. 440 to 480, during the period covered by the public health
8 emergency declared on March 12, 2020, by executive order 72, including any
9 extension under s. 323.10, the department may waive fees for applications for an
10 initial credential and renewal of a credential for registered nurses, licensed practical
11 nurses, nurse-midwives, dentists, physicians, physician assistants, perfusionists,
12 respiratory care practitioners, pharmacists, psychologists, clinical social workers,
13 independent social workers, social workers, marriage and family therapists,
14 professional counselors, and clinical substance abuse counselors.

15 (END)