



2021 SENATE BILL 688

November 11, 2021 - Introduced by Senators JACQUE, WIRCH, AGARD, CARPENTER, FEYEN, KOOYENGA, L. TAYLOR and TESTIN, cosponsored by Representatives SUMMERFIELD, SINICKI, EDMING, CONSIDINE, ANDRACA, BOWEN, DOYLE, GUNDRUM, KRUG, MILROY, MOSES, PETRYK, ROZAR, SNODGRASS, SORTWELL, SUBECK, THIESFELDT, VRUWINK, BILLINGS, KNODL and MURPHY. Referred to Committee on Veterans and Military Affairs and Constitution and Federalism.

- 1 **AN ACT** *to amend* 441.06 (4) and 448.61; and *to create* 440.077, 448.03 (2) (bm)
2 and 448.40 (1m) of the statutes; **relating to:** practice of certain skilled health
3 services by military medical personnel and granting rule-making authority.

Analysis by the Legislative Reference Bureau

This bill allows certain persons who have recently served as an army medic, a navy or coast guard corpsman, or an air force aerospace medical technician in the U.S. armed forces to practice certain skilled health services as part of a program facilitated by the Department of Safety and Professional Services without having to obtain a license. Under current law, with some exceptions, no person may engage in the practice of medicine and surgery without first receiving a license from the Medical Examining Board. This bill directs DSPS, in collaboration with the Department of Veterans Affairs, the Medical Examining Board, and the Board of Nursing, to establish a program in which military medical personnel may temporarily practice certain skilled health services in an inpatient or outpatient health care facility under the direction of a physician, physician assistant, podiatrist, registered professional nurse, or advanced practice nurse prescriber without having to obtain a license from the Medical Examining Board, the Podiatry Affiliated Credentialing Board, the Physician Assistant Affiliated Credentialing Board, or the Board of Nursing.

In order to participate in the program, the military medical personnel must complete and sign a memorandum of understanding that details their scope of practice, and submit the memorandum of understanding to their employer. In

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addition, the military medical personnel must establish a reasonable timeline with their employer under which the military medical personnel will act to acquire a license from the Medical Examining Board, the Podiatry Affiliated Credentialing Board, the Physician Assistant Affiliated Credentialing Board, or the Board of Nursing. The bill provides, however, that the timeline may be extended if unforeseen circumstances cause the military medical personnel to need more time to acquire a license. "Military medical personnel" is defined in the bill as a person who has served as an army medic, a navy or coast guard corpsman, or an air force aerospace medical technician in the U.S. armed forces and who was discharged or released from such service in the previous 12 months under honorable or general conditions.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 440.077 of the statutes is created to read:

2 **440.077 Military medical personnel program. (1)** In this section:

3 (a) "Advanced practice nurse prescriber" means an advanced practice nurse
4 prescriber certified under s. 441.16 (2).

5 (b) "Disease" means any pain, injury, deformity, physical or mental illness, or
6 departure from complete health or the proper condition of the human body or any of
7 its parts.

8 (c) "Inpatient health care facility" has the meaning given in s. 50.135 (1).

9 (d) "Military medical personnel" means a person who has served as an army
10 medic, a navy or coast guard corpsman, or an air force aerospace medical technician
11 in the U.S. armed forces and who was discharged or released from such service in the
12 previous 12 months under honorable or general conditions.

13 (e) "Physician assistant" has the meaning given in s. 448.971 (2).

14 (f) "Podiatrist" has the meaning given in s. 448.60 (3).

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1 (g) “Registered professional nurse” means a registered nurse who is licensed
2 under ch. 441 or who holds a multistate license, as defined in s. 441.51 (2) (h), issued
3 in a party state, as defined in s. 441.51 (2) (k).

4 (h) 1. “Skilled health services” means any of the following:

5 a. To examine into the fact, condition, or cause of human health or disease, or
6 to treat, operate, prescribe, or advise for the same, by any means or instrumentality.

7 b. To apply principles or techniques of medical sciences in the diagnosis or
8 prevention of any of the conditions in subd. 1. a. and par. (b).

9 c. To penetrate, pierce, or sever the tissues of a human being.

10 d. To offer, undertake, attempt, or hold oneself out in any manner as able to do
11 any of the acts described in this paragraph.

12 2. “Skilled health services” does not include surgical procedures or issuing
13 prescription orders.

14 (2) (a) The department, in collaboration with the department of veterans
15 affairs, the medical examining board, and the board of nursing, shall establish a
16 program in which military medical personnel may temporarily perform certain
17 skilled health services while supervised in an inpatient or outpatient health care
18 facility without having to obtain a license under s. 441.06, 441.10, 448.04, 448.61, or
19 448.974.

20 (b) Under the program under par. (a), the services that a military medical
21 personnel may provide shall reflect the level of training and experience of the
22 military medical personnel. Before performing any services under the program
23 under par. (a), the military medical personnel shall complete and sign a
24 memorandum of understanding on a form prescribed by the medical examining
25 board and shall submit the memorandum of understanding to their employer. The

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1 memorandum of understanding shall detail the military medical personnel's scope
2 of practice.

3 (c) Under the program under par. (a), a participating military medical
4 personnel shall be supervised by a physician, physician assistant, podiatrist,
5 registered professional nurse, or advanced practice nurse prescriber. The
6 supervising physician, physician assistant, podiatrist, registered professional
7 nurse, or advanced practice nurse prescriber shall retain responsibility for the care
8 of the patient.

9 (3) (a) In order to participate in the program under sub. (2) (a), a military
10 medical personnel shall establish a reasonable timeline with his or her employer that
11 describes the actions the military medical personnel intends to take to acquire a
12 license under s. 441.06, 441.10, 448.04, 448.61, or 448.974 including the date by
13 which the military medical personnel agrees to acquire the license. The military
14 medical personnel shall submit the timeline to the department on a form provided
15 by the department.

16 (b) A military medical personnel becomes ineligible to participate in the
17 program under sub. (2) (a) beginning on the day after the date that the military
18 medical personnel agreed to acquire a license under par. (a).

19 (c) The timeline to acquire a license under par. (a) may not be longer than is
20 reasonably necessary considering the license the military medical personnel intends
21 to acquire, his or her education and experience, and any other relevant factors.

22 (d) The medical examining board may extend the timeline under par. (a) if it
23 appears that, because of unforeseen circumstances, the applicant requires more time
24 to receive a license under s. 441.06, 441.10, 448.04, 448.61, or 448.974.

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1 **(4)** The medical examining board shall oversee the operations of the program
2 under sub. (2) (a).

3 **SECTION 2.** 441.06 (4) of the statutes is amended to read:

4 441.06 **(4)** Except as provided in ~~s. ss. 257.03 and 440.077~~, no person may
5 practice or attempt to practice professional nursing, nor use the title, letters, or
6 anything else to indicate that he or she is a registered or professional nurse unless
7 he or she is licensed under this section. Except as provided in ~~s. ss. 257.03 and~~
8 ~~440.077~~, no person not so licensed may use in connection with his or her nursing
9 employment or vocation any title or anything else to indicate that he or she is a
10 trained, certified or graduate nurse. This subsection does not apply to any registered
11 nurse who holds a multistate license, as defined in s. 441.51 (2) (h), issued by a
12 jurisdiction, other than this state, that has adopted the enhanced nurse licensure
13 compact under s. 441.51.

14 **SECTION 3.** 448.03 (2) (bm) of the statutes is created to read:

15 448.03 **(2)** (bm) The activities of military medical personnel, as defined in s.
16 440.077 (1) (d), while supervised under s. 440.077.

17 **SECTION 4.** 448.40 (1m) of the statutes is created to read:

18 448.40 **(1m)** The board may promulgate rules to establish minimum standards
19 for military medical personnel, as defined in s. 440.077 (1) (d), who perform skilled
20 health services, as defined in s. 440.077 (1) (g), that are supervised under s. 440.077.

21 **SECTION 5.** 448.61 of the statutes is amended to read:

22 **448.61 License required.** Except as provided in ss. 257.03, ~~440.077~~, and
23 448.62, no person may practice podiatry, designate himself or herself as a podiatrist,
24 use or assume the title “doctor of surgical chiropody”, “doctor of podiatry” or “doctor
25 of podiatric medicine”, or append to the person’s name the words or letters “doctor”,

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SECTION 5

1 “Dr.”, “D.S.C.”, “D.P.M.”, “foot doctor”, “foot specialist” or any other title, letters or
2 designation which represents or may tend to represent the person as a podiatrist
3 unless the person is licensed under this subchapter.

4 **SECTION 6. Effective date.**

5 (1) This act takes effect on April 2, 2022, or on the day after publication,
6 whichever is later.

7 (END)