

1993 Senate Bill 68

Date of enactment: **December 13, 1993**
 Date of publication*: **December 27, 1993**

1993 WISCONSIN ACT 105

AN ACT to amend 15.08 (1m) (b), 15.407 (2) (intro.) and (c), 23.33 (4p) (b) 4, 30.684 (2) (d), 39.43 (1) (a), 48.981 (2m) (b) 1, 60.23 (9), 140.03 (1) (b) 1, 141.01 (1m), 146.301 (3) (c), 146.50 (4) (a) 1 and (b), 146.80 (4) (d), 146.81 (1) (e), 155.01 (7), 343.305 (5) (b), 350.104 (2) (d), 440.08 (2) (a) 59, 448.01 (6), 448.02 (2), 448.03 (2) (c), 448.03 (3) (e), 448.04 (1) (f), 448.05 (5) (title), 448.05 (5) (a) (intro.), 448.05 (5) (a) 2, 448.05 (5) (b), 448.20 (title), (1) and (2), 448.20 (3) (a) and (b), 448.21 (title), (1) (intro.) and (2), 454.02 (2) (a), 908.03 (6m) (a) and 968.255 (3); **to repeal and recreate** 15.08 (1m) (b) and 146.81 (1) (e); and **to create** 146.024 (1) (ar) 14 of the statutes, **relating to:** defining physician's assistants as health care providers for certain purposes and changing the term "physician's assistant" to "physician assistant".

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

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

15.08 (1m) (b) The public members of the chiropractic examining board, the dentistry examining board, the hearing and speech examining board, the medical examining board and its physical therapists examining council, podiatry examining council, occupational therapy examining council, respiratory care practitioners examining council and council on ~~physician's~~ physician assistants, the board of nursing, the nursing home administrator examining board, the veterinary examining board, the optometry examining board, the pharmacy examining board and the psychology examining board shall not be engaged in any profession or occupation concerned with the delivery of physical or mental health care.

SECTION 2. 15.08 (1m) (b) of the statutes, as affected by 1991 Wisconsin Acts 160 and (this act), is repealed and recreated to read:

15.08 (1m) (b) The public members of the chiropractic examining board, the dentistry examining board, the hearing and speech examining board, the medical examining board and its physical therapists examining

council, podiatry examining council, occupational therapy examining council, respiratory care practitioners examining council and council on physician assistants, the board of nursing, the nursing home administrator examining board, the veterinary examining board, the optometry examining board, the pharmacy examining board, the examining board of social workers, marriage and family therapists and professional counselors and the psychology examining board shall not be engaged in any profession or occupation concerned with the delivery of physical or mental health care.

SECTION 3. 15.407 (2) (intro.) and (c) of the statutes are amended to read:

15.407 (2) (title) COUNCIL ON PHYSICIAN ASSISTANTS. (intro.) There is created a council on ~~physician's~~ physician assistants in the department of regulation and licensing and serving the medical examining board in an advisory capacity. The council's membership shall consist of:

(c) Three ~~physician's~~ physician assistants selected by the medical examining board for staggered 2-year terms.

SECTION 4. 23.33 (4p) (b) 4. of the statutes is amended to read:

23.33 (4p) (b) 4. Validity; procedure. A chemical test of blood or urine conducted for the purpose of authorized analysis is valid as provided under s. 343.305 (6). The duties and responsibilities of the laboratory of hygiene,

department of health and social services and department of transportation under s. 343.305 (6) apply to a chemical test of blood or urine conducted for the purpose of authorized analysis under this subsection. Blood may be withdrawn from a person arrested for a violation of the intoxicated operation of an all-terrain vehicle law only by a physician, registered nurse, medical technologist, ~~physician's~~ physician assistant or person acting under the direction of a physician and the person who withdraws the blood, the employer of that person and any hospital where blood is withdrawn have immunity from civil or criminal liability as provided under s. 895.53.

SECTION 5. 30.684 (2) (d) of the statutes is amended to read:

30.684 (2) (d) *Validity; procedure.* A chemical test of blood or urine conducted for the purpose of authorized analysis is valid as provided under s. 343.305 (6). The duties and responsibilities of the laboratory of hygiene, department of health and social services and department of transportation under s. 343.305 (6) apply to a chemical test of blood or urine conducted for the purpose of authorized analysis under this section. Blood may be withdrawn from a person arrested for a violation of the intoxicated boating law only by a physician, registered nurse, medical technologist, ~~physician's~~ physician assistant or person acting under the direction of a physician and the person who withdraws the blood, the employer of that person and any hospital where blood is withdrawn have immunity from civil or criminal liability as provided under s. 895.53.

SECTION 6. 39.43 (1) (a) of the statutes is amended to read:

39.43 (1) (a) "Health care provider" means a registered nurse, physical therapist, occupational therapist, medical technologist or ~~physician's~~ physician assistant.

SECTION 7. 48.981 (2m) (b) 1. of the statutes is amended to read:

48.981 (2m) (b) 1. "Health care provider" means a physician, as defined under s. 448.01 (5), a ~~physician's~~ physician assistant, as defined under s. 448.01 (6), or a nurse holding a certificate of registration under s. 441.06 (1) or a license under s. 441.10 (3).

SECTION 8. 60.23 (9) of the statutes is amended to read:

60.23 (9) (title) RESIDENT PHYSICIANS, PHYSICIAN ASSISTANTS AND NURSES IN CERTAIN TOWNS. In a town comprised entirely of one or more islands, annually appropriate money to retain a physician or, if no physician is available, a ~~physician's~~ physician assistant or nurse practitioner, as a resident within the town.

SECTION 9. 140.03 (1) (b) 1. of the statutes is amended to read:

140.03 (1) (b) 1. Services of a physician, as defined in s. 448.01 (5), and, if feasible, services of a ~~physician's~~ physician assistant, as defined in s. 448.01 (6), a nurse practitioner or a public health nurse under s. 141.05.

SECTION 10. 141.01 (1m) of the statutes is amended to read:

141.01 (1m) Any county authorized to provide for a county health commission or committee under sub. (1) but elects not to do so shall designate a health care professional to assume the powers and duties of a local health officer under ch. 143. The health care professional shall perform these powers and duties only in areas of the county outside of towns that elect to create a board of health under sub. (9). The person designated shall be a person licensed, permitted, registered or certified to provide health care under chs. 441 or 446 to 449, such as a physician, podiatrist, osteopath, ~~physician's~~ physician assistant, physical therapist, nurse, chiropractor, dentist, dental hygienist or optometrist.

SECTION 10m. 146.024 (1) (ar) 14 of the statutes is created to read:

146.024 (1) (ar) 14. A physician assistant certified under ch. 448.

SECTION 11. 146.301 (3) (c) of the statutes is amended to read:

146.301 (3) (c) A ~~physician's~~ physician assistant or any other person under the specific direction of a physician.

SECTION 12. 146.50 (4) (a) 1. and (b) of the statutes are amended to read:

146.50 (4) (a) 1. Any 2 emergency medical technicians, licensed registered nurses, licensed ~~physician's~~ physician assistants or physicians, or any combination thereof; or

(b) An ambulance driver who is not an emergency medical technician may assist with the handling and movement of a sick, injured or disabled individual if an emergency medical technician, registered nurse, ~~physician's~~ physician assistant or physician directly supervises the driver. No ambulance driver may administer care procedures that an emergency medical technician is authorized to administer unless he or she is an emergency medical technician.

SECTION 13. 146.80 (4) (d) of the statutes is amended to read:

146.80 (4) (d) For each fiscal year, \$31,500 as grants to applying family planning agencies under this section for employment in communities of licensed registered nurses, licensed practical nurses, certified nurse-midwives or certified ~~physician's~~ physician assistants who are members of a racial minority.

SECTION 14. 146.81 (1) (e) of the statutes is amended to read:

146.81 (1) (e) An occupational therapist, occupational therapy assistant, physician assistant or respiratory care practitioner certified under ch. 448.

SECTION 15. 146.81 (1) (e) of the statutes, as affected by 1991 Wisconsin Act 39, section 2666r, and 1993 Wisconsin Act (this act), is repealed and recreated to read:

1993 Senate Bill 68

146.81 (1) (e) An occupational therapist, occupational therapy assistant, physician assistant or respiratory care practitioner certified under ch. 448.

SECTION 16. 155.01 (7) of the statutes is amended to read:

155.01 (7) “Health care provider” means a nurse licensed or permitted under ch. 441, a chiropractor licensed under ch. 446, a dentist licensed under ch. 447, a physician, podiatrist or physical therapist licensed or a physician assistant, an occupational therapist or occupational therapy assistant certified under ch. 448, a person practicing Christian Science treatment, an optometrist licensed under ch. 449, a psychologist licensed under ch. 455, a partnership thereof, a corporation thereof that provides health care services, an operational cooperative sickness care plan organized under ss. 185.981 to 185.985 that directly provides services through salaried employes in its own facility, or a home health agency, as defined in s. 141.15 (1) (a).

SECTION 17. 343.305 (5) (b) of the statutes is amended to read:

343.305 (5) (b) Blood may be withdrawn from the person arrested for violation of s. 346.63 (1), (2), (2m), (5) or (6) or 940.25, or s. 940.09 where the offense involved the use of a vehicle, or a local ordinance in conformity with s. 346.63 (1), (2m) or (5), or as provided in sub. (3) (am) or (b) to determine the presence or quantity of alcohol, a controlled substance, a combination of alcohol and a controlled substance, any other drug or a combination of alcohol and any other drug in the blood only by a physician, registered nurse, medical technologist, ~~physician’s~~ physician assistant or person acting under the direction of a physician.

SECTION 18. 350.104 (2) (d) of the statutes is amended to read:

350.104 (2) (d) *Validity; procedure.* A chemical test of blood or urine conducted for the purpose of authorized analysis is valid as provided under s. 343.305 (6). The duties and responsibilities of the laboratory of hygiene, department of health and social services and department of transportation under s. 343.305 (6) apply to a chemical test of blood or urine conducted for the purpose of authorized analysis under this section. Blood may be withdrawn from a person arrested for a violation of the intoxicated snowmobiling law only by a physician, registered nurse, medical technologist, ~~physician’s~~ physician assistant or person acting under the direction of a physician and the person who withdraws the blood, the employer of that person and any hospital where blood is withdrawn have immunity from civil or criminal liability as provided under s. 895.53.

SECTION 19. 440.08 (2) (a) 59. of the statutes is amended to read:

440.08 (2) (a) 59. ~~Physician’s~~ Physician assistant: November 1 of each odd-numbered year; \$44.

SECTION 20. 448.01 (6) of the statutes is amended to read:

448.01 (6) ~~“Physician’s~~ “Physician assistant” means an individual certified by the board to perform patient services under the supervision and direction of a licensed physician.

SECTION 21. 448.02 (2) of the statutes is amended to read:

448.02 (2) CERTIFICATE. The board may certify ~~physician’s~~ physician assistants, occupational therapists, occupational therapy assistants and respiratory care practitioners.

SECTION 22. 448.03 (2) (c) of the statutes is amended to read:

448.03 (2) (c) The activities of a medical student, podiatry student, physical therapy student, respiratory care student or ~~physician’s~~ physician assistant student required for such student’s education and training; or the activities of a medical school graduate required for training as required in s. 448.05 (2).

SECTION 23. 448.03 (3) (e) of the statutes is amended to read:

448.03 (3) (e) No person may designate himself or herself as a ~~“physician’s~~ “physician assistant” or use or assume the title ~~“physician’s~~ “physician assistant” or append to the person’s name the words or letters ~~“physician’s~~ “physician assistant” or “P.A.” or any other titles, letters or designation which represents or may tend to represent the person as a ~~physician’s~~ physician assistant unless certified as a ~~physician’s~~ physician assistant by the board.

SECTION 24. 448.04 (1) (f) of the statutes is amended to read:

448.04 (1) (f) (title) *Certificate as physician assistant.* The board shall certify as a ~~physician’s~~ physician assistant an individual who meets the requirements for certification under s. 448.05 (5). The board may, by rule, provide for various classes of temporary certificates to practice as ~~physician’s~~ physician assistants.

SECTION 25. 448.05 (5) (title) of the statutes is amended to read:

448.05 (5) (title) CERTIFICATE AS A PHYSICIAN ASSISTANT.

SECTION 26. 448.05 (5) (a) (intro.) of the statutes is amended to read:

448.05 (5) (a) (intro.) The board shall promulgate rules establishing certification standards and practice standards for ~~physician’s~~ physician assistants and shall certify persons under those rules. The board may not grant a certificate as a ~~physician’s~~ physician assistant to an applicant unless the applicant submits evidence satisfactory to the board of all of the following:

SECTION 27. 448.05 (5) (a) 2. of the statutes is amended to read:

448.05 (5) (a) 2. That the applicant has satisfactorily completed a ~~physician's~~ physician assistant training program that is certified under par. (b).

SECTION 28. 448.05 (5) (b) of the statutes is amended to read:

448.05 (5) (b) The board shall promulgate rules establishing certification standards for ~~physician's~~ physician assistant training programs and shall certify programs under those rules.

SECTION 29. 448.20 (title), (1) and (2) of the statutes are amended to read:

448.20 (title) Council on physician assistants; duties. (1) RECOMMEND CERTIFICATION AND PRACTICE STANDARDS. Within 3 months after the selection of all its initial members, the council on ~~physician's~~ physician assistants shall develop and recommend to the examining board certification and practice standards for ~~physician's~~ physician assistants. In developing the standards, the council shall consider the following factors: an individual's training, wherever given; experience, however acquired, including experience obtained in a hospital, a physician's office, the armed services or the federal health service of the United States, or their equivalent as found by the examining board; and education, including that offered by a medical school and the board of vocational, technical and adult education.

(2) ADVISE BOARD OF REGENTS. The council shall advise and cooperate with the board of regents of the university of Wisconsin system in establishing an educational program for ~~physician's~~ physician assistants on the undergraduate level. The council shall suggest criteria for admission requirements, program goals and objectives, curriculum requirements, and criteria for credit for past educational experience or training in health fields.

SECTION 30. 448.20 (3) (a) and (b) of the statutes are amended to read:

448.20 (3) (a) Revising ~~physician's~~ physician assistant certification and practice standards and on matters pertaining to the education, training and certification of ~~physician's~~ physician assistants.

(b) Developing criteria for ~~physician's~~ physician assistant training program approval, giving consideration to and encouraging utilization of equivalency and proficiency testing and other mechanisms whereby full

credit is given to trainees for past education and experience in health fields.

SECTION 31. 448.21 (title), (1) (intro.) and (2) of the statutes are amended to read:

448.21 (title) Physician assistants. (1) PROHIBITED PRACTICES. (intro.) No ~~physician's~~ physician assistant may perform patient services, except routine screening, in:

(2) EMPLOYE STATUS. No ~~physician's~~ physician assistant may be self-employed. The employer of a ~~physician's~~ physician assistant shall assume legal responsibility for any patient care undertaken by ~~such~~ the physician assistant during the employment. The employer of a ~~physician's~~ physician assistant, if other than a licensed physician, shall provide for and not interfere with supervision of ~~such physician's~~ the physician assistant by a licensed physician.

SECTION 32. 454.02 (2) (a) of the statutes is amended to read:

454.02 (2) (a) Services performed by a person licensed, certified or registered under the laws of this state as a physician, ~~physician's~~ physician assistant, podiatrist, physical therapist, nurse or funeral director if those services are within the scope of the license, certificate or registration.

SECTION 32m. 908.03 (6m) (a) of the statutes is amended to read:

908.03 (6m) (a) *Definition.* In this subsection, "health care provider" means a chiropractor licensed under ch. 446, a dentist licensed under ch. 447, a physician assistant certified under ch. 448 or a health care provider as defined in s. 655.001 (8).

SECTION 33. 968.255 (3) of the statutes is amended to read:

968.255 (3) No person other than a physician, ~~physician's~~ physician assistant or registered nurse licensed to practice in this state may conduct a body cavity search.

SECTION 34. Effective dates. This act takes effect on the day after publication, except as follows:

(1) The repeal and recreation of section 15.08 (1m) (b) of the statutes takes effect on May 1, 1993, or the day after publication, whichever is later.

(2) The repeal and recreation of section 146.81 (1) (e) of the statutes takes effect on July 1, 1993.