



## 2023 ASSEMBLY BILL 541

October 18, 2023 - Introduced by Representatives GUSTAFSON, DITTRICH, KITCHENS, MAGNAFICI, MURPHY, MURSAU, O'CONNOR, ROZAR, SCHMIDT and WICHGERS, cosponsored by Senators CABRAL-GUEVARA, BALLWEG, BRADLEY, FEYEN and MARKLEIN. Referred to Committee on Health, Aging and Long-Term Care.

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

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### *Analysis by the Legislative Reference Bureau*

This bill provides that 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 certain conditions, including: 1) 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; 2) 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; and 3) 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. Under the bill, "mental health care provider" means a physician, physician assistant, psychologist, registered professional nurse, counselor, therapist, or social worker who, by education, training, and experience, is qualified to provide mental health services to patients. Under current law, "telehealth" means a practice of health care delivery, diagnosis, consultation, treatment, or transfer of medically relevant data by means of audio, video, or data communications that are used either during a patient visit or a consultation or are

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used to transfer medically relevant data about a patient, and includes asynchronous telehealth services, interactive telehealth, and remote patient monitoring.

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

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

2           **440.18 Telehealth by out-of-state mental health care providers.** (1) In  
3 this section, “mental health care provider” means a physician, physician assistant,  
4 psychologist, registered professional nurse, counselor, therapist, or social worker  
5 who, by education, training, and experience, is qualified to provide mental health  
6 services to patients.

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

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

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

18           (c) The mental health care provider’s license, registration, certification, or  
19 approval from the state from which the mental health care provider is providing  
20 telehealth services is not limited and the mental health care provider is not currently

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1 under investigation for any allegations of unprofessional conduct in the state from  
2 which the mental health care provider is providing telehealth services.

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

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

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

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(END)