

Report From Agency

STATE OF WISCONSIN PHYSICIAN ASSISTANT AFFILIATED CREDENTIALING BOARD

IN THE MATTER OF RULEMAKING	:	
PROCEEDINGS BEFORE THE	:	REPORT TO THE LEGISLATURE
PHYSICIAN ASSISTANT AFFILIATED	:	CR 25-002
CREDENTIALING BOARD	:	

I. THE PROPOSED RULE:

The proposed rule, including the analysis and text, is attached.

II. REFERENCE TO APPLICABLE FORMS: N/A

III. FISCAL ESTIMATE AND EIA:

The Fiscal Estimate and EIA is attached.

IV. DETAILED STATEMENT EXPLAINING THE BASIS AND PURPOSE OF THE PROPOSED RULE, INCLUDING HOW THE PROPOSED RULE ADVANCES RELEVANT STATUTORY GOALS OR PURPOSES:

The proposed rule expands unprofessional conduct to require that physician assistants either follow the policies established by their employers for the use of chaperones during physical examinations, or that physician assistants establish policies and follow them. Physician assistants will also be required to make their policy regarding the use of chaperones accessible to all patients. "Chaperone" is defined to mean an individual whom a physician assistant requests to be present during a clinical examination who can serve as a witness to the examination taking place. "Observer" is defined to mean an individual chosen by the patient to be present during an examination, and is presumed to include an adult family member, legal guardian, or legal custodian if the patient is twelve years of age or under. The distinction between the two is that a chaperone is arranged for or requested by the physician assistant on the patient's behalf and must be able to serve as a witness, whereas an observer is directly chosen by the patient.

Nothing under this rule is intended to impose a requirement upon any person or entity that the board does not have jurisdiction over.

V. SUMMARY OF PUBLIC COMMENTS AND THE BOARD'S RESPONSES, EXPLANATION OF MODIFICATIONS TO PROPOSED RULES PROMPTED BY PUBLIC COMMENTS:

The Physician Assistant Affiliated Credentialing Board ("Board") held a public hearing on February 20, 2025. The Board received one written comment from Amy Warmenhoven from De Pere, WI commented the following: "If intent of this rule is to force a 15 year old to have a chaperone present during her pap smear when she isn't asking for one, I think we should not invite her father into the exam room or make it mandatory if he doesn't want to chaperone. In fact, we ought to give the 15 year old the right to refuse to have a chaperone present instead of giving the nurse permission to force her to have one."

The Board found the comment to be inconsistent with the rule project's intent and consequently, no modifications were made to the proposed changes.

VI. RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS:

All of the recommendations suggested in the Clearinghouse Report have been accepted in whole.

VII. REPORT FROM THE SBRRB AND FINAL REGULATORY FLEXIBILITY ANALYSIS: N/A