

1973 Senate Bill 96

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CHAPTER 149, Laws of 1973

AN ACT to amend 445.01 (3); and to create 15.407 (2), 448.50 and 448.51 of the statutes, and chapter 90, laws of 1973, section 546m (3) relating to creating a council on physician's assistants, requiring certification of physician's assistants, granting rule-making authority and making an appropriation.

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

SECTION 1. Legislative intent. The legislature recognizes the growing shortage, geographic maldistribution and rising cost of health care service personnel in this state and the need for establishing a framework for development of a new category of health manpower -- the physician's assistant. The legislature further recognizes that the shortage of adequate health care service personnel has had the effect of increasing the cost of health care services. The legislature further recognizes that an expanded supply of health care personnel will make it possible to stem the tide of rising costs of services in the health care field. The legislature further recognizes the need for more effective utilization of the skills of physicians by encouraging them to further delegate health care tasks to qualified assistants where such delegation is consistent with the patient's health and welfare. The legislature further recognizes the need to encourage the utilization of physician's assistants by physicians, and to provide that existing legal constraints should not be a hindrance to the more effective delivery and provision of health care services. The legislature finds that there is a need to allow for innovative development of programs for the education of physicians' assistants. The legislature further finds that there is a need to establish a system of certifying physician's assistants so that quality service is assured. The legislature further finds that the administration and interpretation of this law should be broad and flexible enough to meet the public's health needs.

SECTION 2. 15.407 (2) of the statutes is created to read:

15.407 (2) COUNCIL ON PHYSICIAN'S ASSISTANTS. There is created a council on physician's 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:

- (a) The vice chancellor for health sciences of the university of Wisconsin-Madison or his designee.
- (b) The dean of the medical college of Wisconsin or his designee.
- (c) The state health officer or his designee.
- (d) A member of the board of vocational, technical and adult education selected by that board or the board's designee.
- (e) Two persons appointed by the governor.
- (f) Two physicians in full-time private practice and 2 physician's assistants selected by the medical examining board for staggered 2-year terms.
- (g) A member of the medical examining board selected by that board.
- (h) The dean of the university of Wisconsin-Milwaukee school of nursing or his designee.
- (i) A person selected by the board of nursing.
- (j) Two consumer representatives selected by the state health policy and program council.

SECTION 3. 445.01 (3) of the statutes is amended to read:

445.01 (3) This chapter shall not apply to or affect persons making application for certification as a physician's assistant under s. 448.51, for examination to hold certificate, under ch. 447, as a dental hygienist nor shall sub. (1) apply to former commissioned physicians of the medical corps of one of the armed services or of the federal health service of the United States or to graduates of a foreign medical school who are either admitted for examination or for whom a written examination is waived under s. 448.03 (2) or who receive temporary licenses under s. 448.03 (3) or to optometrists. The exemption contained in this subsection shall likewise apply to all those who prior to July 1, 1952, filed an application for a license to practice dentistry under ch. 447.

SECTION 4. 448.50 and 448.51 of the statutes are created to read:

448.50 Council on physician's assistants; duties. (1) RECOMMEND CERTIFICATION AND PRACTICE STANDARDS. Within 3 months after the selection of all its initial members, the council on physician's assistants shall develop and recommend to the examining board certification and practice standards for physician's 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 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.

(3) **ADVISE EXAMINING BOARD.** The council shall advise the examining board on:

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

(b) Developing criteria for physician's 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.

(4) **ADHERE TO PROGRAM OBJECTIVES.** In formulating standards under this section, the council shall recognize that an objective of this program is to increase the existing pool of health personnel.

448.51 Physician's assistants. (1) **DEFINITION.** A "physician's assistant" is a person certified by the examining board to perform patient services under the supervision and direction of a licensed physician or service corporation of physicians organized under s. 180.99. A license, certificate or registration is not required for any individual to provide patient services, under the direction and supervision of a physician, subject to the practice standards adopted pursuant to sub. (3).

(2) **DESIGNATION.** A person may not hold himself out as a "physician's assistant" or use the designation "P.A." or other designation indicating that he is a physician's assistant unless he is certified under this section by the examining board.

(3) **CERTIFICATION AND PRACTICE STANDARDS.** (a) The examining board may, by rule pursuant to ch. 227, adopt certification and practice standards for physician's assistants and may certify persons under these rules. Where the examining board finds that experience or informal training is equivalent to education or formal training otherwise required, it may accept the experience or informal training as a substitute for any of the standards. The examining board may, by rule, exempt from certification any technologists whose functions are related to or associated with the practice of medicine and surgery and who have been certified or registered by a national accrediting organization, the standards of which have been approved by the examining board.

(b) The examining board may, by rule under ch. 227, adopt certification standards for physician's assistant training programs and may certify the programs under these rules.

(c) In formulating such rules and certification and practice standards for both physician's assistants and physician's assistant training programs under this section, the examining board shall recognize that an objective of this program is to increase the existing pool of health personnel. Nothing in this section shall be construed as requiring certification under this section of other persons who assist physicians.

(4) **PROHIBITED PRACTICES.** No physician's assistant may perform services, except routine screening, in:

(a) The practice of dentistry or dental hygiene within the meaning of ch. 447.

(b) The practice of optometry within the meaning of ch. 449.

(c) The practice of chiropractic within the meaning of ch. 446.

(d) The practice of podiatry within the meaning of s. 448.10.

(5) APPLICATION AND EXAMINATION. (a) Application for a certificate as a physician's assistant shall be made to the examining board on forms it prescribes and shall be accompanied by the proper fee.

(b) The examining board may conduct written or oral examinations to determine the qualifications of each applicant.

(c) Application for an annual renewal certificate shall be made in such manner and contain such information as the examining board requires. The application and proper fee shall be submitted at least 30 days prior to the expiration of the current certificate.

(6) CERTIFICATE; ISSUANCE, RENEWAL AND REVOCATION. (a) If a majority of the examining board finds that the applicant is qualified, it shall grant him a certificate as a "physician's assistant", signed by an examining board member and attested by the examining board's seal.

(b) Each certificate is valid for one year or until the December 31 following its issuance, whichever is shorter. A renewal certificate may be issued by the examining board on the same criteria as an original certificate.

(c) If an applicant has failed to renew his certificate for 3 consecutive years, the examining board may require, before it issues a renewal certificate, that the applicant take a refresher course which it approves.

(d) Violation of this section or conduct which would afford a ground for revocation under s. 448.18 is sufficient grounds for the revocation, suspension or nonrenewal of a certificate.

(7) FEES. The examining board shall determine fees for certifications and these fees shall not exceed:

(a) For original application, \$50.

(b) For original certification, \$10.

(c) For renewal certification, \$10.

(8) EXEMPTIONS. This section shall not be construed to abrogate or limit existing rights, privileges or immunities of any person licensed, certified or registered under the laws of this state whose practice, activities or functions constitute, are allied with or are ancillary to the practice of medicine and surgery.

(9) EMPLOYE STATUS. A physician's assistant shall not be self-employed. The employer of a physician's assistant shall assume professional responsibility for any patient care undertaken by such assistant during his employment.

(10) REPORT OF MEDICAL EXAMINING BOARD. No later than February 1, 1974, and thereafter within 2 weeks of the commencement of each legislative biennium the examining board shall report to the legislature:

(a) The number and types of programs which it has approved and a description of each.

(b) The number of physician's assistants who have been certified under this section.

(c) Its criteria for certifying physician's assistants and programs.

(d) Recommendations for changes in the statutes pertaining to physician's assistants.

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(11) REPORT OF COUNCIL ON PHYSICIAN'S ASSISTANTS. The council shall report to the joint committee on finance no later than February 1, 1974, on the progress of the implementation of an undergraduate physician's assistant program at the university of Wisconsin-Madison, center for health sciences. Release of the 1974-75 appropriation for the physician's assistant program under s. 20.285 (1) (a) shall be contingent upon a determination by the joint committee on finance that there has been satisfactory compliance with the legislature's intent in appropriating funds for the establishment of this program.

(12) RULES AND PROCEDURES. The examining board may adopt rules pursuant to ch. 227 to carry out the purposes of this section and s. 448.50.

SECTION 5. Chapter 90, laws of 1973, section 546m (3) is amended to read:

Chapter 90, laws of 1973, section 546m (3). These funds shall be released for actual expenditure only upon the enactment of separate legislation which establishes the physician's assistant program, establishes the council on physician's assistants and articulates the functions of the council in developing this educational program. In addition, release of funds for the second year of the biennium is contingent upon a determination by the joint committee on finance that sufficient progress has been made toward the implementation of the program. The board of regents shall report on program experience to the joint committee on finance and the governor no later than ~~December 1, 1973~~ January 31, 1974.