Republican lawmaker introduces interstate licensing compact

A Republican lawmaker introduced a bill Monday that would streamline the process for Wisconsin physicians to become licensed in other states.

The legislation would permit Wisconsin to join an interstate compact that allows doctors to become licensed in other participating states over a period of several days, said Rep. Nancy VanderMeer, R-Tomah. That process can take up to two months currently, she noted.

"If you have a specialty physician, they can begin to serve a rural area very efficiently and very quickly," VanderMeer said. "If you have a new physician coming into the area, that new physician can be able to practice with the existing patient base more efficiently, in a more expedited manner."

VanderMeer said the proposal better serves rural patients by expanding telemedicine. For example, a specialist in another state could treat a stroke patient through telemedicine technology and prescribe drugs, rather than delaying the diagnosis.

"A quicker diagnosis in a stroke situation can be a tremendous difference for the outcome for that particular individual," she said.

A doctor's participation in the compact would be voluntary, and physicians who choose not to use the process or are ineligible can still seek licensure using the current system, according to information provided by VanderMeer's office.

The compact doesn't alter a state's practice act. And any additional costs incurred by the state to participate in the compact would be borne by physicians who choose to use the compact process, her office noted.

The Interstate Physician Licensure Compact was introduced last fall and has the support of the Wisconsin Hospital Association, the Wisconsin Medical Society, the Wisconsin Medical Examining Board and other health systems.

It has been enacted in Wyoming, South Dakota, Utah, Idaho, West Virginia and Montana as of April 20, and is advancing through the Illinois and Minnesota Legislatures, according to VanderMeer's office.

From: Wood, Kimberly - DSPS
To: Wood, Kimberly - DSPS
Subject: RE: Co-Sponsorship of LRB 1138/1: The Interstate Physician Licensure Compact Implementation Bill
Date: Wednesday, April 29, 2015 12:35:08 PM

CO-SPONSORSHIP MEMORANDUM

TO: All Legislators

FROM: Senator Harsdorf & Representative VanderMeer

DATE: April 27, 2015

RE: Co-Sponsorship of LRB-1138/1 relating to ratification of the Interstate Medical Licensure Compact

DEADLINE: 12:00 PM Friday, May 8, 2015

LRB 1138/1, the **Interstate Physician Licensure Compact Implementation Bill**, is legislation that cuts regulatory red tape and provides efficiencies for state government and license holders all while increasing access to health care in Wisconsin. This is accomplished by creating a more expedient process for physicians to receive a medical license in Wisconsin and other states that join the Interstate Physician Licensure Compact. The Compact is supported by a coalition of health care systems, the Wisconsin Hospital Association, the Wisconsin Medical Society, and others, along with the Wisconsin Medical Examining Board.

Under current law, when a physician in another state wishes to practice in Wisconsin, that physician must apply for and receive a medical license in Wisconsin. Even for physicians with a clean practice record, it can take 3 to 6 months or more to gather and process all of the paperwork for a physician to receive a Wisconsin license. The Wisconsin Department of Safety Professional Services has indicated that, at times, this delay is caused by the lag of verification information provided by other states.

By enacting the Interstate Physician Licensure Compact, Wisconsin will join with other Compact states to create a common, multi-state expedited physician licensure process for physicians with a clean practice record, so that such physicians can begin providing care to Wisconsin communities much more quickly.

Importantly, a physician's participation in the Interstate Physician Licensure Compact is voluntary. Physicians that choose not to use the Compact process or that are ineligible for the Compact process may continue to seek licensure in Wisconsin and other Compact states under the current licensure process. Further, the Compact explicitly does not alter a state's practice act; each state that joins the Compact continues to have sole authority to govern the practice of physicians practicing within the state. Finally, the implementation portion of the bill has been written with the intent that any additional costs incurred by Wisconsin to participate in the Compact would be borne by those physicians that choose to utilize the Compact licensure process.

Since being introduced nationally in Fall of 2014, the Compact has been enacted in Wyoming, South

Dakota, Utah, Idaho, West Virginia, and Montana as of April 20, and is advancing in several other states including Illinois and Minnesota.

A bill draft is also attached. If you would like to co-sponsor this legislation and its Senate companion, please contact Rep. VanderMeer's office at 6-8366 or Senator Harsdorf's office at 6-7745 by Friday, May 8, at 12:00 p.m.

Analysis by the Legislative Reference Bureau

This bill ratifies and enters Wisconsin into the Interstate Medical Licensure Compact (compact), which provides for, as stated in the compact, "a streamlined process that allows physicians to become licensed in multiple states." Provisions in the compact are to be administered by boards that regulate physicians in the states that are parties to the compact (member boards). Significant provisions of the compact include:

1. The creation of an Interstate Medical Licensure Compact Commission (commission), which includes two representatives of each member board. The commission has various powers and duties granted in the compact, including overseeing the administration of the compact, enforcing the compact, adopting bylaws, promulgating binding rules for the compact, employing an executive director and employees, and maintaining records.
2. A process whereby a physician who possesses a license to engage in the practice of medicine issued by a member board and who satisfies other criteria designates a state where the physician is already licensed as his or her state of principal license and applies to the member board in that state for licensure through the compact. After a verification and registration process that includes a background check, the physician may receive an "expedited license" in other states that are parties to the compact. If a physician's license in his or her state of principal license is revoked or suspended, then all expedited licenses issued by other states are revoked or suspended as well until each is reinstated.
3. The ability for member boards to conduct joint investigations of physicians and the ability of member states to issue subpoenas that are enforceable in other states.
4. The creation of a coordinated information system including a database of all physicians who have applied for or received an expedited license. The compact requires, or in other cases allows, for member boards to submit public actions, complaints, or disciplinary information to the commission.

The compact provides that it becomes effective upon being enacted into law by seven states and that it may be amended upon enactment of an amendment by all member states. A state may withdraw from the compact by repealing the statute authorizing the compact, but the compact provides that a withdrawal does not take effect until one year after the effective date of that repeal.

The compact provides that laws of a member state that are not inconsistent with the compact may be enforced, but that all laws of a member state in conflict with the compact are superseded to the extent of the conflict.

In addition to enacting the compact, the bill provides all of the following:

1. Numerous limitations on the sharing of information under the compact about physicians, including limiting disclosures to physicians who have designated or applied to designate this state as their state of principal license or who hold or are applying to hold expedited licenses granted by the Wisconsin Medical Examining Board (MEB). The bill also includes limitations with respect to the enforceability of subpoenas under the compact and investigations of other states' medical practice laws.
2. A requirement that the Wisconsin MEB report annually to the Joint Committee on Finance about investigations of physicians under the compact.
3. That payment of this state's assessments under the commission is from licensure fees paid by physicians who have applied for licensure through the compact.

WISCONSIN LEGISLATIVE COUNCIL
ACT MEMO

2013 Wisconsin Act 114 [2013 Senate Bill 337]	Professional Credentials

EXAMINATION REQUIREMENTS FOR VARIOUS PROFESSIONAL CREDENTIALS

The Department of Safety and Professional Services (DSPS) and various boards under DSPS administer Wisconsin's professional credentialing laws. Under **prior law**, for many credentials, a candidate was required to complete postsecondary education or other training to be eligible to sit for the examination for the credential.

2013 Wisconsin Act 114 prohibits DSPS, or a board under DSPS, from requiring a person to complete postsecondary education or another training program before the person is eligible to take an examination for a credential. However, an applicant for licensure as a registered nurse or licensed practical nurse must receive approval from the applicant's school of nursing in order to take the licensure examination before graduation. Furthermore, the Act creates an exception from the prohibition for the examination for a real estate appraiser certification or license issued by the Real Estate Appraisers Board. Before submitting an application for a licensed or certified real estate appraiser credential, an individual must successfully complete the requisite number of education hours required by rule.

DISCIPLINARY ACTIONS AND PROCEEDINGS BY THE BOARD OF NURSING

The Board of Nursing has the authority to conduct disciplinary proceedings and to revoke, limit, suspend, or deny the renewal of a license or certificate granted by the board for certain types of misconduct, subject to rules promulgated by the board. **The Act** provides that the board may also deny the initial license or certificate of an applicant for certain types of misconduct, subject to rules promulgated by the board.

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: http://www.legis.wisconsin.gov.

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(OVER)

Effective date: December 21, 2013.

Prepared by: Michael Queensland, Staff Attorney February 11, 2014

MQ:jb;ksm

State of Wisconsin

Date of enactment: **December 19, 2013**
2013 Senate Bill 337 Date of publication*: **December 20, 2013**

2013 WISCONSIN ACT 114

AN ACT ***to repeal*** 449.05 (intro.), 451.06 (2), 452.09 (3) (e), 454.07 (3), 454.24 (3) and 456.04 (intro.); ***to renumber*** 442.04 (4) (a), 449.05 (1m), 449.05 (2m), 451.06 (1), 456.04 (1), 456.04 (2), 456.04 (3) and 456.04 (4); ***to renumber and amend*** 441.04, 441.06 (1), 441.07 (1), 441.10 (1), 441.10 (3) (a), 442.04 (4) (bm), 442.04 (4) (c), 442.04 (5), 449.04 (1), 450.03 (2), 450.04 (3) (intro.), 450.04 (3) (a), 450.04 (3) (b) and 456.03; ***to amend*** 39.393 (1) (c), 253.10 (7), 441.15 (3) (a) (intro.), 441.16 (2), 445.045 (1) (g), 449.04 (title), 449.055 (5) and 459.26 (3); ***to repeal and recreate*** 441.07 (title); and ***to create*** 440.071, 441.07 (1c), 441.10 (3) (a) 6. and 456.03 (5) of the statutes; **relating to:** examination requirements for various professional credentials and powers of the Board of Nursing.

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

SECTION 1. 39.393 (1) (c) of the statutes is amended to read:

39.393 **(1)** (c) A program in this state that confers a 2nd degree that will make the person eligible ~~to sit~~ for ~~examination~~ licensure under s. ~~441.04~~ 441.06 or 441.10.

SECTION 2. 253.10 (7) of the statutes is amended to read:

253.10 **(7)** AFFIRMATIVE DEFENSE. No person is liable under sub. (5) or (6) or under s. 441.07 ~~(1)~~ (1g) (f), 448.02 (3) (a), or 457.26 (2) (gm) for failure under sub. (3) (c) 2. d. to provide the printed materials described in sub. (3) (d) to a woman or for failure under sub. (3) (c) 2. d., e., f., fm., or g. to describe the contents of the printed materials if the person has made a reasonably diligent effort to obtain the printed materials under sub. (3) (e) and s. 46.245 and the department and the county department under s. 46.215, 46.22, or 46.23 have not made the printed materials available at the time that the person is required to give them to the woman.

SECTION 3. 440.071 of the statutes is created to read:

440.071 No degree completion requirement to sit for examination. (1) Except as provided under sub. (2), the department or a credentialing board or other board in the department may not require a person to complete any postsecondary education or other program before the person is eligible to take an examination for a credential the department or credentialing board or other board in the department grants or issues.

(2) This section does not apply to an examination for a real estate appraiser certification under s. 458.06 or license under s. 458.08.

SECTION 4. 441.04 of the statutes is renumbered 441.06 (1) (a) and amended to read:

441.06 **(1)** (a) ~~*Requisites for examination as a registered nurse.* Any person who has graduated~~ The applicant graduates from a high school or its equivalent as determined by the board~~, does~~.

(b) The applicant does not have an arrest or conviction record, subject to ss. 111.321, 111.322 and 111.335~~, holds~~.

(c) The applicant holds a diploma of graduation from an accredited school of nursing and, if the school is

* 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."

located outside this state, submits evidence of general and professional educational qualifications comparable to those required in this state at the time of graduation ~~may apply to the department for licensure by the board as a registered nurse, and upon payment of~~.

(d) The applicant pays the fee specified ~~under~~ in s. 440.05 (1) ~~shall be entitled to examination~~.

SECTION 5. 441.06 (1) of the statutes is renumbered 441.06 (1) (intro.) and amended to read:

441.06 **(1)** (intro.) ~~An~~ Subject to s. 441.07 (1g), the board shall grant a license as a registered nurse to an applicant for licensure ~~as a registered nurse~~ who complies with all of the following requirements ~~of this subchapter and satisfactorily passes an~~:

(e) The applicant passes the examination ~~shall~~ under s. 441.05 to receive a license as a registered nurse in this state. The applicant may not take the examination before receiving a diploma under par. (c) unless the applicant obtains a certificate of approval to take the examination from the school of nursing the applicant attends and submits that certificate to the board prior to examination.

(1m) The holder of ~~such~~ a license as a registered nurse under the laws of another state or territory or province of Canada may be granted a license as a registered nurse in this state without examination if the holder's credentials of general and professional educational qualifications and other qualifications are comparable to those required in this state during the same period and if the board is satisfied from the holder's employment and professional record that the holder is currently competent to practice the profession. The board shall evaluate the credentials and determine the equivalency and competency in each case. The application for licensure without examination shall be accompanied by the fee prescribed in s. 440.05 (2).

SECTION 6. 441.07 (title) of the statutes is repealed and recreated to read:

441.07 (title) **Disciplinary proceedings and actions.**

SECTION 7. 441.07 (1) of the statutes is renumbered 441.07 (1g), and 441.07 (1g) (intro.), as renumbered, is amended to read:

441.07 **(1g)** (intro.) ~~The board may, after disciplinary proceedings conducted in accordance with~~ Subject to the rules promulgated under s. 440.03 (1), the board may deny an initial license or revoke, limit, suspend, or deny the renewal of a license of a registered nurse, ~~a~~ nurse−midwife, or ~~a~~ licensed practical nurse~~, may~~; deny an initial certificate or revoke, limit, suspend, or deny the renewal of a certificate to prescribe drugs or devices granted under s. 441.16~~,~~; or ~~may~~ reprimand a registered nurse, nurse−midwife, or licensed practical nurse, if the board finds that the ~~person~~ applicant or licensee committed any of the following:

SECTION 8. 441.07 (1c) of the statutes is created to read:

441.07 **(1c)** Subject to the rules promulgated under s. 440.03 (1), the board may conduct investigations and hearings to determine whether a person has violated this chapter or a rule promulgated under this chapter.

SECTION 9. 441.10 (1) of the statutes is renumbered 441.10 (3) (a) 1. and amended to read:

441.10 **(3)** (a) 1. ~~'Prerequisites for examination as licensed practical nurses.' A person who~~ The applicant is 18 years of age or older~~, does~~.

2. The applicant does not have an arrest or conviction record, subject to ss. 111.321, 111.322 and 111.335~~, has~~.

3. The applicant has completed 2 years of high school or its equivalent as determined by the board ~~and holds~~.

4. The applicant holds a diploma of graduation from an accredited school for licensed practical nurses approved by ~~that~~ the board~~, may apply to the board for licensing as a licensed practical nurse, and, upon payment of the examination~~.

5. The applicant pays the fee specified in s. 440.05 (1)~~, shall be entitled to take an examination~~.

(ag) Any school for licensed practical nurses, in order to be accredited, must offer a course of not less than 9 months.

SECTION 10. 441.10 (3) (a) of the statutes is renumbered 441.10 (3) (a) (intro.) and amended to read:

441.10 **(3)** (a) (intro.) ~~On complying with this subchapter relating to applicants~~ Subject to s. 441.07 (1g), the board shall grant a license as a licensed practical nurse to an applicant for licensure ~~as licensed practical nurses, and passing an examination, the applicant shall receive a license as a licensed practical nurse.~~ who satisfies all of the following conditions:

(ar) The holder of ~~the~~ a license under this subsection is a "licensed practical nurse" and may append the letters "L.P.N." to his or her name. The board may reprimand or may limit, suspend, or revoke the license of a licensed practical nurse under s. 441.07.

SECTION 11. 441.10 (3) (a) 6. of the statutes is created to read:

441.10 **(3)** (a) 6. The applicant passes the examination under sub. (2) for licensure as a licensed practical nurse in this state. The applicant may not take the examination before receiving a diploma under subd. 4. unless the applicant obtains a certificate of approval to take the examination from the school of nursing the applicant attends and submits that certificate to the board prior to examination.

SECTION 12. 441.15 (3) (a) (intro.) of the statutes is amended to read:

441.15 **(3)** (a) (intro.) ~~The~~ Subject to s. 441.07 (1g), the board shall grant a license to engage in the practice of nurse−midwifery to any person licensed as a registered nurse under this subchapter or in a party state, as defined in s. 441.50 (2) (j), who does all of the following:

SECTION 13. 441.16 (2) of the statutes is amended to read:

441.16 **(2)** ~~The~~ Subject to s. 441.07 (1g), the board shall grant a certificate to issue prescription orders to an advanced practice nurse who meets the education, training, and examination requirements established by the board for a certificate to issue prescription orders, and who pays the fee specified under s. 440.05 (1). An advanced practice nurse certified under this section may provide expedited partner therapy in the manner described in s. 448.035.

SECTION 14. 442.04 (4) (a) of the statutes, as affected by 2013 Wisconsin Act 21, is renumbered 442.04 (5) (a).

SECTION 15. 442.04 (4) (bm) of the statutes is renumbered 442.04 (5) (b) 3. and amended to read:

442.04 **(5)** (b) 3. ~~A person may not take the examination leading to the certificate to practice as a certified public accountant unless the~~ The person has completed at least 150 semester hours of education with an accounting concentration at an institution, and has received a bachelor's or higher degree with an accounting concentration from an institution, except as provided in par. (c).

SECTION 16. 442.04 (4) (c) of the statutes is renumbered 442.04 (5) (c) and amended to read:

442.04 **(5)** (c) If an applicant has a bachelor's or higher degree from an institution, and satisfies the other conditions under par. (b), but does not have an accounting concentration required in par. ~~(bm)~~ (b) 3., the examining board may review such other educational experience from an institution as the applicant presents and, if the examining board determines that such other experience provides the reasonable equivalence of an accounting concentration required in par. ~~(bm)~~ (b) 3., the examining board shall ~~approve~~ grant a certificate as a certified public accountant to the applicant ~~for examination~~.

SECTION 17. 442.04 (5) of the statutes is renumbered 442.04 (5) (b) (intro.) and amended to read:

442.04 **(5)** (b) (intro.) The examining board may not grant a certificate as a certified public accountant to any person other than a person who ~~is~~ satisfies all of the following conditions:

1. The person is 18 years of age or older~~, does~~.

2. The person does not have an arrest or conviction record, subject to ss. 111.321, 111.322, and 111.335~~, and, except~~.

4. Except as provided in s. 442.05, the person has successfully passed an examination in such subjects affecting accountancy as the examining board considers necessary. ~~The examining board may not grant the certificate unless the applicant has~~

5. The person has at least one year of public accounting experience or its equivalent, the sufficiency of the experience or the equivalency to be judged by the examining board.

(d) The examining board shall ensure that evaluation procedures and examinations under this subsection are nondiscriminatory, relate directly to accountancy, and are designed to measure only the ability to perform competently as an accountant. The examining board may use the examination service provided by the American Institute of Certified Public Accountants.

SECTION 18. 445.045 (1) (g) of the statutes is amended to read:

445.045 **(1)** (g) The person must have successfully passed a comprehensive examination conducted by the examining board as required by s. 445.04. ~~The examination may be taken at any time after completion of the college and mortuary school instruction and regardless of the age of the applicant.~~

SECTION 19. 449.04 (title) of the statutes is amended to read:

449.04 (title) **Examination and licensure.**

SECTION 20. 449.04 (1) of the statutes is renumbered 449.04 (1) (intro.) and amended to read:

449.04 **(1)** (intro.) ~~Licenses~~ The examining board may grant a license to engage in the practice of optometry ~~shall be issued~~ only to ~~persons~~ a person who ~~pass~~ satisfies all of the following conditions:

(c) The person passes an examination approved or conducted by the examining board. ~~An applicant who qualifies under s. 449.05 may take any examination approved or administered by the examining board upon payment of~~

(d) The person pays the fee specified in s. 440.05 (1).

SECTION 21. 449.05 (intro.) of the statutes is repealed.

SECTION 22. 449.05 (1m) of the statutes is renumbered 449.04 (1) (a).

SECTION 23. 449.05 (2m) of the statutes is renumbered 449.04 (1) (b).

SECTION 24. 449.055 (5) of the statutes is amended to read:

449.055 **(5)** The person satisfies the requirements under s. ~~449.05~~ 449.04 (1) (a) and (b).

SECTION 25. 450.03 (2) of the statutes is renumbered 450.03 (2) (intro.) and amended to read:

450.03 **(2)** (intro.) ~~The~~ Except as provided in s. 450.10, the board shall issue a license as a pharmacist to any person who ~~files satisfactory proof of qualifications under s. 450.04 (3), passes~~ does all of the following:

(c) Passes the examination under s. 450.04 ~~and pays~~.

(d) Pays the fee specified in s. 440.05 (1)~~, except as provided under s. 450.10~~.

SECTION 26. 450.04 (3) (intro.) of the statutes is renumbered 450.04 (3) and amended to read:

450.04 **(3)** Every candidate for examination for licensure as a pharmacist shall submit an application on a form provided by the department and pay the fee specified in s. 440.05 (1) at least 30 days before the date of examination. ~~Every candidate shall also submit proof to the board that he or she:~~

SECTION 27. 450.04 (3) (a) of the statutes is renumbered 450.03 (2) (a) and amended to read:

450.03 **(2)** (a) Has received a professional degree from a pharmacy program approved by the board~~; and~~.

SECTION 28. 450.04 (3) (b) of the statutes is renumbered 450.03 (2) (b) and amended to read:

450.03 **(2)** (b) Has completed an internship in the practice of pharmacy or has practical experience acquired in another state ~~which~~ that is comparable to that included in an internship and ~~which~~ that is approved and verified by the board or by the agency ~~which~~ that is the equivalent of the board in the state in which the practical experience was acquired.

SECTION 29. 451.06 (1) of the statutes is renumbered 451.06.

SECTION 30. 451.06 (2) of the statutes is repealed.

SECTION 31. 452.09 (3) (e) of the statutes is repealed.

SECTION 32. 454.07 (3) of the statutes is repealed.

SECTION 33. 454.24 (3) of the statutes is repealed.

SECTION 34. 456.03 of the statutes is renumbered 456.03 (intro.) and amended to read:

456.03 Licenses. (intro.) An applicant for a license as a nursing home administrator who does all of the following and has successfully complied with ~~the~~ any other requirements for licensure under this chapter ~~and passed the examination~~ shall be granted a license by the examining board, certifying that the applicant has met the requirements of the laws and rules entitling the applicant to serve, act, practice, and otherwise hold himself or herself out as a duly licensed nursing home administrator~~.~~:

SECTION 35. 456.03 (5) of the statutes is created to read:

456.03 **(5)** Passes the examination under s. 456.05.

SECTION 36. 456.04 (intro.) of the statutes is repealed.

SECTION 37. 456.04 (1) of the statutes is renumbered 456.03 (1).

SECTION 38. 456.04 (2) of the statutes is renumbered 456.03 (2).

SECTION 39. 456.04 (3) of the statutes is renumbered 456.03 (3).

SECTION 40. 456.04 (4) of the statutes is renumbered 456.03 (4).

SECTION 41. 459.26 (3) of the statutes is amended to read:

459.26 **(3)** An individual is not eligible for examination unless he or she ~~has satisfied the requirements for licensure under s. 459.24 (2) (a) to (d) or (3) (a) to (d) and~~, at least 30 days before the date of examination, submits an application for examination to the department on a form provided by the department and pays the fee specified in s. 440.05 (1).