

State of Wisconsin



2023 Assembly Bill 541

Date of enactment:
Date of publication*:

2023 WISCONSIN ACT

AN ACT *to create* 440.18 of the statutes; **relating to:** provision of telehealth services by out-of-state health care providers.

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

SECTION 1. 440.18 of the statutes is created to read:

440.18 Telehealth by out-of-state mental health care providers. (1) In this section, "mental health care provider" means a psychologist, counselor, therapist, or social worker who, by education, training, and experience, is qualified to provide mental health services to patients.

(2) Notwithstanding chs. 440 to 480, no mental health care provider may be required to be licensed, registered, certified, or otherwise approved to practice in this state to provide mental health services by telehealth to patients located in this state if the mental health care provider satisfies all of the following:

(a) The mental health care provider is licensed, registered, certified, or otherwise approved to practice in the state that the provider is physically present in when providing telehealth services.

(b) The mental health care provider may provide telehealth services in this state within the scope of his or her license, registration, certification, or approval from the state from which the mental health care provider is providing telehealth services.

(c) The mental health care provider's license, registration, certification, or approval from the state from which the mental health care provider is providing tele-

health services is not limited and the mental health care provider is not currently under investigation for any allegations of unprofessional conduct in the state from which the mental health care provider is providing telehealth services.

(d) The mental health care provider provides services within the scope of his or her license, registration, certification, or approval from the state from which the mental health care provider is providing telehealth services, consistent with any regulations applicable to the provision of telehealth services in that state.

(e) The mental health care provider informs the patient whether the provider is licensed in this state, what state he or she is providing telehealth services from, what states in which he or she is licensed, registered, certified, or otherwise approved to practice, and which regulatory boards the patient may contact to file a complaint.

(2m) Any mental health care provider who provides mental health services in this state by telehealth pursuant to sub. (2) shall, within 30 days of the first day that the mental health care provider provides mental health services in this state by telehealth, submit to the department on a form prescribed by the department any information that the department requires to confirm that the mental health care provider possesses a license, registration, certificate, or other approval that qualifies the mental health

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

care provider to provide mental health services in this state by telehealth pursuant to sub. (2).

(3) This section does not apply to any individual who holds a compact license under s. 448.980.
