



PHYSICAL THERAPY EXAMINING BOARD
Room 121C, 1400 East Washington Avenue, Madison
Contact: Tom Ryan (608) 266-2112
September 10, 2015

The following agenda describes the issues that the Board plans to consider at the meeting. At the time of the meeting, items may be removed from the agenda. Please consult the meeting minutes for a record of the actions of the Board.

AGENDA

8:30 A.M.

OPEN SESSION – CALL TO ORDER – ROLL CALL

- A) Adoption of Agenda (1-3)**
- B) Approval of Minutes**
 - 1) May 28, 2015 **(4-6)**
 - 2) July 7, 2015 **(6-8)**
- C) Administrative Updates**
 - 1) Staff Changes
 - 2) Medical Examining Board Matters – Licensure Compact and Telemedicine **(9-43)**
- D) Education and Examination Matters**
 - 1) **8:30 A.M. TELEPHONIC APPEARANCE – Mike Edwards, Wisconsin Physical Therapists Association (WPTA) - Continuing Education Discussion (44)**
- E) Nominations, Elections, and Appointments (45)**
 - 1) Liaison/Panel Appointments
- F) Legislative and Administrative Rule Matters**
 - 1) Rules Update: PT 1, 2, 3, 8 Relating to Temporary Reentry Licensure **(46-62)**
 - 2) Reporting of Disciplinary Actions
- G) Federation of State Boards of Physical Therapy (FSBPT) Matters:**
 - 1) Tom Ryan as Candidate for FSBPT Nominating Committee – Board Consideration
 - 2) FSBPT Compact Discussion
 - 3) John Greany to Attend the FSBPT 2015 Annual Meeting as Alternate Delegate
 - 4) Travel Reports:
 - a) FSBPT 2015 Board and Administrators Training – Alexandria, VA – June 12-14, 2015
 - b) FSBPT 2015 Leadership Issues Forum – Alexandria, VA – August 1-2, 2015 – Lori Dominiczak and Tom Ryan
 - 1) Examination, Licensure, and Disciplinary Database (ELDD) - Discussion

H) Speaking Engagement(s), Travel, or Public Relation Request(s), and Reports Informational Item(s)

I) Informational Items

J) Items Added After Preparation of Agenda:

- 1) Introductions, Announcements and Recognition
- 2) Administrative Updates
- 3) Education and Examination Matters
- 4) Credentialing Matters
- 5) Practice Matters
- 6) Legislation/Administrative Rule Matters
- 7) Liaison Report(s)
- 8) Informational Item(s)
- 9) Disciplinary Matters
- 10) Presentations of Petition(s) for Summary Suspension
- 11) Presentation of Proposed Stipulation(s), Final Decision(s) and Order(s)
- 12) Presentation of Proposed Decisions
- 13) Presentation of Interim Order(s)
- 14) Petitions for Re-Hearing
- 15) Petitions for Assessments
- 16) Petitions to Vacate Order(s)
- 17) Petitions for Designation of Hearing Examiner
- 18) Requests for Disciplinary Proceeding Presentations
- 19) Motions
- 20) Petitions
- 21) Appearances from Requests Received or Renewed
- 22) Speaking Engagement(s), Travel, or Public Relation Request(s), and Reports

K) Public Comments

L) 8:45 A.M. APPEARANCE – Al Rohmeyer, Administrator, Division of Legal Services and Compliance (DLSC) – Introduction and Q & A (63)

CONVENE TO CLOSED SESSION to deliberate on cases following hearing (§ 19.85 (1) (a), Stats.); to consider licensure or certification of individuals (§ 19.85 (1) (b), Stats.); to consider closing disciplinary investigations with administrative warnings (§ 19.85 (1) (b), Stats. and § 440.205, Stats.); to consider individual histories or disciplinary data (§ 19.85 (1) (f), Stats.); and to confer with legal counsel (§ 19.85 (1) (g), Stats.).

M) Oral Examination of (1) Candidate for Licensure

- 1) **9:30 A.M. APPEARANCE – John T. Voelz, P.T. – Oral Exam (64-209)**

N) 9:45 A.M. APPEARANCE – Aaron Knautz, Licensing Exams Specialist, DSPS Office of Education and Examinations – Review Oral Exam Critical Items (210-211)

O) Credentialing Matters

- 1) Andrew P. Rumler, P.T. – Request for Extension of Temporary License (212-228)

P) Deliberation on Order Fixing Costs in Matter of Disciplinary Proceedings Against: Christopher W. Hansen, P.T. (ORDER0004151)(DHS Case # SPS-14-0018)(DLSC Case # 12 PHT 019) (229-239)

Q) Deliberation on Proposed, Stipulations, Final Decision and Orders

- 1) 15 PHT 012 – Curt S. Gillilan, P.T.A. **(240-245)**

R) Case Closing

- 1) 14 PHT 006 – P.M.W. **(246-250)**

S) Deliberation of Items Added After Preparation of the Agenda

- 1) Education and Examination Matters
- 2) Credentialing Matters
- 3) Disciplinary Matters
- 4) Monitoring Matters
- 5) Professional Assistance Procedure (PAP) Matters
- 6) Petition(s) for Summary Suspensions
- 7) Proposed Stipulations, Final Decisions and Orders
- 8) Administrative Warnings
- 9) Proposed Decisions
- 10) Matters Relating to Costs
- 11) Case Closings
- 12) Case Status Report
- 13) Petition(s) for Extension of Time
- 14) Proposed Interim Orders
- 15) Petitions for Assessments and Evaluations
- 16) Petitions to Vacate Orders
- 17) Remedial Education Cases
- 18) Motions
- 19) Petitions for Re-Hearing
- 20) Appearances from Requests Received or Renewed

T) Consulting with Legal Counsel

RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

U) Open Session Items Noticed Above not Completed in the Initial Open Session

V) Vote on Items Considered or Deliberated Upon in Closed Session, if Voting is Appropriate

ADJOURNMENT

**PHYSICAL THERAPY EXAMINING BOARD
MEETING MINUTES
May 28, 2015**

PRESENT: Shari Berry, PT; Lori Dominiczak, PT; Thomas Murphy; Sarah Olson, PTA; Michele Thorman, PT

STAFF: Tom Ryan, Executive Director; and Kimberly Wood, Bureau Assistant

CALL TO ORDER

Lori Dominiczak, Chair, called the meeting to order at 8:30 a.m. A quorum of five (5) members was confirmed.

ADOPTION OF AGENDA

MOTION: Shari Berry moved, seconded by Michele Thorman, to adopt the agenda as published. Motion carried unanimously.

APPROVAL OF MINUTES

MOTION: Shari Berry moved, seconded by Sarah Olson, to approve the minutes of February 26, 2015 as published. Motion carried unanimously.

PUBLIC HEARING: PT 1, 3, 8, RELATING TO TEMPORARY REENTRY LICENSURE

Review of Clearinghouse Report

MOTION: Sarah Olson moved, seconded by Michele Thorman, to accept all Clearinghouse comments for CR 15-027, relating to temporary reentry licensure, except for comments relating to PT 2.01 under comment 5A. Motion carried unanimously.

MOTION: Shari Berry moved, seconded by Sarah Olson, to authorize Lori Dominiczak to approve the Legislative Report and Draft for Clearinghouse Rule CR 15-027, relating to temporary reentry licensure, for submission to the Governor's Office and Legislature. Motion carried unanimously.

INTRODUCTIONS, ANNOUNCEMENTS AND RECOGNITION

Recognition of Michele Thorman's Service

MOTION: Sherri Berri moved, seconded by Thomas Murphy, to recognize Michele Thorman's service to the Physical Therapy Examining Board. Motion carried.
Abstained: Michele Thorman

EDUCATION AND EXAMINATION MATTERS

8:45 A.M. APPEARANCE – Aaron Knautz, Examination Specialist: Continuing Education Audit Report, 2013-2015

MOTION: Michele Thorman moved, seconded by Thomas Murphy, that Shari Berry and Sarah Olson serve as liaisons for the 2013-2015 continuing education audit. Motion carried unanimously.

COMMUNICATING AVAILABILITY OF aPTITUDE TO LICENSEES

MOTION: Shari Berry moved, seconded by Sarah Olson, to take no action to communicate the availability of aPTitude to licensees. Motion carried unanimously.

CLOSED SESSION

MOTION: Shari Berry moved, seconded by Sarah Olson, to convene to Closed Session to deliberate on cases following hearing (§ 19.85(1) (a), Stats.); to consider licensure or certification of individuals (§ 19.85 (1) (b), Stats.); to consider closing disciplinary investigations with administrative warnings (§ 19.85 (1) (b), Stats. and § 440.205, Stats.); to consider individual histories or disciplinary data (§ 19.85 (1) (f), Stats.); and to confer with legal counsel (§ 19.85 (1) (g), Stats.). The Chair read the language of the motion aloud for the record. The vote of each member was ascertained by voice vote. Roll Call Vote: Shari Berry – yes; Lori Dominiczak – yes; Thomas Murphy – yes; Sarah Olson – yes; Michele Thorman – yes. Motion carried unanimously.

The Board convened into Closed Session at 10:47 a.m.

RECONVENE TO OPEN SESSION

MOTION: Shari Berry moved, seconded by Michele Thorman, to reconvene in Open Session at 11:44 a.m. Motion carried unanimously.

VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION, IF VOTING IS APPROPRIATE

MOTION: Shari Berry moved, seconded by Sarah Olson, to affirm all Motions made and Votes taken in Closed Session. Motion carried unanimously.

CREDENTIALING MATTERS

Application Review – Nancy L. Fugate, PT

MOTION: Sarah Olson moved, seconded by Michele Thorman, to defer this matter pending receipt of additional information regarding the Physical Therapy application of Nancy Fugate. Motion carried unanimously.

DELIBERATION ON CONTINUING EDUCATION (CE) WAIVER REQUESTS

E.L. – Request for Extension of Time to Complete CE Requirements for the 2015 License Renewal

MOTION: Thomas Murphy moved, seconded by Shari Berry, to deny the request of E.L. for an extension of time to complete CE requirements for the 2015 renewal and to refer to the Division of Legal Services and Compliance. Reason for Denial: The applicant did not meet the criteria outlined in Wis. Admin. § PT 9.03(8). Motion carried unanimously.

M.G. – Request for Waiver of CE Requirements for the 2015 License Renewal

MOTION: Michele Thorman moved, seconded by Thomas Murphy, to grant the request of M.G. for a waiver of CE requirements for the 2015 license renewal. Motion carried unanimously.

C.M. – Request for Waiver of CE Requirements for the 2015 License Renewal

MOTION: Michele Thorman moved, seconded by Thomas Murphy, to grant C.M. an extension until July 1, 2015 to complete CE requirements for the 2015 license renewal. Failure to complete CE requirements by the aforementioned deadline will result in a referral to the Division of Legal Services and Compliance. Motion carried. Recused: Lori Dominiczak

(Lori Dominiczak, Chair, recused herself and left the room for deliberation and voting on this matter. Shari Berry, Vice Chair, assumed the role of Chair for the review of this topic.)

T.P. – Request for Waiver of CE Requirements for the 2015 License Renewal

MOTION: Thomas Murphy moved, seconded by Shari Berry, to grant T.P. a waiver of CE requirements for the 2015 license renewal. Motion carried unanimously.

RATIFICATION OF LICENSES AND CERTIFICATES

MOTION: Shari Berry moved, seconded by Sarah Olson, to delegate ratification of examination results to DSPS staff and to delegate and ratify all licenses and certificates as issued. Motion carried unanimously.

ADJOURNMENT

MOTION: Thomas Murphy moved, seconded by Sarah Olson, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 11:47 a.m.

**PHYSICAL THERAPY EXAMINING BOARD
MEETING MINUTES
July 7, 2015**

PRESENT: Shari Berry, PT; Lori Dominiczak, PT; Thomas Murphy, Sarah Olson, PTA;

EXCUSED: John Greany, Michele Thorman, PT

STAFF: Tom Ryan, Executive Director; and Kelly Williams, Bureau Assistant; Amber Cardenas Legal Counsel.

CALL TO ORDER

Lori Dominiczak, Chair, called the meeting to order at 9:02 A.M. A quorum of four (4) members was confirmed.

ADOPTION OF AGENDA

MOTION: Thomas Murphy moved, seconded by Shari Berry, to adopt the agenda as published. Motion carried unanimously.

FEDERATION OF STATE BOARDS OF PHYSICAL THERAPY (FSBPT) MATTERS

MOTION: Shari Berry moved, seconded by Thomas Murphy, to authorize and endorse Thomas Ryan as candidate for the FSBPT Nominating Committee. Motion carried unanimously.

CLOSED SESSION

MOTION: Sarah Olson moved, seconded by Shari Berry, to convene to Closed Session to deliberate on cases following hearing (§ 19.85(1) (a), Stats.); to consider licensure or certification of individuals (§ 19.85 (1) (b), Stats.); to consider closing disciplinary investigations with administrative warnings (§ 19.85 (1) (b), Stats. and § 440.205, Stats.); to consider individual histories or disciplinary data (§ 19.85 (1) (f), Stats.); and to confer with legal counsel (§ 19.85 (1) (g), Stats.). The Chair, Lori Dominiczak read the language of the motion aloud for the record. The vote of each member was ascertained by voice vote. Roll Call Vote: Shari Berry - yes; Lori Dominiczak - yes; Sarah Olson – yes; Thomas Murphy – yes; Motion carried unanimously.

The Board convened into Closed Session at 9:04 A.M.

RECONVENE TO OPEN SESSION

MOTION: Sarah Olson moved, seconded by Thomas Murphy, to reconvene in Open Session at 9:24 A.M. Motion carried unanimously.

VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION, IF VOTING IS APPROPRIATE

MOTION: Sarah Olson moved, seconded by Shari Berry, to affirm all Motions made and Votes taken in Closed Session. Motion carried unanimously.

CONTINUING EDUCATION WAIVER REQUESTS

MOTION: Thomas Murphy moved, seconded by Sarah Olson, to grant C.M. an additional extension until August 15, 2015 to complete CE requirements for the 2015 license renewal. Failure to complete CE requirements by the aforementioned deadline will result in a referral to the Division of Legal Services and Compliance. Motion carried unanimously. Recused: Lori Dominiczak

DELIBERATION OF PROPOSED FINAL DECISIONS AND ORDERS

MOTION: Shari Berry moved, seconded by Sarah Olson, to adopt the proposed Final Decision and Order in the matter of disciplinary proceedings against Christopher W. Hansen P.T., Respondent – DHA case number SPS-14-0018/DLSC case number 12 PHT 019 with the following variance: The board finds that because respondent's credential expired February 18, 2015, his right to renew is suspended. Motion carried unanimously.

MOTION: Shari Berry moved, seconded by Sarah Olson to designate Lori Dominiczak to review, approve and sign the order with variance in the matter of disciplinary proceedings against Christopher W. Hansen P.T., Respondent – DHA case number SPS-14-0018/DLSC case number 12 PHT 019. Motion carried unanimously.

ADJOURNMENT

MOTION: Thomas Murphy moved, seconded by Sarah Olson, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 9:25 A.M.

**State of Wisconsin
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Nilajah Madison-Head, Bureau Assistant, on Behalf of Tom Ryan, Executive Director		2) Date When Request Submitted: August 27, 2015 <small>Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting</small>	
3) Name of Board, Committee, Council, Sections: Physical Therapy Examining Board			
4) Meeting Date: 09/10/15	5) Attachments: <input type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Medical Examining Board Matters – Licensure Compact and Telemedicine	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes (Fill out Board Appearance Request) <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required: N/A	
10) Describe the issue and action that should be addressed: .			
11) Authorization			
<i>Nilajah D. Madison-Head</i>		08/31/15	
Signature of person making this request		Date	
Supervisor (if required)		Date	
Executive Director signature (indicates approval to add post agenda deadline item to agenda)		Date	
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			



2015 SENATE BILL 196

June 17, 2015 – Introduced by Senators HARSDORF, COWLES, MOULTON, ERPENBACH, CARPENTER, GUDEX, MARKLEIN, BEWLEY, HARRIS DODD, LASSA, OLSEN, RINGHAND, ROTH, SHILLING, VINEHOUT and WANGGAARD, cosponsored by Representatives VANDERMEER, PETRYK, KRUG, JACQUE, ALLEN, BALLWEG, BERNIER, BRANDTJEN, E. BROOKS, R. BROOKS, EDMING, GANNON, HEATON, HORLACHER, HUTTON, JAGLER, JARCHOW, KATZMA, KITCHENS, KNODL, KNUDSON, KREMER, KUGLITSCH, KULP, T. LARSON, MURPHY, MURSAU, MURTHA, NERISON, NOVAK, A. OTT, J. OTT, QUINN, RIPP, ROHRKASTE, STEFFEN, SWEARINGEN, TAUCHEN, THIESFELDT, TITTL, TRANEL, VORPAGEL, WEATHERSTON, BARNES, BILLINGS, DANOU, DOYLE, GENRICH, GOYKE, KAHL, KOLSTE, RIEMER, SUBECK and WACHS. Referred to Committee on Health and Human Services.

1 **AN ACT to renumber and amend** 440.03 (11m) (c); **to amend** 20.165 (1) (hg),
2 440.03 (13) (b) (intro.), 440.03 (13) (d), 440.05 (intro.), 440.08 (2) (c), 440.14 (2),
3 440.14 (3), 440.15, 448.01 (5), 448.05 (2) (a) (intro.), 448.05 (2) (b) (intro.), 448.07
4 (1) (a) and 448.07 (2); and **to create** 14.83, 440.03 (11m) (c) 2., 440.08 (2) (e),
5 448.015 (1dm), 448.04 (1) (ab), 448.05 (2) (f) and subchapter VIII of chapter 448
6 [precedes 448.980] of the statutes; **relating to:** ratification of the Interstate
7 Medical Licensure Compact and making appropriations.

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.

SENATE BILL 196

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.

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.** 14.83 of the statutes is created to read:

SENATE BILL 196

1 **14.83 Interstate medical licensure compact.** There is created an
2 interstate medical licensure compact commission as specified in s. 448.980. The
3 members of the commission representing this state under s. 448.980 (11) (d) shall be
4 members of the medical examining board and shall be appointed by the chairperson
5 of the medical examining board. The commission has the powers and duties granted
6 and imposed under s. 448.980.

7 **SECTION 2.** 20.165 (1) (hg) of the statutes is amended to read:

8 20.165 (1) (hg) *General program operations; medical examining board;*
9 *interstate medical licensure compact; prescription drug monitoring program.*
10 Biennially, the amounts in the schedule for the licensing, rule-making, and
11 regulatory functions of the medical examining board and the affiliated credentialing
12 boards attached to the medical examining board, except for preparing,
13 administering, and grading examinations; for any costs associated with the
14 interstate medical licensure compact under s. 448.980, including payment of
15 assessments under s. 448.980 (13) (a); and for the pharmacy examining board's
16 operation of the prescription drug monitoring program under s. 450.19. Ninety
17 percent of all moneys received for issuing and renewing credentials under ch. 448
18 shall be credited to this appropriation. All moneys received from the interstate
19 medical licensure compact commission under s. 448.980 shall be credited to this
20 appropriation.

21 **SECTION 3.** 440.03 (11m) (c) of the statutes is renumbered 440.03 (11m) (c)
22 (intro.) and amended to read:

23 440.03 (11m) (c) (intro.) ~~The department of safety and professional services~~
24 may not disclose a social security number obtained under par. (a) to any person
25 except for the following:

SENATE BILL 196**SECTION 3**

1 1. The coordinated licensure information system under s. 441.50 (7); the

2 3. The department of children and families for purposes of administering s.
3 49.22; and, for,

4 4. For a social security number obtained under par. (a) 1., the department of
5 revenue for the purpose of requesting certifications under s. 73.0301 and
6 administering state taxes and the department of workforce development for the
7 purpose of requesting certifications under s. 108.227.

8 **SECTION 4.** 440.03 (11m) (c) 2. of the statutes is created to read:

9 **440.03 (11m) (c) 2.** The coordinated licensure information system under s.
10 448.980 (8), if such disclosure is required under the interstate medical licensure
11 compact under s. 448.980.

12 **SECTION 5.** 440.03 (13) (b) (intro.) of the statutes is amended to read:

13 **440.03 (13) (b) (intro.)** The department may investigate whether an applicant
14 for or holder of any of the following credentials has been charged with or convicted
15 of a crime only pursuant to rules promulgated by the department under this
16 paragraph, including rules that establish the criteria that the department will use
17 to determine whether an investigation under this paragraph is necessary, except as
18 provided in par. (c) and s. 448.980 (5) (b) 3.:

19 **SECTION 6.** 440.03 (13) (d) of the statutes is amended to read:

20 **440.03 (13) (d)** The department shall charge an applicant any fees, costs, or
21 other expenses incurred in conducting any investigation under this subsection or s.
22 440.26. The department shall charge an applicant seeking licensure through the
23 interstate medical licensure compact under s. 448.980, directly or indirectly, for any
24 expenses incurred in conducting any investigation under s. 448.980 (5) (b) 3.

25 **SECTION 7.** 440.05 (intro.) of the statutes is amended to read:

SENATE BILL 196

1 **440.05 Standard fees.** (intro.) The following standard fees apply to all initial
2 credentials, except as provided in ss. 440.51, 444.03, 444.11, 446.02 (2) (c), 447.04 (2)
3 (c) 2., 448.07 (2), 449.17 (1m) (d), and 449.18 (2) (d):

4 **SECTION 8.** 440.08 (2) (c) of the statutes is amended to read:

5 440.08 (2) (c) Except as provided in par. (e) and sub. (3), renewal applications
6 shall include the applicable renewal fee as determined by the department under s.
7 440.03 (9) (a) or as specified in par. (b).

8 **SECTION 9.** 440.08 (2) (e) of the statutes is created to read:

9 440.08 (2) (e) A renewal of a compact license, as defined in s. 448.015 (1dm),
10 shall be governed by s. 448.980 (7) and is subject to s. 448.07 (2).

11 **SECTION 10.** 440.14 (2) of the statutes is amended to read:

12 440.14 (2) If a form that the department or a credentialing board requires an
13 individual to complete in order to apply for a credential or credential renewal or to
14 obtain a product or service from the department or the credentialing board requires
15 the individual to provide any of the individual's personal identifiers, the form shall
16 include a place for the individual to declare that the individual's personal identifiers
17 obtained by the department or the credentialing board from the information on the
18 form may not be disclosed on any list that the department or the credentialing board
19 furnishes to another person. This subsection does not apply with respect to an
20 application filed with the medical examining board pursuant to the interstate
21 medical licensure compact under s. 448.980 (5).

22 **SECTION 11.** 440.14 (3) of the statutes is amended to read:

23 440.14 (3) If the department or a credentialing board requires an individual
24 to provide, by telephone or other electronic means, any of the individual's personal
25 identifiers in order to apply for a credential or credential renewal or to obtain a

SENATE BILL 196**SECTION 11**

1 product or service from the department or a credentialing board, the department or
2 the credentialing board shall ask the individual at the time that the individual
3 provides the information if the individual wants to declare that the individual's
4 personal identifiers obtained by telephone or other electronic means may not be
5 disclosed on any list that the department or the credentialing board furnishes to
6 another person. This subsection does not apply with respect to an application filed
7 with the medical examining board pursuant to the interstate medical licensure
8 compact under s. 448.980 (5).

9 **SECTION 12.** 440.15 of the statutes is amended to read:

10 **440.15 No fingerprinting.** Except as provided under s. ss. 440.03 (13) (c) and
11 448.980 (5) (b) 3., the department or a credentialing board may not require that an
12 applicant for a credential or a credential holder be fingerprinted or submit
13 fingerprints in connection with the department's or the credentialing board's
14 credentialing.

15 **SECTION 13.** 448.01 (5) of the statutes is amended to read:

16 448.01 (5) "Physician" means an individual possessing the degree of doctor of
17 medicine or doctor of osteopathy or an equivalent degree as determined by the
18 medical examining board, and holding a license granted by the medical examining
19 board. This subsection does not apply in s. 448.980.

20 **SECTION 14.** 448.015 (1dm) of the statutes is created to read:

21 448.015 (1dm) "Compact license" means an expedited license granted by the
22 board pursuant to the interstate medical licensure compact under s. 448.980.

23 **SECTION 15.** 448.04 (1) (ab) of the statutes is created to read:

24 448.04 (1) (ab) *Compact license.* The board may grant a compact license
25 pursuant to the interstate medical licensure compact under s. 448.980.

SENATE BILL 196

1 **SECTION 16.** 448.05 (2) (a) (intro.) of the statutes, as affected by 2013 Wisconsin
2 Act 240, is amended to read:

3 448.05 (2) (a) (intro.) Except as provided in pars. (b) to ~~(e)~~ (f), an applicant for
4 any class of license to practice medicine and surgery must supply evidence
5 satisfactory to the board of all of the following:

6 **SECTION 17.** 448.05 (2) (b) (intro.) of the statutes, as affected by 2013 Wisconsin
7 Act 240, is amended to read:

8 448.05 (2) (b) (intro.) Except as provided in pars. (c) to ~~(e)~~ (f), an applicant for
9 a license to practice medicine and surgery who is a graduate of a foreign medical
10 college must supply evidence satisfactory to the board of all of the following:

11 **SECTION 18.** 448.05 (2) (f) of the statutes is created to read:

12 448.05 (2) (f) The board shall grant a compact license as provided under s.
13 448.980.

14 **SECTION 19.** 448.07 (1) (a) of the statutes is amended to read:

15 448.07 (1) (a) Every person licensed or certified under this subchapter shall
16 register on or before November 1 of each odd-numbered year following issuance of
17 the license or certificate with the board. Registration shall be completed in such
18 manner as the board shall designate and upon forms the board shall provide, except
19 that registration with respect to a compact license shall be governed by the renewal
20 provisions in s. 448.980 (7). The secretary of the board, on or before October 1 of each
21 odd-numbered year, shall mail or cause to be mailed to every person required to
22 register a registration form. The board shall furnish to each person registered under
23 this section a certificate of registration, and the person shall display the registration
24 certificate conspicuously in the office at all times. No person may exercise the rights

SENATE BILL 196

1 or privileges conferred by any license or certificate granted by the board unless
2 currently registered as required under this subsection.

3 **SECTION 20.** 448.07 (2) of the statutes is amended to read:

4 448.07 (2) FEES. The Except as otherwise provided in s. 448.980, the fees for
5 examination and licenses granted under this subchapter are specified in s. 440.05,
6 and the renewal fee for such licenses is determined by the department under s.
7 440.03 (9) (a). Compact licenses shall be subject to additional fees and assessments,
8 as established by the department, the board, or the interstate medical licensure
9 compact commission, to cover any costs incurred by the department or the board for
10 this state's participation in the interstate medical licensure compact under s.
11 448.980 and costs incurred by the interstate medical licensure compact commission
12 for its administration of the renewal process for the interstate medical licensure
13 compact under s. 448.980.

14 **SECTION 21.** Subchapter VIII of chapter 448 [precedes 448.980] of the statutes
15 is created to read:

CHAPTER 448

SUBCHAPTER VIII

INTERSTATE MEDICAL LICENSURE

COMPACT

16
17
18
19
20 **448.980 Interstate medical licensure compact.** The following compact is
21 hereby ratified and entered into:

22 (1) SECTION 1 — PURPOSE. In order to strengthen access to health care, and in
23 recognition of the advances in the delivery of health care, the member states of the
24 interstate medical licensure compact have allied in common purpose to develop a
25 comprehensive process that complements the existing licensing and regulatory

SENATE BILL 196

1 authority of state medical boards, provides a streamlined process that allows
2 physicians to become licensed in multiple states, thereby enhancing the portability
3 of a medical license and ensuring the safety of patients. The compact creates another
4 pathway for licensure and does not otherwise change a state's existing medical
5 practice act. The compact also adopts the prevailing standard for licensure and
6 affirms that the practice of medicine occurs where the patient is located at the time
7 of the physician-patient encounter, and therefore, requires the physician to be under
8 the jurisdiction of the state medical board where the patient is located. State medical
9 boards that participate in the compact retain the jurisdiction to impose an adverse
10 action against a license to practice medicine in that state issued to a physician
11 through the procedures in the compact.

12 (2) SECTION 2 — DEFINITIONS. In this compact:

13 (a) "Bylaws" means those bylaws established by the interstate commission
14 pursuant to sub. (11) for its governance, or for directing and controlling its actions
15 and conduct.

16 (b) "Commissioner" means the voting representative appointed by each
17 member board pursuant to sub. (11).

18 (c) "Conviction" means a finding by a court that an individual is guilty of a
19 criminal offense through adjudication, or entry of a plea of guilt or no contest to the
20 charge by the offender. Evidence of an entry of a conviction of a criminal offense by
21 the court shall be considered final for purposes of disciplinary action by a member
22 board.

23 (d) "Expedited license" means a full and unrestricted medical license granted
24 by a member state to an eligible physician through the process set forth in the
25 compact.

SENATE BILL 196

1 (e) “Interstate commission” means the interstate commission created pursuant
2 to sub. (11).

3 (f) “License” means authorization by a state for a physician to engage in the
4 practice of medicine, which would be unlawful without the authorization.

5 (g) “Medical practice act” means laws and regulations governing the practice
6 of allopathic and osteopathic medicine within a member state.

7 (h) “Member board” means a state agency in a member state that acts in the
8 sovereign interests of the state by protecting the public through licensure,
9 regulation, and education of physicians as directed by the state government.

10 (i) “Member state” means a state that has enacted the compact.

11 (j) “Practice of medicine” means the clinical prevention, diagnosis, or treatment
12 of human disease, injury, or condition requiring a physician to obtain and maintain
13 a license in compliance with the medical practice act of a member state.

14 (k) “Physician” means any person who:

15 1. Is a graduate of a medical school accredited by the Liaison Committee on
16 Medical Education, the Commission on Osteopathic College Accreditation, or a
17 medical school listed in the International Medical Education Directory or its
18 equivalent;

19 2. Passed each component of the United States Medical Licensing Examination
20 (USMLE) or the Comprehensive Osteopathic Medical Licensing Examination
21 (COMLEX–USA) within 3 attempts, or any of its predecessor examinations accepted
22 by a state medical board as an equivalent examination for licensure purposes;

23 3. Successfully completed graduate medical education approved by the
24 Accreditation Council for Graduate Medical Education or the American Osteopathic
25 Association;

SENATE BILL 196

1 4. Holds specialty certification or a time-unlimited specialty certificate
2 recognized by the American Board of Medical Specialties or the American
3 Osteopathic Association's Bureau of Osteopathic Specialists;

4 5. Possesses a full and unrestricted license to engage in the practice of medicine
5 issued by a member board;

6 6. Has never been convicted, received adjudication, deferred adjudication,
7 community supervision, or deferred disposition for any offense by a court of
8 appropriate jurisdiction;

9 7. Has never held a license authorizing the practice of medicine subjected to
10 discipline by a licensing agency in any state, federal, or foreign jurisdiction,
11 excluding any action related to non-payment of fees related to a license;

12 8. Has never had a controlled substance license or permit suspended or revoked
13 by a state or the united states drug enforcement administration; and

14 9. Is not under active investigation by a licensing agency or law enforcement
15 authority in any state, federal, or foreign jurisdiction.

16 (L) "Offense" means a felony, gross misdemeanor, or crime of moral turpitude.

17 (m) "Rule" means a written statement by the interstate commission
18 promulgated pursuant to sub. (12) that is of general applicability, implements,
19 interprets, or prescribes a policy or provision of the compact, or an organizational,
20 procedural, or practice requirement of the interstate commission, and has the force
21 and effect of statutory law in a member state, and includes the amendment, repeal,
22 or suspension of an existing rule.

23 (n) "State" means any state, commonwealth, district, or territory of the United
24 States.

SENATE BILL 196

1 (o) "State of principal license" means a member state where a physician holds
2 a license to practice medicine and which has been designated as such by the
3 physician for purposes of registration and participation in the compact.

4 **(3) SECTION 3 — ELIGIBILITY.** (a) A physician must meet the eligibility
5 requirements as defined in sub. (2) (k) to receive an expedited license under the terms
6 and provisions of the compact.

7 (b) A physician who does not meet the requirements of sub. (2) (k) may obtain
8 a license to practice medicine in a member state if the individual complies with all
9 laws and requirements, other than the compact, relating to the issuance of a license
10 to practice medicine in that state.

11 **(4) SECTION 4 — DESIGNATION OF STATE OF PRINCIPAL LICENSE.** (a) A physician shall
12 designate a member state as the state of principal license for purposes of registration
13 for expedited licensure through the compact if the physician possesses a full and
14 unrestricted license to practice medicine in that state, and the state is:

- 15 1. The state of primary residence for the physician; or
- 16 2. The state where at least 25% of the practice of medicine occurs, or
- 17 3. The location of the physician's employer; or
- 18 4. If no state qualifies under subd. 1., 2., or 3., the state designated as state of
19 residence for purpose of federal income tax.

20 (b) A physician may redesignate a member state as state of principal license
21 at any time, as long as the state meets the requirements in par. (a).

22 (c) The interstate commission is authorized to develop rules to facilitate
23 redesignation of another member state as the state of principal license.

24 **(5) SECTION 5 — APPLICATION AND ISSUANCE OF EXPEDITED LICENSURE.** (a) A
25 physician seeking licensure through the compact shall file an application for an

SENATE BILL 196

1 expedited license with the member board of the state selected by the physician as the
2 state of principal license.

3 (b) 1. Upon receipt of an application for an expedited license, the member board
4 within the state selected as the state of principal license shall evaluate whether the
5 physician is eligible for expedited licensure and issue a letter of qualification,
6 verifying or denying the physician's eligibility, to the interstate commission.

7 2. Static qualifications, which include verification of medical education,
8 graduate medical education, results of any medical or licensing examination, and
9 other qualifications as determined by the interstate commission through rule, shall
10 not be subject to additional primary source verification where already primary
11 source verified by the state of principal license.

12 3. The member board within the state selected as the state of principal license
13 shall, in the course of verifying eligibility, perform a criminal background check of
14 an applicant, including the use of the results of fingerprint or other biometric data
15 checks compliant with the requirements of the federal bureau of investigation, with
16 the exception of federal employees who have suitability determination in accordance
17 with 5 CFR 731.202.

18 4. Appeal on the determination of eligibility shall be made to the member state
19 where the application was filed and shall be subject to the law of that state.

20 (c) Upon verification in par. (b), physicians eligible for an expedited license
21 shall complete the registration process established by the interstate commission to
22 receive a license in a member state selected pursuant to par. (a), including the
23 payment of any applicable fees.

24 (d) After receiving verification of eligibility under par. (b) and any fees under
25 par. (c), a member board shall issue an expedited license to the physician. This

SENATE BILL 196

1 license shall authorize the physician to practice medicine in the issuing state
2 consistent with the medical practice act and all applicable laws and regulations of
3 the issuing member board and member state.

4 (e) An expedited license shall be valid for a period consistent with the licensure
5 period in the member state and in the same manner as required for other physicians
6 holding a full and unrestricted license within the member state.

7 (f) An expedited license obtained through the compact shall be terminated if a
8 physician fails to maintain a license in the state of principal licensure for a
9 non-disciplinary reason, without redesignation of a new state of principal licensure.

10 (g) The interstate commission is authorized to develop rules regarding the
11 application process, including payment of any applicable fees, and the issuance of an
12 expedited license.

13 **(6) SECTION 6 — FEES FOR EXPEDITED LICENSURE.** (a) A member state issuing an
14 expedited license authorizing the practice of medicine in that state may impose a fee
15 for a license issued or renewed through the compact.

16 (b) The interstate commission is authorized to develop rules regarding fees for
17 expedited licenses.

18 **(7) SECTION 7 — RENEWAL AND CONTINUED PARTICIPATION.** (a) A physician seeking
19 to renew an expedited license granted in a member state shall complete a renewal
20 process with the interstate commission if the physician:

- 21 1. Maintains a full and unrestricted license in a state of principal license;
- 22 2. Has not been convicted, received adjudication, deferred adjudication,
23 community supervision, or deferred disposition for any offense by a court of
24 appropriate jurisdiction;

SENATE BILL 196

1 3. Has not had a license authorizing the practice of medicine subject to
2 discipline by a licensing agency in any state, federal, or foreign jurisdiction,
3 excluding any action related to non-payment of fees related to a license; and

4 4. Has not had a controlled substance license or permit suspended or revoked
5 by a state or the united states drug enforcement administration.

6 (b) Physicians shall comply with all continuing professional development or
7 continuing medical education requirements for renewal of a license issued by a
8 member state.

9 (c) The interstate commission shall collect any renewal fees charged for the
10 renewal of a license and distribute the fees to the applicable member board.

11 (d) Upon receipt of any renewal fees collected in par. (c), a member board shall
12 renew the physician's license.

13 (e) Physician information collected by the interstate commission during the
14 renewal process will be distributed to all member boards.

15 (f) The interstate commission is authorized to develop rules to address renewal
16 of licenses obtained through the compact.

17 **(8) SECTION 8 — COORDINATED INFORMATION SYSTEM.** (a) The interstate
18 commission shall establish a database of all physicians licensed, or who have applied
19 for licensure, under sub. (5).

20 (b) Notwithstanding any other provision of law, member boards shall report to
21 the interstate commission any public action or complaints against a licensed
22 physician who has applied or received an expedited license through the compact.

23 (c) Member boards shall report disciplinary or investigatory information
24 determined as necessary and proper by rule of the interstate commission.

SENATE BILL 196

1 (d) Member boards may report any non-public complaint, disciplinary, or
2 investigatory information not required by par. (c) to the interstate commission.

3 (e) Member boards shall share complaint or disciplinary information about a
4 physician upon request of another member board.

5 (f) All information provided to the interstate commission or distributed by
6 member boards shall be confidential, filed under seal, and used only for investigatory
7 or disciplinary matters.

8 (g) The interstate commission is authorized to develop rules for mandated or
9 discretionary sharing of information by member boards.

10 **(9) SECTION 9 — JOINT INVESTIGATIONS.** (a) Licensure and disciplinary records
11 of physicians are deemed investigative.

12 (b) In addition to the authority granted to a member board by its respective
13 medical practice act or other applicable state law, a member board may participate
14 with other member boards in joint investigations of physicians licensed by the
15 member boards.

16 (c) A subpoena issued by a member state shall be enforceable in other member
17 states.

18 (d) Member boards may share any investigative, litigation, or compliance
19 materials in furtherance of any joint or individual investigation initiated under the
20 compact.

21 (e) Any member state may investigate actual or alleged violations of the
22 statutes authorizing the practice of medicine in any other member state in which a
23 physician holds a license to practice medicine.

24 **(10) SECTION 10 — DISCIPLINARY ACTIONS.** (a) Any disciplinary action taken by
25 any member board against a physician licensed through the compact shall be deemed

SENATE BILL 196

1 unprofessional conduct which may be subject to discipline by other member boards,
2 in addition to any violation of the medical practice act or regulations in that state.

3 (b) If a license granted to a physician by the member board in the state of
4 principal license is revoked, surrendered or relinquished in lieu of discipline, or
5 suspended, then all licenses issued to the physician by member boards shall
6 automatically be placed, without further action necessary by any member board, on
7 the same status. If the member board in the state of principal license subsequently
8 reinstates the physician's license, a license issued to the physician by any other
9 member board shall remain encumbered until that respective member board takes
10 action to reinstate the license in a manner consistent with the medical practice act
11 of that state.

12 (c) If disciplinary action is taken against a physician by a member board not
13 in the state of principal license, any other member board may deem the action
14 conclusive as to matter of law and fact decided, and:

15 1. Impose the same or lesser sanctions against the physician so long as such
16 sanctions are consistent with the medical practice act of that state; or

17 2. Pursue separate disciplinary action against the physician under its
18 respective medical practice act, regardless of the action taken in other member
19 states.

20 (d) If a license granted to a physician by a member board is revoked,
21 surrendered or relinquished in lieu of discipline, or suspended, then any license
22 issued to the physician by any other member board shall be suspended,
23 automatically and immediately without further action necessary by the other
24 member board, for 90 days upon entry of the order by the disciplining board, to permit
25 the member board to investigate the basis for the action under the medical practice

SENATE BILL 196

1 act of that state. A member board may terminate the automatic suspension of the
2 license it issued prior to the completion of the 90 day suspension period in a manner
3 consistent with the medical practice act of that state.

4 (11) SECTION 11 — INTERSTATE MEDICAL LICENSURE COMPACT COMMISSION. (a) The
5 member states hereby create the “Interstate Medical Licensure Compact
6 Commission.”

7 (b) The purpose of the interstate commission is the administration of the
8 interstate medical licensure compact, which is a discretionary state function.

9 (c) The interstate commission shall be a body corporate and joint agency of the
10 member states and shall have all the responsibilities, powers, and duties set forth
11 in the compact, and such additional powers as may be conferred upon it by a
12 subsequent concurrent action of the respective legislatures of the member states in
13 accordance with the terms of the compact.

14 (d) The interstate commission shall consist of 2 voting representatives
15 appointed by each member state who shall serve as commissioners. In states where
16 allopathic and osteopathic physicians are regulated by separate member boards, or
17 if the licensing and disciplinary authority is split between multiple member boards
18 within a member state, the member state shall appoint one representative from each
19 member board. A Commissioner shall be:

- 20 1. An allopathic or osteopathic physician appointed to a member board;
- 21 2. An executive director, executive secretary, or similar executive of a member
22 board; or
- 23 3. A member of the public appointed to a member board.

24 (e) The interstate commission shall meet at least once each calendar year. A
25 portion of this meeting shall be a business meeting to address such matters as may

SENATE BILL 196

1 properly come before the commission, including the election of officers. The
2 chairperson may call additional meetings and shall call for a meeting upon the
3 request of a majority of the member states.

4 (f) The bylaws may provide for meetings of the interstate commission to be
5 conducted by telecommunication or electronic communication.

6 (g) Each commissioner participating at a meeting of the interstate commission
7 is entitled to one vote. A majority of commissioners shall constitute a quorum for the
8 transaction of business, unless a larger quorum is required by the bylaws of the
9 interstate commission. A commissioner shall not delegate a vote to another
10 commissioner. In the absence of its commissioner, a member state may delegate
11 voting authority for a specified meeting to another person from that state who shall
12 meet the requirements of par. (d).

13 (h) The interstate commission shall provide public notice of all meetings and
14 all meetings shall be open to the public. The interstate commission may close a
15 meeting, in full or in portion, where it determines by a two-thirds vote of the
16 commissioners present that an open meeting would be likely to:

17 1. Relate solely to the internal personnel practices and procedures of the
18 interstate commission;

19 2. Discuss matters specifically exempted from disclosure by federal statute;

20 3. Discuss trade secrets, commercial, or financial information that is privileged
21 or confidential;

22 4. Involve accusing a person of a crime, or formally censuring a person;

23 5. Discuss information of a personal nature where disclosure would constitute
24 a clearly unwarranted invasion of personal privacy;

25 6. Discuss investigative records compiled for law enforcement purposes; or

SENATE BILL 196

1 7. Specifically relate to the participation in a civil action or other legal
2 proceeding.

3 (i) The interstate commission shall keep minutes which shall fully describe all
4 matters discussed in a meeting and shall provide a full and accurate summary of
5 actions taken, including record of any roll call votes.

6 (j) The interstate commission shall make its information and official records,
7 to the extent not otherwise designated in the compact or by its rules, available to the
8 public for inspection.

9 (k) The interstate commission shall establish an executive committee, which
10 shall include officers, members, and others as determined by the bylaws. The
11 executive committee shall have the power to act on behalf of the interstate
12 commission, with the exception of rule making, during periods when the interstate
13 commission is not in session. When acting on behalf of the interstate commission,
14 the executive committee shall oversee the administration of the compact including
15 enforcement and compliance with the provisions of the compact, its bylaws and rules,
16 and other such duties as necessary.

17 (L) The Interstate commission may establish other committees for governance
18 and administration of the compact.

19 **(12)** SECTION 12 — POWERS AND DUTIES OF THE INTERSTATE COMMISSION. The
20 interstate commission shall have the duty and power to:

21 (a) Oversee and maintain the administration of the compact;

22 (b) Promulgate rules which shall be binding to the extent and in the manner
23 provided for in the compact;

SENATE BILL 196

1 (c) Issue, upon the request of a member state or member board, advisory
2 opinions concerning the meaning or interpretation of the compact, its bylaws, rules,
3 and actions;

4 (d) Enforce compliance with compact provisions, the rules promulgated by the
5 interstate commission, and the bylaws, using all necessary and proper means,
6 including but not limited to the use of judicial process;

7 (e) Establish and appoint committees including, but not limited to, an executive
8 committee as required by sub. (11), which shall have the power to act on behalf of the
9 interstate commission in carrying out its powers and duties;

10 (f) Pay, or provide for the payment of the expenses related to the establishment,
11 organization, and ongoing activities of the interstate commission;

12 (g) Establish and maintain one or more offices;

13 (h) Borrow, accept, hire, or contract for services of personnel;

14 (i) Purchase and maintain insurance and bonds;

15 (j) Employ an executive director who shall have such powers to employ, select
16 or appoint employees, agents, or consultants, and to determine their qualifications,
17 define their duties, and fix their compensation;

18 (k) Establish personnel policies and programs relating to conflicts of interest,
19 rates of compensation, and qualifications of personnel;

20 (L) Accept donations and grants of money, equipment, supplies, materials and
21 services, and to receive, utilize, and dispose of it in a manner consistent with the
22 conflict of interest policies established by the interstate commission;

23 (m) Lease, purchase, accept contributions or donations of, or otherwise to own,
24 hold, improve or use, any property, real, personal, or mixed;

SENATE BILL 196

1 (n) Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise
2 dispose of any property, real, personal, or mixed;

3 (o) Establish a budget and make expenditures;

4 (p) Adopt a seal and bylaws governing the management and operation of the
5 interstate commission;

6 (q) Report annually to the legislatures and governors of the member states
7 concerning the activities of the interstate commission during the preceding year.
8 Such reports shall also include reports of financial audits and any recommendations
9 that may have been adopted by the interstate commission;

10 (r) Coordinate education, training, and public awareness regarding the
11 compact, its implementation, and its operation;

12 (s) Maintain records in accordance with the bylaws;

13 (t) Seek and obtain trademarks, copyrights, and patents; and

14 (u) Perform such functions as may be necessary or appropriate to achieve the
15 purposes of the compact.

16 **(13) SECTION 13 — FINANCE POWERS.** (a) The interstate commission may levy on
17 and collect an annual assessment from each member state to cover the cost of the
18 operations and activities of the interstate commission and its staff. The total
19 assessment must be sufficient to cover the annual budget approved each year for
20 which revenue is not provided by other sources. The aggregate annual assessment
21 amount shall be allocated upon a formula to be determined by the interstate
22 commission, which shall promulgate a rule binding upon all member states.

23 (b) The interstate commission shall not incur obligations of any kind prior to
24 securing the funds adequate to meet the same.

SENATE BILL 196

1 (c) The interstate commission shall not pledge the credit of any of the member
2 states, except by, and with the authority of, the member state.

3 (d) The interstate commission shall be subject to a yearly financial audit
4 conducted by a certified or licensed public accountant and the report of the audit
5 shall be included in the annual report of the interstate commission.

6 **(14) SECTION 14 — ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION.**

7 (a) The interstate commission shall, by a majority of commissioners present and
8 voting, adopt bylaws to govern its conduct as may be necessary or appropriate to
9 carry out the purposes of the compact within 12 months of the first interstate
10 commission meeting.

11 (b) The interstate commission shall elect or appoint annually from among its
12 commissioners a chairperson, a vice-chairperson, and a treasurer, each of whom
13 shall have such authority and duties as may be specified in the bylaws. The
14 chairperson, or in the chairperson's absence or disability, the vice-chairperson, shall
15 preside at all meetings of the interstate commission.

16 (c) Officers selected in par. (b) shall serve without remuneration from the
17 interstate commission.

18 (d) 1. The officers and employees of the interstate commission shall be immune
19 from suit and liability, either personally or in their official capacity, for a claim for
20 damage to or loss of property or personal injury or other civil liability caused or
21 arising out of, or relating to, an actual or alleged act, error, or omission that occurred,
22 or that such person had a reasonable basis for believing occurred, within the scope
23 of interstate commission employment, duties, or responsibilities; provided that such
24 person shall not be protected from suit or liability for damage, loss, injury, or liability
25 caused by the intentional or willful and wanton misconduct of such person.

SENATE BILL 196

1 2. The liability of the executive director and employees of the interstate
2 commission or representatives of the interstate commission, acting within the scope
3 of such person's employment or duties for acts, errors, or omissions occurring within
4 such person's state, may not exceed the limits of liability set forth under the
5 constitution and laws of that state for state officials, employees, and agents. The
6 interstate commission is considered to be an instrumentality of the states for the
7 purposes of any such action. Nothing in this paragraph shall be construed to protect
8 such person from suit or liability for damage, loss, injury, or liability caused by the
9 intentional or willful and wanton misconduct of such person.

10 3. The interstate commission shall defend the executive director, its employees,
11 and subject to the approval of the attorney general or other appropriate legal counsel
12 of the member state represented by an interstate commission representative, shall
13 defend such interstate commission representative in any civil action seeking to
14 impose liability arising out of an actual or alleged act, error or omission that occurred
15 within the scope of interstate commission employment, duties or responsibilities, or
16 that the defendant had a reasonable basis for believing occurred within the scope of
17 interstate commission employment, duties, or responsibilities, provided that the
18 actual or alleged act, error, or omission did not result from intentional or willful and
19 wanton misconduct on the part of such person.

20 4. To the extent not covered by the state involved, member state, or the
21 interstate commission, the representatives or employees of the interstate
22 commission shall be held harmless in the amount of a settlement or judgment,
23 including attorney fees and costs, obtained against such persons arising out of an
24 actual or alleged act, error, or omission that occurred within the scope of interstate
25 commission employment, duties, or responsibilities, or that such persons had a

SENATE BILL 196

1 reasonable basis for believing occurred within the scope of interstate commission
2 employment, duties, or responsibilities, provided that the actual or alleged act, error,
3 or omission did not result from intentional or willful and wanton misconduct on the
4 part of such persons.

5 **(15) SECTION 15 - RULE-MAKING FUNCTIONS OF THE INTERSTATE COMMISSION.** (a)
6 The interstate commission shall promulgate reasonable rules in order to effectively
7 and efficiently achieve the purposes of the compact. Notwithstanding the foregoing,
8 in the event the interstate commission exercises its rule-making authority in a
9 manner that is beyond the scope of the purposes of the compact, or the powers
10 granted hereunder, then such an action by the interstate commission shall be invalid
11 and have no force or effect.

12 (b) Rules deemed appropriate for the operations of the interstate commission
13 shall be made pursuant to a rule-making process that substantially conforms to the
14 "Model State Administrative Procedure Act" of 2010, and subsequent amendments
15 thereto.

16 (c) Not later than 30 days after a rule is promulgated, any person may file a
17 petition for judicial review of the rule in the United States District Court for the
18 District of Columbia or the federal district where the interstate commission has its
19 principal offices, provided that the filing of such a petition shall not stay or otherwise
20 prevent the rule from becoming effective unless the court finds that the petitioner
21 has a substantial likelihood of success. The court shall give deference to the actions
22 of the interstate commission consistent with applicable law and shall not find the
23 rule to be unlawful if the rule represents a reasonable exercise of the authority
24 granted to the interstate commission.

SENATE BILL 196

1 **(16) SECTION 16 — OVERSIGHT OF INTERSTATE COMPACT.** (a) The executive,
2 legislative, and judicial branches of state government in each member state shall
3 enforce the compact and shall take all actions necessary and appropriate to
4 effectuate the compact's purposes and intent. The provisions of the compact and the
5 rules promulgated hereunder shall have standing as statutory law but shall not
6 override existing state authority to regulate the practice of medicine.

7 (b) All courts shall take judicial notice of the compact and the rules in any
8 judicial or administrative proceeding in a member state pertaining to the subject
9 matter of the compact which may affect the powers, responsibilities or actions of the
10 interstate commission.

11 (c) The interstate commission shall be entitled to receive all service of process
12 in any such proceeding, and shall have standing to intervene in the proceeding for
13 all purposes. Failure to provide service of process to the interstate commission shall
14 render a judgment or order void as to the interstate commission, the compact, or
15 promulgated rules.

16 **(17) SECTION 17 — ENFORCEMENT OF INTERSTATE COMPACT.** (a) The interstate
17 commission, in the reasonable exercise of its discretion, shall enforce the provisions
18 and rules of the compact.

19 (b) The interstate commission may, by majority vote of the commissioners,
20 initiate legal action in the United States District Court for the District of Columbia,
21 or, at the discretion of the interstate commission, in the federal district where the
22 interstate commission has its principal offices, to enforce compliance with the
23 provisions of the compact, and its promulgated rules and bylaws, against a member
24 state in default. The relief sought may include both injunctive relief and damages.

SENATE BILL 196

1 In the event judicial enforcement is necessary, the prevailing party shall be awarded
2 all costs of such litigation including reasonable attorney fees.

3 (c) The remedies herein shall not be the exclusive remedies of the interstate
4 commission. The interstate commission may avail itself of any other remedies
5 available under state law or the regulation of a profession.

6 **(18) SECTION 18 — DEFAULT PROCEDURES.** (a) The grounds for default include, but
7 are not limited to, failure of a member state to perform such obligations or
8 responsibilities imposed upon it by the compact, or the rules and bylaws of the
9 interstate commission promulgated under the compact.

10 (b) If the interstate commission determines that a member state has defaulted
11 in the performance of its obligations or responsibilities under the compact, or the
12 bylaws or promulgated rules, the interstate commission shall:

13 1. Provide written notice to the defaulting state and other member states, of
14 the nature of the default, the means of curing the default, and any action taken by
15 the interstate commission. The interstate commission shall specify the conditions
16 by which the defaulting state must cure its default; and

17 2. Provide remedial training and specific technical assistance regarding the
18 default.

19 (c) If the defaulting state fails to cure the default, the defaulting state shall be
20 terminated from the compact upon an affirmative vote of a majority of the
21 commissioners and all rights, privileges, and benefits conferred by the compact shall
22 terminate on the effective date of termination. A cure of the default does not relieve
23 the offending state of obligations or liabilities incurred during the period of the
24 default.

SENATE BILL 196

1 (d) Termination of membership in the compact shall be imposed only after all
2 other means of securing compliance have been exhausted. Notice of intent to
3 terminate shall be given by the interstate commission to the governor, the majority
4 and minority leaders of the defaulting state's legislature, and each of the member
5 states.

6 (e) The interstate commission shall establish rules and procedures to address
7 licenses and physicians that are materially impacted by the termination of a member
8 state, or the withdrawal of a member state.

9 (f) The member state which has been terminated is responsible for all dues,
10 obligations, and liabilities incurred through the effective date of termination
11 including obligations, the performance of which extends beyond the effective date of
12 termination.

13 (g) The interstate commission shall not bear any costs relating to any state that
14 has been found to be in default or which has been terminated from the compact,
15 unless otherwise mutually agreed upon in writing between the interstate
16 commission and the defaulting state.

17 (h) The defaulting state may appeal the action of the interstate commission by
18 petitioning the United States District Court for the District of Columbia or the
19 federal district where the interstate commission has its principal offices. The
20 prevailing party shall be awarded all costs of such litigation including reasonable
21 attorney fees.

22 **(19) SECTION 19 — DISPUTE RESOLUTION.** (a) The interstate commission shall
23 attempt, upon the request of a member state, to resolve disputes which are subject
24 to the compact and which may arise among member states or member boards.

SENATE BILL 196

1 (b) The interstate commission shall promulgate rules providing for both
2 mediation and binding dispute resolution as appropriate.

3 **(20) SECTION 20 — MEMBER STATES, EFFECTIVE DATE AND AMENDMENT.** (a) Any state
4 is eligible to become a member state of the compact.

5 (b) The compact shall become effective and binding upon legislative enactment
6 of the compact into law by no less than 7 states. Thereafter, it shall become effective
7 and binding on a state upon enactment of the compact into law by that state.

8 (c) The governors of non-member states, or their designees, shall be invited to
9 participate in the activities of the interstate commission on a non-voting basis prior
10 to adoption of the compact by all states.

11 (d) The interstate commission may propose amendments to the compact for
12 enactment by the member states. No amendment shall become effective and binding
13 upon the interstate commission and the member states unless and until it is enacted
14 into law by unanimous consent of the member states.

15 **(21) SECTION 21 — WITHDRAWAL.** (a) Once effective, the compact shall continue
16 in force and remain binding upon each and every member state; provided that a
17 member state may withdraw from the compact by specifically repealing the statute
18 which enacted the compact into law.

19 (b) Withdrawal from the compact shall be by the enactment of a statute
20 repealing the same, but shall not take effect until one year after the effective date
21 of such statute and until written notice of the withdrawal has been given by the
22 withdrawing state to the governor of each other member state.

23 (c) The withdrawing state shall immediately notify the chairperson of the
24 interstate commission in writing upon the introduction of legislation repealing the
25 compact in the withdrawing state.

SENATE BILL 196**SECTION 21**

1 (d) The interstate commission shall notify the other member states of the
2 withdrawing state's intent to withdraw within 60 days of its receipt of notice
3 provided under par. (c).

4 (e) The withdrawing state is responsible for all dues, obligations and liabilities
5 incurred through the effective date of withdrawal, including obligations, the
6 performance of which extend beyond the effective date of withdrawal.

7 (f) Reinstatement following withdrawal of a member state shall occur upon the
8 withdrawing state reenacting the compact or upon such later date as determined by
9 the interstate commission.

10 (g) The interstate commission is authorized to develop rules to address the
11 impact of the withdrawal of a member state on licenses granted in other member
12 states to physicians who designated the withdrawing member state as the state of
13 principal license.

14 **(22) SECTION 22 — DISSOLUTION.** (a) The compact shall dissolve effective upon
15 the date of the withdrawal or default of the member state which reduces the
16 membership in the compact to one member state.

17 (b) Upon the dissolution of the compact, the compact becomes null and void and
18 shall be of no further force or effect, and the business and affairs of the interstate
19 commission shall be concluded and surplus funds shall be distributed in accordance
20 with the bylaws.

21 **(23) SECTION 23 — SEVERABILITY AND CONSTRUCTION.** (a) The provisions of the
22 compact shall be severable, and if any phrase, clause, sentence, or provision is
23 deemed unenforceable, the remaining provisions of the compact shall be enforceable.

24 (b) The provisions of the compact shall be liberally construed to effectuate its
25 purposes.

SENATE BILL 196

1 (c) Nothing in the compact shall be construed to prohibit the applicability of
2 other interstate compacts to which the states are members.

3 **(24) SECTION 24 — BINDING EFFECT OF COMPACT AND OTHER LAWS.** (a) Nothing
4 herein prevents the enforcement of any other law of a member state that is not
5 inconsistent with the compact.

6 (b) All laws in a member state in conflict with the compact are superseded to
7 the extent of the conflict.

8 (c) All lawful actions of the interstate commission, including all rules and
9 bylaws promulgated by the commission, are binding upon the member states.

10 (d) All agreements between the interstate commission and the member states
11 are binding in accordance with their terms.

12 (e) In the event any provision of the compact exceeds the constitutional limits
13 imposed on the legislature of any member state, such provision shall be ineffective
14 to the extent of the conflict with the constitutional provision in question in that
15 member state.

16 **448.981 Implementation of the interstate medical licensure compact.**

17 **(1)** In this section:

18 (a) “Board” means the medical examining board.

19 (b) “Compact” means the interstate medical licensure compact entered into
20 under s. 448.980.

21 (c) “Expedited license” has the meaning given in s. 448.980 (2) (d).

22 (d) “Interstate commission” has the meaning given in s. 448.980 (2) (e).

23 (e) “Member board” has the meaning given in s. 448.980 (2) (h).

24 (f) “Member state” has the meaning given in s. 448.980 (2) (i).

25 (g) “State of principal license” has the meaning given in s. 448.980 (2) (o).

SENATE BILL 196

1 **(2)** Notwithstanding s. 448.980 and any rules promulgated by the interstate
2 commission under s. 448.980, the board may only disclose information about an
3 individual pursuant to the compact if the information meets all of the following
4 criteria:

5 (a) Any of the following applies:

6 1. The individual has a current expedited license granted by the board
7 pursuant to the compact.

8 2. The individual has a current expedited license granted by another member
9 state or is applying to receive an expedited license in another member state, and
10 Wisconsin is currently designated as his or her state of principal license.

11 3. The individual is requesting to designate Wisconsin as his or her state of
12 principal license pursuant to the compact.

13 4. The individual is applying to receive an expedited license to practice in
14 Wisconsin pursuant to the compact.

15 (b) The information is provided only to a member board with responsibility for
16 authorizing the practice of medicine in the member state or to the interstate
17 commission.

18 (c) If the information pertains to an investigation or discipline, all identifying
19 information of individuals or entities other than the individual being investigated
20 or disciplined is removed.

21 (d) The information is not confidential under the laws of this state.

22 **(3)** A subpoena issued pursuant to s. 448.980 (9) (c) shall only be enforceable
23 in this state or against a citizen of this state if all of the following apply:

24 (a) The subpoena is issued by a member board with responsibility for
25 authorizing the practice of medicine in the member state.

SENATE BILL 196

1 (b) The individual being subpoenaed is one of the following:

2 1. A physician with a current expedited license granted by the board pursuant
3 to the compact.

4 2. A physician with a current expedited license granted by another member
5 state, and Wisconsin is currently designated as the physician's state of principal
6 license.

7 (4) In applying s. 448.980 (9) (e), the board may only undertake such
8 investigation of violations of another state's statute authorizing the practice of
9 medicine if one of the following applies:

10 1. The physician being investigated has a current expedited license that was
11 granted by the board and a current expedited license that was granted by the other
12 state pursuant to the compact.

13 2. The physician being investigated has a current expedited license that was
14 granted by the board pursuant to the compact and the other state is the physician's
15 currently designated state of principal license.

16 3. The physician being investigated has a current expedited license that was
17 granted by the other state pursuant to the compact and Wisconsin is the physician's
18 currently designated state of principal license.

19 (5) The board shall, by January 1 of each year, report to the members of the joint
20 committee on finance the number of individuals investigated by the board solely
21 pursuant to s. 448.980 (9) (e) and the expenses incurred by the board undertaking
22 investigations pursued solely pursuant to s. 448.980 (9) (e).

23 (6) The payment of assessments for the interstate medical licensure compact
24 under s. 448.980 (13) (a) shall be made from the appropriation account under s.
25 20.165 (1) (hg) using the licensure fees paid by physicians licensed under the

SENATE BILL 196

1 compact. No fees from physicians that have not applied for licensure through the
2 compact shall be used to pay Wisconsin's annual assessment pursuant to s. 448.980
3 (13) (a) without the approval of the joint committee on finance.

4 (END)

**State of Wisconsin
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Lori Dominiczak		2) Date When Request Submitted: 5/15/2015 Items will be considered late if submitted after 4:30 p.m. and less than: <ul style="list-style-type: none"> ▪ 10 work days before the meeting for Medical Board ▪ 14 work days before the meeting for all others 	
3) Name of Board, Committee, Council, Sections: Medical Examining Board			
4) Meeting Date: 9/10/2015	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Continuing Education Discussion	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	8) Is an appearance before the Board being scheduled? If yes, who is appearing? Yes, Mike Edwards, WPTA	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed: Board Discussion.			
11) Authorization			
Signature of person making this request			Date
Supervisor (if required)			Date
Bureau Director signature (indicates approval to add post agenda deadline item to agenda)			Date

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request:		2) Date When Request Submitted: 7/27/2015 <small>Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting</small>	
3) Name of Board, Committee, Council, Sections: Physical Therapy Examining Board			
4) Meeting Date: 9/10/2015	5) Attachments: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	6) How should the item be titled on the agenda page? Board Appointments	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes (Fill out Board Appearance Request) <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed: The Board should review its appointments following the end of Michele Thorman's term. Due to an interim need to fill the Credentialing Liaison vacancy, Lori Dominiczak appointed herself for that position.			
11) Authorization			
Signature of person making this request			Date
Supervisor (if required)			Date
Executive Director signature (indicates approval to add post agenda deadline item to agenda) Date			
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Katie Vieira Administrative Rules Coordinator		2) Date When Request Submitted: 8/27/2015 Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting	
3) Name of Board, Committee, Council, Sections: Physical Therapy Examining Board			
4) Meeting Date: 9/10/2015	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Rules Update: PT 1, 2, 3, 8 relating to temporary reentry licensure	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes (Fill out Board Appearance Request) <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required: N/A	
10) Describe the issue and action that should be addressed: PT 1, 2, 3, and 8 relating to temporary reentry licensure received approval from the Governor's Office on August 20, 2015. The rule was submitted to the Legislature on August 21, 2015. If the legislative committees do not request extensions, we can anticipate the legislative review period to end in early November.			
11) Authorization			
Katie Vieira		8/27/2015	
Signature of person making this request		Date	
Supervisor (if required)		Date	
Executive Director signature (indicates approval to add post agenda deadline item to agenda) Date			
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

**STATE OF WISCONSIN
PHYSICAL THERAPY EXAMINING BOARD**

**IN THE MATTER OF RULEMAKING :
PROCEEDINGS BEFORE THE : REPORT TO THE LEGISLATURE
PHYSICAL THERAPY : CR 15-027
EXAMINING BOARD :
:**

I. THE PROPOSED RULE:

The proposed rule, including the analysis and text, is attached.

II. REFERENCE TO APPLICABLE FORMS:

N/A

III. FISCAL ESTIMATE AND EIA:

The Fiscal Estimate and EIA document is attached.

IV. DETAILED STATEMENT EXPLAINING THE BASIS AND PURPOSE OF THE PROPOSED RULE, INCLUDING HOW THE PROPOSED RULE ADVANCES RELEVANT STATUTORY GOALS OR PURPOSES:

The Physical Therapy Examining Board (Board) reviewed its rules and determined that certain provisions needed clarifying. First, s. PT 1.04 was repealed. By requiring the completed application include all required documents including verified documentary evidence of graduation from a school of physical therapy by the application deadline date the Board is in fact requiring applicants to complete their postsecondary education as a condition of taking the exam. The deadline date was removed in keeping with 2013 Wisconsin Act 114 which required boards to refrain from requiring the completion of postsecondary education before an applicant is eligible to take a credentialing examination. Secondly, the Board decided to repeal the temporary reentry license found in s. PT 3.02 and the term candidate for reentry in s. PT 1.02 (2). These provisions were originally designed to allow persons who had not practiced as a physical therapist for a period of 3 years or more an opportunity to gain clinical experience while waiting for full licensure. However, s. PT 2.01 (h) already addresses applicants returning to the practice of physical therapy after a 3 year absence by requiring an oral examination. Lastly, the Board revised requirements for reinstatement of a license found in s. PT 8.05 by adding conditions applicants need to follow if their license has been surrendered, revoked, or has unmet disciplinary requirements.

V. SUMMARY OF PUBLIC COMMENTS AND THE BOARD'S RESPONSES, EXPLANATION OF MODIFICATIONS TO PROPOSED RULES PROMPTED BY PUBLIC COMMENTS:

The Physical Therapy Examining Board held a public hearing on May 28, 2015. No one submitted written testimony or testified at the hearing.

VI. RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS:

5. Clarity, grammar, punctuation, and use of plain language

a. The proposed changes in the rule-making order allow an individual to take an examination before they submit an application for licensure. However, several provisions of the current rule that are not amended by the rule-making order appear to be unworkable if an individual wishing to take an examination has not submitted an application for licensure. For example, under current practice, individuals notify the board of their desire to take the required examination by submitting a completed application under s. PT 1.04 and the board notifies applicants, under s. PT 2.01 (5), of the time and place scheduled for the examination. How will this notice be provided under the proposed changes? In addition, s. PT 2.01 requires a panel to review each application for licensure to determine whether an individual is required to take an oral examination. If an individual has not submitted an application for licensure, how will the panel make that determination?

Response: Several changes have been made to the proposed rule in response to this Clearinghouse comment including amending PT 1.03 so that it specifies the requirements for licensure rather than the application requirements. These changes allow applicants to take the required examinations after parts of the application have been submitted including the application form and other materials prior to the completion of the education requirements. This is consistent with 2013 WI Act 114. The panel in s. PT 2.01 will be able to make a determination whether an individual is required to take an oral examination prior to the submittal of all licensure requirements which is also consistent with 2013 WI Act 114.

All of the remaining recommendations suggested in the Clearinghouse Report have been accepted in whole.

VII. REPORT FROM THE SBRRB AND FINAL REGULATORY FLEXIBILITY ANALYSIS:

N/A

STATE OF WISCONSIN
PHYSICAL THERAPY EXAMINING BOARD

IN THE MATTER OF RULEMAKING	:	PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE	:	PHYSICAL THERAPY EXAMINING
PHYSICAL THERAPY EXAMINING	:	BOARD
BOARD	:	ADOPTING RULES
	:	CLEARINGHOUSE RULE 15-027

PROPOSED ORDER

An order of the Physical Therapy Examining Board to repeal PT 1.02 (2), 1.04, and 3.02; to amend PT 1.03 (title) and (1) (intro.) and (a), 2.01 (5), and 8.02; to repeal and recreate PT 8.05, and to create PT 1.03 (1) (e) relating to temporary reentry licensure.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted:

Sections 440.071, 448.53, and 448.55, Stats.

Statutory authority:

Sections 15.08 (5) (b), 227.11 (2) (a), and 448.55 (3), Stats.

Explanation of agency authority:

Pursuant to ss. 15.08 (5) (b), and 227.11 (2) (a), Stats., the Physical Therapy Examining Board (Board) is generally empowered to promulgate rules that will provide guidance within the profession and that interpret the statutes it enforces or administers. Pursuant to s. 448.55 (3), Stats., the Board has express authority to, “promulgate rules that require an applicant for renewal of a license to demonstrate continued competence as a physical therapist or physical therapist assistant.” These proposed rules will give guidance within the profession regarding the requirements for renewing a license. Therefore, the Board is empowered both generally and specifically to promulgate the proposed rule.

Related statute or rule:

Wis. Admin Code chs. PT 1, 2 and 8

Plain language analysis:

The Physical Therapy Examining Board (Board) reviewed its rules and determined that certain provisions needed clarifying. First, s. PT 1.04 was repealed. By requiring the

completed application include all required documents including verified documentary evidence of graduation from a school of physical therapy by the application deadline date the Board is in fact requiring applicants to complete their postsecondary education as a condition of taking the exam. The deadline date was removed in keeping with 2013 Wisconsin Act 114 which required boards to refrain from requiring the completion of postsecondary education before an applicant is eligible to take a credentialing examination. Secondly, the Board decided to repeal the temporary reentry license found in s. PT 3.02 and the term candidate for reentry in s. PT 1.02 (2). These provisions were originally designed to allow persons who had not practiced as a physical therapist for a period of 3 years or more an opportunity to gain clinical experience while waiting for full licensure. However, s. PT 2.01 (h) already addresses applicants returning to the practice of physical therapy after a 3 year absence by requiring an oral examination. Lastly, the Board revised requirements for reinstatement of a license found in s. PT 8.05 by adding conditions applicants need to follow if their license has been surrendered, revoked, or has unmet disciplinary requirements.

SECTION 1. repeals the term “candidate for reentry” from the Definitions section.

SECTION 2. amends PT 1.03 to align the administrative code with 2013 WI Act 114 by listing the licensure requirements rather than the application requirements.

SECTION 3. adds successful completion of required examinations to the list of licensure requirements.

SECTION 4. repeals licensure requirements in s. PT 1.04 that have been added to s. PT 1.03 in the proposed rule.

SECTION 5. amends PT 2.01 (5) to align the administrative code with 2013 WI Act 114.

SECTION 6. repeals the temporary reentry license.

SECTION 7. removes the application form language from s. PT 8.02. The Department is transitioning away from mailing paper renewal applications with advances in technology.

SECTION 8. amends the reinstatement language found in s. PT 8.05 by adding a provision on unmet discipline.

Summary of, and comparison with, existing or proposed federal regulation:

None.

Comparison with rules in adjacent states:

Illinois: Illinois allows restoration of license which has been expired or on inactive status for more than 5 years. Ill Admin. Code tit. 68 §1340.60 a). Licensees must do one of the following to restore their license: (1) submit certification of current licensure from

another state or territory, (2) submit an affidavit attesting to military service, (3) pass the National Physical Therapy Examination, or (4) submit evidence of recent attendance at an educational program in physical therapy.

Iowa: Iowa allows reactivation of a license that has been on inactive status for more than five years. Licensees must provide verification of a license from every jurisdiction in which the licensee was licensed or has practiced during the time period that the licensee's Iowa license was inactive. The licensee must also provide verification of completion of 80 hours of continuing education within 2 years of the application for reactivation. 645 Iowa Admin. Code 200.15.

Michigan: Michigan allows relicensure of a license that has lapsed for 3 years or more. Licensees must: (1) submit a completed application on a form provided by the department, (2) pass an examination of Michigan laws and rules related to the practice of physical therapy, and (3) either establish that licensee has been employed as a physical therapist in another jurisdiction or pass the National Physical Therapy Examination. Mich. Admin. Code R.338.7137 (2).

Minnesota: Minnesota does not renew, reissue, reinstate, or restore a license that has lapsed or has not been renewed within two annual license renewal cycles. A licensee whose license has been cancelled for nonrenewal must obtain a new license and fulfill all the current requirements for licensure at that time. Minn. Statutes 148.737.

Summary of factual data and analytical methodologies:

The methodologies used in developing this proposed rule include reviewing administrative rules and statutes of other states and comparing them to current Wisconsin Administrative Code.

Analysis and supporting documents used to determine effect on small business or in preparation of economic impact analysis:

The rule was posted for public comment on the economic impact of the proposed rule, including how this proposed rule may affect businesses, local government units, and individuals, for a period of 14 days and no comments were received.

Fiscal Estimate and Economic Impact Analysis:

The Fiscal Estimate and Economic Impact Analysis document is attached.

Effect on small business:

These proposed rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department's Regulatory Review Coordinator may be contacted by email at Eric.Esser@wisconsin.gov, or by calling (608) 267-2435.

Agency contact person:

Katie Vieira (Paff), Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, Room 151, P.O. Box 8935, Madison, Wisconsin 53708; telephone 608-261-4472; email at Kathleen.Vieira@wisconsin.gov.

Place where comments are to be submitted and deadline for submission:

Comments may be submitted to Katie Vieira (Paff), Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, Room 151, P.O. Box 8366, Madison, WI 53708-8935, or by email to Kathleen.Vieira@wisconsin.gov. Comments must be received on or before the public hearing to be held on May 28, 2015 to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. PT 1.02 (2) is repealed.

SECTION 2. PT 1.03 (title) and (1) (intro.) and (a) are amended to read:

PT 1.03 ~~Applications and credentials~~ Licensure requirements. (1) Every person applying for any class of license to provide physical therapy services shall ~~make application on forms provided by the board, and shall~~ submit to the board all of the following:

(a) A completed and verified application form provided by the board and the fees specified in s. 440.05 (1), Stats.

SECTION 3. PT 1.03 (1) (e) is created to read:

PT 1.03 (1) (e) Evidence of successful completion of the examinations specified in ch. PT 2.

SECTION 4. PT 1.04 is repealed.

SECTION 5. PT 2.01 (5) is amended to read:

PT 2.01 (5) The board shall notify each applicant ~~found eligible~~ for examination of the time and place scheduled for that applicant's examination. Failure of an applicant to appear for examination as scheduled will void the applicant's examination application and require the applicant to reapply for examination unless prior scheduling arrangements have been made with the board by the applicant.

SECTION 6. PT 3.02 is repealed.

SECTION 7. PT. 8.02 is amended to read:

PT 8.02 Renewal required; method of renewal. Each licensee shall renew his or her license biennially with the department. ~~On or before February 1 of each odd-numbered year the department shall mail to each licensee at his or her last known address as it appears in the records of the board an application form for renewal.~~ Each licensee shall complete a renewal application form and return it with the required fee to the department prior to the next succeeding March 1.

SECTION 8. PT 8.05 is repealed and recreated to read:

PT 8.05 Requirements for late renewal and reinstatement. A license shall expire if it is not renewed by March 1 of each odd-numbered year, except for temporary licenses granted pursuant to ch. PT 3. A licensee who allows their license to expire may apply to the board to renew or reinstate their license by completing one of the following:

(1) **RENEWAL BEFORE 5 YEARS.** If the licensee applies for renewal of the license less than 5 years after its expiration, the license shall be renewed upon payment of the renewal fee and completion of the continuing education requirements specified in ch. PT 9.

(2) **RENEWAL AFTER 5 YEARS OR MORE.** If the licensee applies for renewal of the license more than 5 years after its expiration, the board shall make inquiry as it finds necessary to determine whether the applicant is competent to practice under the license in this state, and shall impose any reasonable conditions on renewal of the license, including oral examination, as the board deems appropriate. All applicants under this paragraph shall be required to pass the open book examination on statutes and rules, which is the same examination given to initial applicants. This section does not apply to licensees who have unmet disciplinary requirements or whose licenses have been surrendered or revoked.

(3) **REINSTATEMENT.** A licensee who has unmet disciplinary requirements and failed to renew within 5 years of the renewal date or whose license has been surrendered or revoked, may apply to have the license reinstated in accordance with all of the following:

- (a) Evidence of the completion of the requirements under s. PT 8.05 (2).
- (b) Evidence of completion of disciplinary requirements, if applicable.
- (c) Evidence of rehabilitation or change in circumstances warranting reinstatement of the license.

SECTION 9. EFFECTIVE DATE. The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register, pursuant to s. 227.22 (2) (intro.), Stats.

(END OF TEXT OF RULE)

This Proposed Order of the Physical Therapy Examining Board is approved for submission to the Governor and Legislature.

Dated 08/14/2015

Agency Jac. H. Domnich, PT, MS
Chairperson
Physical Therapy Examining Board

1. Type of Estimate and Analysis

Original Updated Corrected

2. Administrative Rule Chapter, Title and Number

PT 1, 3, 8

3. Subject

Temporary Reentry Licensure

4. Fund Sources Affected

GPR FED PRO PRS SEG SEG-S

5. Chapter 20, Stats. Appropriations Affected

6. Fiscal Effect of Implementing the Rule

No Fiscal Effect Increase Existing Revenues Increase Costs
 Indeterminate Decrease Existing Revenues Could Absorb Within Agency's Budget
 Decrease Cost

7. The Rule Will Impact the Following (Check All That Apply)

State's Economy Specific Businesses/Sectors
 Local Government Units Public Utility Rate Payers
 Small Businesses (if checked, complete Attachment A)

8. Would Implementation and Compliance Costs Be Greater Than \$20 million?

Yes No

9. Policy Problem Addressed by the Rule

The Physical Therapy Examining Board (Board) reviewed its rules and determined that certain provisions needed clarifying. First, s. PT 1.04 was amended by removing language regarding the application deadline date. By requiring the completed application include all required documents including verified documentary evidence of graduation from a school of physical therapy by the application deadline date the Board is in fact requiring applicants to complete their postsecondary education as a condition of taking the exam. The deadline date was removed in keeping with 2013 Wisconsin Act 114 which required boards to refrain from requiring the completion of postsecondary education before an applicant is eligible to take a credentialing examination.

Secondly, the Board decided to repeal the temporary reentry license found in s. PT 3.02 and the term candidate for reentry in s. PT 1.02 (2). These provisions were originally designed to allow persons who had not practiced as a physical therapist for a period of 3 years or more an opportunity to gain clinical experience while waiting for full licensure. However, s. PT 2.01 (h) already addresses applicants returning to the practice of physical therapy after a 3 year absence by requiring an oral examination.

Lastly, the Board revised requirements for reinstatement of a license found in s. PT 8.05 by adding conditions applicants need to follow if their license has been surrendered, revoked, or has unmet disciplinary requirements.

10. Summary of the businesses, business sectors, associations representing business, local governmental units, and individuals that may be affected by the proposed rule that were contacted for comments.

This proposed rule was posted for a period of 14 days to solicit comments from the public. No businesses, business sectors, associations representing businesses, local governmental units, or individuals contacted the department about the proposed rule during that time period.

11. Identify the local governmental units that participated in the development of this EIA.

None. This rule does not affect local government units.

12. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred)

This rule will not have an economic or fiscal impact on businesses, business sectors, public utility rate payers, local government units, or the state's economy as a whole.

13. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule

The benefits of implementing the rule include bringing the current administrative code in line with statute as impacted by 2013 Wisconsin Act 114 and clarifying the processes for returning to the practice of physical therapy, late renewal, and reinstatement. The alternative to implementing the rule would be to leave the administrative code in conflict with statute and to leave these processes unclarified

14. Long Range Implications of Implementing the Rule

Clearer, more consistent examination and application processes.

15. Compare With Approaches Being Used by Federal Government

None

16. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

Illinois allows restoration of license which has been expired or on inactive status for more than 5 years. Ill Admin. Code tit. 68 §1340.60 a). Licensees must do one of the following to restore their license: (1) submit certification of current licensure from another state or territory, (2) submit an affidavit attesting to military service, (3) pass the National Physical Therapy Examination, or (4) submit evidence of recent attendance at an educational program in physical therapy.

Iowa allows reactivation of a license that has been on inactive status for more than five years. Licensees must provide verification of a license from every jurisdiction in which the licensee was licensed or has practiced during the time period that the licensee's Iowa license was inactive. The licensee must also provide verification of completion of 80 hours of continuing education within 2 years of the application for reactivation. 645 Iowa Admin. Code 200.15.

Michigan allows relicensure of a license that has lapsed for 3 years or more. Licensees must: (1) submit a completed application on a form provided by the department, (2) pass an examination of Michigan laws and rules related to the practice of physical therapy, and (3) either establish that licensee has been employed as a physical therapist in another jurisdiction or pass the National Physical Therapy Examination. Mich. Admin. Code R.338.7137 (2).

Minnesota does not renew, reissue, reinstate, or restore a license that has lapsed or has not been renewed within two annual license renewal cycles. A licensee whose license has been cancelled for nonrenewal must obtain a new license and fulfill all the current requirements for licensure at that time. Minn. Statutes 148.737.

17. Contact Name

Katie Paff

18. Contact Phone Number

(608) 261-4472

This document can be made available in alternate formats to individuals with disabilities upon request.

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Katie Vieira Administrative Rules Coordinator		2) Date When Request Submitted: 8/27/2015 Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting	
3) Name of Board, Committee, Council, Sections: Physical Therapy Examining Board			
4) Meeting Date: 9/10/2015	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Reporting of Disciplinary Actions	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes (Fill out Board Appearance Request) <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required: N/A	
10) Describe the issue and action that should be addressed: Discuss statutory authority and current reporting processes.			
11) Authorization			
Katie Vieira		8/27/2015	
Signature of person making this request		Date	
Supervisor (if required)		Date	
Executive Director signature (indicates approval to add post agenda deadline item to agenda)		Date	
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

CHAPTER 448

MEDICAL PRACTICES

	SUBCHAPTER I		
	GENERAL PROVISIONS		
448.01	Definitions.	448.63	Licensure of podiatrists.
		448.64	Examination.
		448.65	Issuance of license; expiration and renewal; duplicate license.
	SUBCHAPTER II	448.655	Malpractice liability insurance.
	MEDICAL EXAMINING BOARD	448.66	Malpractice.
448.015	Definitions.	448.665	Continuing education.
448.02	Authority.	448.67	Practice requirements.
448.03	License or certificate required to practice; use of titles; civil immunity; practice of Christian Science.	448.675	Disciplinary proceedings and actions.
448.035	Expedited partner therapy.	448.68	Hospital reports.
448.037	Prescriptions for and delivery of opioid antagonists.	448.685	Injunctive relief.
448.04	Classes of license; certificate of licensure.	448.69	Penalties; appeal.
448.05	Qualification for licensure or certification; examinations; application.	448.695	Rules.
448.06	License, certificate or limited permit granted, denied.	448.697	Informed consent.
448.063	Notification requirements for certain licenses.		SUBCHAPTER V
448.07	Registration.		DIETITIANS AFFILIATED CREDENTIALING BOARD
448.08	Fee splitting; separate billing required, partnerships and corporations; contract exceptions.	448.70	Definitions.
448.09	Penalties; appeal.	448.72	Applicability.
448.10	Previous practice.	448.74	Duties of affiliated credentialing board.
448.11	Injunction.	448.76	Use of titles.
448.115	Duty to report.	448.78	Certification of dietitians.
448.12	Malpractice.	448.80	Temporary certificate.
448.13	Biennial training requirement.	448.82	Reciprocal certificate.
448.14	Annual report.	448.84	Examinations.
448.20	Council on physician assistants; duties.	448.86	Issuance of certificate; expiration and renewal.
448.21	Physician assistants.	448.87	Disciplinary proceedings and actions.
448.22	Anesthesiologist assistants.	448.94	Penalties.
448.23	Council on anesthesiologist assistants.		SUBCHAPTER VI
448.30	Informed consent.		ATHLETIC TRAINERS AFFILIATED CREDENTIALING BOARD
448.40	Rules.	448.95	Definitions.
	SUBCHAPTER III	448.951	Use of title.
	PHYSICAL THERAPY EXAMINING BOARD	448.952	Applicability.
448.50	Definitions.	448.9525	Duties of affiliated credentialing board.
448.51	License required.	448.953	Licensure of athletic trainers.
448.52	Applicability.	448.954	Examination.
448.522	Manipulation services.	448.9545	Continuing education.
448.527	Code of ethics.	448.955	Issuance of license; expiration and renewal.
448.53	Licensure of physical therapists.	448.956	Practice requirements.
448.535	Licensure of physical therapist assistants.	448.957	Disciplinary proceedings and actions.
448.54	Examination.	448.958	Injunctive relief.
448.55	Issuance of license; expiration and renewal.	448.959	Penalties.
448.56	Practice requirements.		SUBCHAPTER VII
448.565	Complaints.		OCCUPATIONAL THERAPISTS AFFILIATED CREDENTIALING BOARD
448.567	Performance audits.	448.96	Definitions.
448.57	Disciplinary proceedings and actions.	448.961	License required.
448.58	Injunctive relief.	448.962	Applicability.
448.59	Penalties.	448.963	Licensure requirements; limited permits.
	SUBCHAPTER IV	448.964	Examination.
	PODIATRY AFFILIATED CREDENTIALING BOARD	448.965	Duties and powers of affiliated credentialing board.
448.60	Definitions.	448.966	Reciprocal licensure.
448.61	License required.	448.967	Issuance of license; expiration and renewal.
448.62	Applicability.	448.968	Disciplinary proceedings and actions.
		448.969	Injunctive relief.
		448.970	Penalties; appeal.

Cross-reference: See definitions in s. 440.01.

SUBCHAPTER I

GENERAL PROVISIONS

448.01 Definitions. In this chapter:

(2) “Disease” means any pain, injury, deformity or physical or mental illness or departure from complete health or the proper condition of the human body or any of its parts.

(5) “Physician” means an individual possessing the degree of doctor of medicine or doctor of osteopathy or an equivalent degree as determined by the medical examining board, and holding a license granted by the medical examining board.

(6) “Physician assistant” means an individual licensed by the medical examining board to provide medical care with physician supervision and direction.

(9) “Practice of medicine and surgery” means:

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

(b) To apply principles or techniques of medical sciences in the diagnosis or prevention of any of the conditions described in par. (a) and in sub. (2).

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

(d) To offer, undertake, attempt or do or hold oneself out in any manner as able to do any of the acts described in this subsection.

(9s) “Scene of an emergency” means an area not within the confines of a hospital or other institution which has hospital facilities or the office of a person licensed, certified or holding a limited permit under this chapter.

(10) “Treat the sick” means to examine into the fact, condition or cause of human health or disease, or to treat, operate, prescribe or advise for the same, or to undertake, offer, advertise, announce or hold out in any manner to do any of the aforementioned acts, for compensation, direct or indirect, or in the expectation thereof.

knowledge the doctor may have regarding the condition of the patient or of all possible methods of diagnosis. *McGesick v. Choucair* 9 F.3d 1229 (1993).

448.40 Rules. (1) The board may promulgate rules to carry out the purposes of this subchapter, including rules requiring the completion of continuing education, professional development, and maintenance of certification or performance improvement or continuing medical education programs for renewal of a license to practice medicine and surgery.

(2) The board shall promulgate all of the following rules:

(a) Implementing s. 448.30.

(b) Establishing the scope of the practice of perfusion. In promulgating rules under this paragraph, the board shall consult with the perfusionists examining council.

(c) Establishing continuing education requirements for renewal of a license to practice perfusion under s. 448.13 (2). In promulgating rules under this paragraph, the board shall consult with the perfusionists examining council.

(e) Establishing the criteria for the substitution of uncompensated hours of professional assistance volunteered to the department of health services for some or all of the hours of continuing education credits required under s. 448.13 (1) (a) 1. for physicians specializing in psychiatry. The eligible substitution hours shall involve professional evaluation of community programs for the certification and recertification of community mental health programs, as defined in s. 51.01 (3n), by the department of health services.

(f) Establishing requirements for prescription orders issued by physician assistants under s. 448.21 (3).

(g) Establishing procedures for issuing and using administrative warnings under s. 448.02 (8).

History: 1975 c. 383; 1981 c. 375; 1987 a. 399; 1993 a. 445; 1995 a. 27 s. 9126 (19); 1997 a. 67, 175, 311; 1999 a. 32, 180; 2001 a. 89; 2007 a. 20 s. 9121 (6) (a); 2009 a. 382.

Cross-reference: See also *Med*, Wis. adm. code.

SUBCHAPTER III

PHYSICAL THERAPY EXAMINING BOARD

Cross-reference: See also *PT*, Wis. adm. code.

448.50 Definitions. In this subchapter:

(1m) “Business entity” has the meaning given in s. 452.01 (3j).

(1r) “Diagnosis” means a judgment that is made after examining the neuromusculoskeletal system or evaluating or studying its symptoms and that utilizes the techniques and science of physical therapy for the purpose of establishing a plan of therapeutic intervention, but does not include a chiropractic or medical diagnosis.

(1v) “Examining board” means the physical therapy examining board.

(2) “Licensee” means a person who is licensed under this subchapter.

(3) “Physical therapist” means an individual who has been graduated from a school of physical therapy and holds a license to practice physical therapy granted by the examining board.

(3m) “Physical therapist assistant” means an individual who holds a license as a physical therapist assistant granted by the examining board.

(4) (a) “Physical therapy” means, except as provided in par. (b), any of the following:

1. Examining, evaluating, or testing individuals with mechanical, physiological, or developmental impairments, functional limitations related to physical movement and mobility, disabilities, or other movement-related health conditions, in order to determine a diagnosis, prognosis, or plan of therapeutic intervention or to assess the ongoing effects of intervention. In this subdivision, “testing” means using standardized methods or techniques for gathering data about a patient.

2. Alleviating impairments or functional limitations by instructing patients or designing, implementing, or modifying therapeutic interventions.

3. Reducing the risk of injury, impairment, functional limitation, or disability, including by promoting or maintaining fitness, health, or quality of life in all age populations.

4. Engaging in administration, consultation, or research that is related to any activity specified in subds. 1. to 3.

(b) “Physical therapy” does not include using roentgen rays or radium for any purpose, using electricity for surgical purposes, including cauterization, or prescribing drugs or devices.

(5) “Sexual misconduct with a patient” means any of the following:

(a) Engaging in or soliciting a consensual or nonconsensual sexual relationship with a patient.

(b) Making sexual advances toward, requesting sexual favors from, or engaging in other verbal conduct or physical contact of a sexual nature with a patient.

(c) Intentionally viewing a completely or partially disrobed patient during the course of treatment if the viewing is not related to diagnosis or treatment.

(6) “Therapeutic intervention” means the purposeful and skilled interaction between a physical therapist, patient, and, if appropriate, individuals involved in the patient’s care, using physical therapy procedures or techniques that are intended to produce changes in the patient’s condition and that are consistent with diagnosis and prognosis.

History: 1993 a. 107; 2001 a. 70; 2009 a. 149.

Physical therapists and massage therapists are not prohibited from performing the activities that are within their respective scopes of practice, even if those activities extend in some degree into the field of chiropractic science. *OAG 1-01*.

448.51 License required. (1) Except as provided in s. 448.52, no person may practice physical therapy unless the person is licensed as a physical therapist under this subchapter.

(1e) No person may designate himself or herself as a physical therapist or use or assume the title “physical therapist,” “physiotherapist,” “physical therapy technician,” “licensed physical therapist,” “registered physical therapist,” “master of physical therapy,” “master of science in physical therapy,” or “doctorate in physical therapy,” or append to the person’s name the letters “P.T.,” “P.T.T.,” “L.P.T.,” “R.P.T.,” “M.P.T.,” “M.S.P.T.,” or “D.P.T.,” or any other title, letters, or designation that represents or may tend to represent the person as a physical therapist, unless the person is licensed as a physical therapist under this subchapter.

(1s) No person may designate himself or herself as a physical therapist assistant, use or assume the title “physical therapist assistant,” or append to the person’s name the letters “P.T.A.” or any other title, letters, or designation that represents or may tend to represent the person as a physical therapist assistant unless the person is licensed as a physical therapist assistant under this subchapter.

(2) (a) In this subsection, “advertisement” includes advertisements that appear on outdoor signs, in print or electronic media, and in material mailed to a person other than a patient, client, or prospective patient or client who has requested the material.

(b) Except as provided in s. 448.52 (2m), no person may claim to render physical therapy or physiotherapy services unless the person is licensed as a physical therapist under this subchapter.

History: 1993 a. 107; 1995 a. 166; 2001 a. 70, 105.

Cross-reference: See also chs. *PT 1, 3*, and *4*, Wis. adm. code.

448.52 Applicability. (1m) A license is not required under this subchapter for any of the following, if the person does not claim to render physical therapy or physiotherapy services:

(a) Any person lawfully practicing within the scope of a license, permit, registration or certification granted by this state or the federal government.

(b) Any person assisting a physical therapist in practice under the direct, on-premises supervision of the physical therapist.

(c) A physical therapy student assisting a physical therapist in the practice of physical therapy or a physical therapist assistant student assisting a physical therapist in performing physical therapy procedures and related tasks, if the assistance is within the scope of the student's education or training.

(d) A physical therapist who is licensed to practice physical therapy in another state or country and is providing a consultation or demonstration with a physical therapist who is licensed under this subchapter.

(2m) A license is not required under this subchapter for any of the following:

(a) Except as provided in par. (b), a chiropractor licensed under ch. 446 claiming to render physical therapy, if the physical therapy is provided by a physical therapist employed by the chiropractor.

(b) A chiropractor licensed under ch. 446 claiming to render physical therapy modality services.

History: 1993 a. 107 ss. 51, 52, 59; 1995 a. 166; 2001 a. 70, 105.

Cross-reference: See also ch. PT 5, Wis. adm. code.

448.522 Manipulation services. A physical therapist may not claim that any manipulation service that he or she provides is in any manner a chiropractic adjustment that is employed to correct a spinal subluxation.

History: 2001 a. 70.

448.527 Code of ethics. The examining board shall promulgate rules establishing a code of ethics governing the professional conduct of physical therapists and physical therapist assistants.

History: 2001 a. 70; 2009 a. 149.

448.53 Licensure of physical therapists. (1) The examining board shall grant a license as a physical therapist to a person who does all of the following:

(a) Submits an application for the license to the department on a form provided by the department.

(b) Pays the fee specified in s. 440.05 (1).

(c) Subject to ss. 111.321, 111.322 and 111.335, submits evidence satisfactory to the examining board that the applicant does not have an arrest or conviction record.

(d) Submits evidence satisfactory to the examining board that the applicant is a graduate of a school of physical therapy approved by the examining board, unless the examining board waives this requirement under sub. (3).

(e) Passes an examination under s. 448.54.

(f) If the person was educated at a physical therapy school that is not in the United States, the person satisfies any additional requirements for demonstrating competence to practice physical therapy that the examining board may establish by rule.

(2) The examining board may promulgate rules providing for various classes of temporary licenses to practice physical therapy.

(3) The examining board may waive the requirement under sub. (1) (d) for an applicant who establishes, to the satisfaction of the examining board, all of the following:

(a) That he or she is a graduate of a physical therapy school.

(b) That he or she is licensed as a physical therapist by another licensing jurisdiction in the United States.

(c) That the jurisdiction in which he or she is licensed required the licensee to be a graduate of a school approved by the licensing jurisdiction or of a school that the licensing jurisdiction evaluated for education equivalency.

(d) That he or she has actively practiced physical therapy, under the license issued by the other licensing jurisdiction in the United States, for at least 3 years immediately preceding the date of his or her application.

History: 1993 a. 107; 2001 a. 70; 2009 a. 149.

Cross-reference: See also chs. PT 1, 3, and 4, Wis. adm. code.

448.535 Licensure of physical therapist assistants.

(1) The examining board shall grant a license as a physical therapist assistant to a person who does all of the following:

(a) Submits an application for the license to the department on a form provided by the department.

(b) Pays the fee specified in s. 440.05 (1).

(c) Subject to ss. 111.321, 111.322, and 111.335, submits evidence satisfactory to the examining board that the applicant does not have an arrest or conviction record.

(d) Submits evidence satisfactory to the examining board that the applicant is a graduate of a physical therapist assistant educational program accredited by an agency that is approved by the examining board.

(e) Passes an examination under s. 448.54.

(2) The examining board may waive a requirement under sub. (1) (d) or (e), or both, for an applicant who establishes to the satisfaction of the examining board that he or she is licensed as a physical therapist assistant by another licensing jurisdiction in the United States. The examining board shall promulgate rules for granting a waiver under this subsection. The rules may require an applicant to satisfy additional requirements as a condition for granting a waiver.

History: 2001 a. 70; 2009 a. 149.

448.54 Examination. (1) The examining board shall conduct or arrange for examinations for physical therapist and physical therapist assistant licensure at least semiannually and at times and places determined by the examining board.

(2) (a) Except as provided in sub. (3), examinations for physical therapist licensure shall consist of written or oral tests, or both, requiring applicants to demonstrate minimum competency in subjects substantially related to the practice of physical therapy.

(b) Examinations for physical therapist assistant licensure shall consist of written or oral tests, or both, requiring applicants to demonstrate minimum competency in the technical application of physical therapy services.

(3) Notwithstanding s. 448.53 (1) (f), the examining board may not require an applicant for physical therapist licensure to take an oral examination or an examination to test proficiency in the English language for the sole reason that the applicant was educated at a physical therapy school that is not in the United States if the applicant establishes, to the satisfaction of the examining board, that he or she satisfies the requirements under s. 448.53 (3).

History: 1993 a. 107; 2001 a. 70; 2009 a. 149.

Cross-reference: See also ch. PT 2, Wis. adm. code.

448.55 Issuance of license; expiration and renewal.

(1) The department shall issue a certificate of licensure to each person who is licensed under this subchapter.

(2) The renewal dates for licenses granted under this subchapter, other than temporary licenses granted under rules promulgated under s. 448.53 (2), are specified under s. 440.08 (2) (a). Renewal applications shall be submitted to the department on a form provided by the department and shall include the renewal fee determined by the department under s. 440.03 (9) (a) and proof of compliance with the requirements established in any rules promulgated under sub. (3).

(3) The examining board shall promulgate rules that require an applicant for renewal of a license to demonstrate continued competence as a physical therapist or physical therapist assistant.

History: 1993 a. 107; 2001 a. 70; 2007 a. 20; 2009 a. 149.

Cross-reference: See also chs. PT 8 and 9, Wis. adm. code.

448.56 Practice requirements. (1) WRITTEN REFERRAL.

Except as provided in this subsection and s. 448.52, a person may practice physical therapy only upon the written referral of a physician, physician assistant, chiropractor, dentist, podiatrist, or advanced practice nurse prescriber certified under s. 441.16 (2). Written referral is not required if a physical therapist provides services in schools to children with disabilities, as defined in s. 115.76 (5), pursuant to rules promulgated by the department of public instruction; provides services as part of a home health care agency; provides services to a patient in a nursing home pursuant

to the patient's plan of care; provides services related to athletic activities, conditioning, or injury prevention; or provides services to an individual for a previously diagnosed medical condition after informing the individual's physician, physician assistant, chiropractor, dentist, podiatrist, or advanced practice nurse prescriber certified under s. 441.16 (2) who made the diagnosis. The examining board may promulgate rules establishing additional services that are excepted from the written referral requirements of this subsection.

(1m) DUTY TO REFER. (a) A physical therapist shall refer a patient to an appropriate health care practitioner if the physical therapist has reasonable cause to believe that symptoms or conditions are present that require services beyond the scope of the practice of physical therapy.

(b) The examining board shall promulgate rules establishing the requirements that a physical therapist must satisfy if a physician, physician assistant, chiropractor, dentist, podiatrist, or advanced practice nurse prescriber makes a written referral under sub. (1). The purpose of the rules shall be to ensure continuity of care between the physical therapist and the health care practitioner.

(2) FEE SPLITTING. No licensee may give or receive, directly or indirectly, to or from any other person any fee, commission, rebate or other form of compensation or anything of value for sending, referring or otherwise inducing a person to communicate with a licensee in a professional capacity, or for any professional services not actually rendered personally by the licensee or at the licensee's direction.

(3) BILLING BY PROFESSIONAL PARTNERSHIPS AND CORPORATIONS. If 2 or more physical therapists have entered into a bona fide partnership or have formed a service corporation for the practice of physical therapy, the partnership or corporation may not render a single bill for physical therapy services provided in the name of the partnership or corporation unless each physical therapist who provided services that are identified on the bill is identified on the bill as having rendered those services.

(4) RESPONSIBILITY. A physical therapist is responsible for managing all aspects of the physical therapy care of each patient under his or her care.

(5) PATIENT RECORDS. A physical therapist shall create and maintain a patient record for every patient the physical therapist examines or treats.

(6) PHYSICAL THERAPIST ASSISTANTS. A physical therapist assistant may assist a physical therapist in the practice of physical therapy if the physical therapist provides direct or general supervision of the physical therapist assistant. The examining board shall promulgate rules defining "direct or general supervision" for purposes of this subsection. Nothing in this subsection interferes with delegation authority under any other provision of this chapter.

History: 1993 a. 107 ss. 54, 59; 1995 a. 27 s. 9145 (1); 1997 a. 27, 164; 2001 a. 70; 2003 a. 154; 2005 a. 187; 2009 a. 149; 2011 a. 161.

Cross-reference: See also ch. PT 6, Wis. adm. code.

448.565 Complaints. The examining board shall promulgate rules establishing procedures and requirements for filing complaints against licensees and shall publicize the procedures and requirements.

History: 2001 a. 70; 2009 a. 149.

448.567 Performance audits. The examining board shall promulgate rules that require the examining board on a periodic basis to conduct performance self-audits of its activities under this subchapter.

History: 2001 a. 70; 2009 a. 149.

448.57 Disciplinary proceedings and actions. (1) Subject to the rules promulgated under s. 440.03 (1), the examining board may make investigations and conduct hearings to determine whether a violation of this subchapter or any rule promulgated under this subchapter has occurred.

(2) Subject to the rules promulgated under s. 440.03 (1), the examining board may reprimand a licensee or may deny, limit, suspend or revoke a license granted under this subchapter if it finds that the applicant or licensee has done any of the following:

(a) Made a material misstatement in an application for a license or for renewal of a license.

(am) Interfered with an investigation or disciplinary proceeding by using threats, harassment, or intentional misrepresentation of facts.

(b) Subject to ss. 111.321, 111.322, and 111.335, been convicted of an offense the circumstances of which substantially relate to the practice of physical therapy or assisting in the practice of physical therapy.

(bm) Been adjudicated mentally incompetent by a court.

(c) Advertised in a manner that is false, deceptive or misleading.

(d) Advertised, practiced or attempted to practice under another's name.

(e) Subject to ss. 111.321, 111.322, and 111.34, practiced or assisted in the practice of physical therapy while the applicant's or licensee's ability to practice or assist was impaired by alcohol or other drugs.

(f) Engaged in unprofessional or unethical conduct in violation of the code of ethics established in the rules promulgated under s. 448.527.

(fm) Engaged in sexual misconduct with a patient.

(g) Engaged in conduct while practicing or assisting in the practice of physical therapy which evidences a lack of knowledge or ability to apply professional principles or skills.

(h) Violated this subchapter or any rule promulgated under this subchapter.

(3) (a) A licensee may voluntarily surrender his or her license to the examining board, which may refuse to accept the surrender if the examining board has received allegations of unprofessional conduct against the licensee. The examining board may negotiate stipulations in consideration for accepting the surrender of licenses.

(b) The examining board may restore a license that has been voluntarily surrendered under par. (a) on such terms and conditions as it considers appropriate.

(4) The examining board shall prepare and disseminate to the public an annual report that describes final disciplinary action taken against licensees during the preceding year.

(5) The examining board may report final disciplinary action taken against a licensee to any national database that includes information about disciplinary action taken against health care professionals.

History: 1993 a. 107; 2001 a. 70; 2009 a. 149.

Cross-reference: See also ch. PT 7, Wis. adm. code.

448.58 Injunctive relief. If the examining board has reason to believe that any person is violating this subchapter or any rule promulgated under this subchapter, the examining board, the department, the attorney general or the district attorney of the proper county may investigate and may, in addition to any other remedies, bring an action in the name and on behalf of this state to enjoin the person from the violation.

History: 1993 a. 107; 2009 a. 149.

448.59 Penalties. Any person who violates this subchapter or any rule promulgated under this subchapter may be fined not more than \$10,000 or imprisoned for not more than 9 months or both.

History: 1993 a. 107.

**State of Wisconsin
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Al Rohmeyer, Administrator, Division of Legal Services and Compliance		2) Date When Request Submitted: 6/18/2015 Items will be considered late if submitted after 4:30 p.m. and less than: <ul style="list-style-type: none"> ▪ 10 work days before the meeting for Medical Board ▪ 14 work days before the meeting for all others 	
3) Name of Board, Committee, Council, Sections: Physical Therapy Examining Board			
4) Meeting Date: 9/10/2015	5) Attachments: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	6) How should the item be titled on the agenda page? Introduction and Q & A – Al Rohmeyer, Administrator, Division of Legal Services and Compliance (DLSC)	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both		8) Is an appearance before the Board being scheduled? If yes, who is appearing? Yes, Al Rohmeyer	9) Name of Case Advisor(s), if required:
10) Describe the issue and action that should be addressed: Al Rohmeyer, Administrator of DLSC, will introduce himself to the Board and respond to questions.			
11) Authorization			
Signature of person making this request			Date
Supervisor (if required)			Date
Bureau Director signature (indicates approval to add post agenda deadline item to agenda)			Date