



State of Wisconsin  
2023 - 2024 LEGISLATURE

LRB-0401/P2  
MED:cjs

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

1     **AN ACT to repeal** 440.094 (1) (b); **to amend** 440.08 (2) (a) (intro.), 440.094 (title),  
2           (1) (c) (intro.), 3., 4. and 5. and (2) and 440.094 (3); and **to create** 440.094 (1)  
3           (c) 9g., 9m., 17. and 19., (d), (e) and (f) and 440.094 (4) of the statutes; **relating**  
4           **to:** practice of certain professions by credential holders from other states.

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***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.

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

5           **SECTION 1.** 440.08 (2) (a) (intro.) of the statutes is amended to read:  
6           440.08 (2) (a) (intro.) Except as provided in par. (b) and in ss. 440.094 (2) (c) 2.,  
7           440.51, 442.04, 444.03, 444.11, 447.04 (2) (c) 2., 447.05 (1) (b), 449.17 (1m) (d), 449.18  
8           (2) (e), 455.06 (1) (b), 463.10, 463.12, and 463.25 and subch. II of ch. 448, the renewal  
9           dates for credentials are as follows:

1           **SECTION 2.** 440.094 (title), (1) (c) (intro.), 3., 4. and 5. and (2) of the statutes are  
2 amended to read:

3           **440.094** (title) **Practice by ~~health care providers~~ credential holders**  
4 **from other states.**

5           **(1)** (c) (intro.) “Health care provider” means an individual who holds a valid,  
6 unexpired remote credential granted by another state or territory that authorizes or  
7 qualifies the individual to perform acts that are substantially the same as the acts  
8 that any of the following are licensed or certified to perform:

9           3. A dentist, dental hygienist, or expanded function dental auxiliary licensed  
10 or certified under ch. 447.

11           4. A physician, ~~physician assistant~~, perfusionist, or respiratory care  
12 practitioner licensed or certified under subch. II of ch. 448.

13           5. A physical therapist or physical therapist assistant licensed under subch. III  
14 of ch. 448 or who holds a compact privilege under subch. ~~IX~~ XI of ch. 448.

15           **(2)** PRACTICE BY ~~HEALTH CARE PROVIDERS~~ CREDENTIAL HOLDERS FROM OTHER STATES.

16 (a) Notwithstanding ss. ~~441.06 (4), 441.15 (2), 441.16, 446.02 (1), 447.03 (1) and (2),~~  
17 ~~448.03 (1) (a), (b), and (c) and (1m), 448.51 (1), 448.61, 448.76, 448.961 (1) and (2),~~  
18 ~~449.02 (1), 450.03 (1), 451.04 (1), 455.02 (1m), 457.04 (4), (5), (6), and (7), 459.02 (1),~~  
19 ~~459.24 (1), and 460.02,~~ a health care provider chs. 440 to 480, an individual who holds  
20 a valid, unexpired remote credential may provide for an employer services that are  
21 within the scope of the remote credential that the ~~health care provider~~ individual  
22 holds, and the department shall grant the ~~health care provider~~ individual a  
23 temporary preliminary credential to practice under this section, if all of the following  
24 apply:

1           1. The ~~health care provider~~ individual applies to the department for a  
2 temporary preliminary credential under this section within 30 days of beginning to  
3 provide health care services for ~~a health care~~ an employer. The ~~health care provider~~  
4 individual shall include in the application an attestation of all of the following:

5           a. The date on which the ~~health care provider~~ individual first provided health  
6 care services in this state under this section.

7           b. That the ~~health care provider~~ individual holds a valid, unexpired remote  
8 credential ~~granted in another state~~.

9           c. The ~~health care provider~~ individual is not currently under investigation and  
10 no restrictions or limitations are currently placed on the ~~health care provider's~~  
11 individual's remote credential by the ~~credentialing~~ state that issued the remote  
12 credential or by any other jurisdiction.

13           d. The ~~health care provider~~ individual has applied for a permanent,  
14 state-issued credential granted by the department or ~~an examining a credentialing~~  
15 board, as applicable, under chs. 440 to 480 that corresponds to his or her remote  
16 credential. This subd. 1. d. does not apply to a health care provider who provides  
17 health care services only during the period covered by a national emergency declared  
18 by the U.S. president under 50 USC 1621 in response to the 2019 novel coronavirus  
19 or during the 30 days immediately after the national emergency ends.

20           2. If the ~~health care provider~~ individual provides services other than services  
21 provided through telehealth as described in sub. (3), the ~~health care~~ individual's  
22 employer ~~of the health care provider~~ attests to all of the following to the department  
23 within 10 days of the date on which the ~~health care provider~~ individual begins  
24 providing ~~health care~~ services in this state under this section:

1 a. The ~~health care~~ employer has confirmed that the ~~health care provider~~  
2 individual holds a valid, unexpired remote credential ~~granted by another state~~.

3 b. To the best of the ~~health care~~ employer's knowledge and with a reasonable  
4 degree of certainty, the ~~health care provider~~ individual is not currently under  
5 investigation and no restrictions or limitations are currently placed on the ~~health~~  
6 ~~care provider's~~ individual's remote credential by the credentialing state or any other  
7 jurisdiction.

8 (b) A ~~health care provider~~ An individual who practices within the scope of a  
9 ~~temporary~~ preliminary credential granted under this section has all rights and is  
10 subject to all responsibilities, malpractice insurance requirements, limitations on  
11 scope of practice, and other provisions that apply under chs. 440 to 480 to the practice  
12 of the ~~health care provider~~ under the state-issued credential described in par. (a) 1.  
13 d.

14 (c) 1. A ~~temporary~~ preliminary credential granted under this section becomes  
15 effective on the date identified in the attestation under par. (a) 1. a. that the ~~health~~  
16 ~~care provider~~ individual first provided ~~health care~~ services in this state under this  
17 section.

18 2. a. Except as provided in subd. 2. b., a ~~temporary~~ preliminary credential  
19 granted under this section expires on the date that the department, or ~~an examining~~  
20 a credentialing board in the department, as applicable, grants or denies the  
21 application under par. (a) 1. d. for a permanent state-issued credential submitted by  
22 the ~~health care provider~~ individual.

23 b. If ~~a~~ the individual is a health care provider who provides health care services  
24 only during the period covered by a national emergency declared by the U.S.  
25 president under 50 USC 1621 in response to the 2019 novel coronavirus or during

1 the 30 days immediately after the national emergency ends, a ~~temporary~~  
2 preliminary credential granted under this section to the ~~health care provider~~  
3 individual expires 30 days after the national emergency ends.

4 **SECTION 3.** 440.094 (1) (b) of the statutes is repealed.

5 **SECTION 4.** 440.094 (1) (c) 9g., 9m., 17. and 19., (d), (e) and (f) of the statutes  
6 are created to read:

7 440.094 (1) (c) 9g. A genetic counselor licensed under subch. VIII of ch. 448.

8 9m. A physician assistant licensed under subch. IX of ch. 448.

9 17. A radiographer licensed under ch. 462.

10 19. A naturopathic doctor licensed under ch. 466.

11 (d) "Remote credential" means a license, permit, certificate, or registration  
12 granted to an individual by another state or territory that authorizes or qualifies the  
13 individual to perform acts that are substantially the same as the acts that an  
14 individual who holds a state-issued credential is authorized or qualified to perform.

15 (e) "Services" means actions that are within the scope of practice that is defined  
16 for a state-issued credential.

17 (f) "State-issued credential" means a credential, as defined in s. 440.01 (2) (a).

18 **SECTION 5.** 440.094 (3) of the statutes is amended to read:

19 440.094 (3) TELEHEALTH. A health care provider who practices within the scope  
20 of a ~~temporary~~ preliminary credential granted under this section may provide  
21 services through telehealth to a patient located in this state.

22 **SECTION 6.** 440.094 (4) of the statutes is created to read:

23 440.094 (4) NONAPPLICABILITY. This section does not apply with respect to  
24 credentials under subch. IV or V of ch. 440 or ch. 444 or 463.

25 (END)