



**VIRTUAL/TELECONFERENCE
OCCUPATIONAL THERAPISTS AFFILIATED CREDENTIALING BOARD**

Virtual, 4822 Madison Yards Way, Madison

Contact: Tom Ryan (608) 266-2112

March 12, 2024

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

9:30 A.M.

OPEN SESSION – CALL TO ORDER – ROLL CALL

A. Adoption of Agenda (1-4)

B. Approval of Minutes of December 5, 2023 (5-7)

C. Reminders: Conflicts of Interest, Scheduling Concerns

D. Introductions, Announcements and Recognition

E. Administrative Matters – Discussion and Consideration

- 1) Department, Staff and Board Updates
- 2) 2024 Meeting Dates **(8)**
- 3) Annual Policy Review **(9-11)**
- 4) Election of Officers, Appointment of Liaisons (Including but not limited to Alternate Compact Liaison), and Delegation of Authorities **(12-28)**
- 5) Board Members – Term Expiration Dates
 - a. Black, Teresa L. – 7/1/2027
 - b. Donovan, Amber M. – 7/1/2027
 - c. Erickson, Terry – 7/1/2027
 - d. Hanson, Randi J. – 7/1/2027
 - e. Inda, Kari C. – 7/1/2026
 - f. Kearns, Christine – 7/1/2027
- 6) Wis. Stat. s. 15.085(3)(b) – Biannual Meeting with the Medical Examining Board

F. Legislative and Policy Matters – Discussion and Consideration

- 1) AB 959/SB 910 **(29-49)**
- 2) AB 90/SB 141 **(50-57)**

G. Administrative Rule Matters – Discussion and Consideration (58)

- 1) Permanent Rule Draft: OT 1 to 5, Relating to Implementation of the Occupational Therapy Licensure Compact (**59-63**)
- 2) Pending or Possible Rulemaking Projects (**64**)

H. Occupational Therapy (OT) Licensing Compact Report by Teresa Black – Discussion and Consideration

I. Speaking Engagements, Travel, or Public Relation Requests, and Reports

- 1) Consider Attendance: American Occupational Therapy Association (AOTA) Annual Conference and Expo in Orlando, Florida on March 21-23, 2024

J. Discussion and Consideration of Items Added After Preparation of Agenda:

- 1) Introductions, Announcements and Recognition
- 2) Administrative Matters
- 3) Election of Officers
- 4) Appointment of Liaisons and Alternates
- 5) Delegation of Authorities
- 6) Education and Examination Matters
- 7) Credentialing Matters
- 8) Practice Matters
- 9) Legislative and Policy Matters
- 10) Public Health Emergencies
- 11) Administrative Rule Matters
- 12) Liaison Reports
- 13) Board Liaison Training and Appointment of Mentors
- 14) Informational Items
- 15) Division of Legal Services and Compliance (DLSC) Matters
- 16) Presentations of Petitions for Summary Suspension
- 17) Petitions for Designation of Hearing Examiner
- 18) Presentation of Stipulations, Final Decisions and Orders
- 19) Presentation of Proposed Final Decisions and Orders
- 20) Presentation of Interim Orders
- 21) Petitions for Re-Hearing
- 22) Petitions for Assessments
- 23) Petitions to Vacate Orders
- 24) Requests for Disciplinary Proceeding Presentations
- 25) Motions
- 26) Petitions
- 27) Appearances from Requests Received or Renewed
- 28) Speaking Engagements, Travel, or Public Relation Requests, and Reports

K. Public Comments

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

L. Deliberation on Division of Legal Services and Compliance (DLSC) Matters

M. Deliberation of Items Added After Preparation of the Agenda

- 1) Education and Examination Matters
- 2) Credentialing Matters
- 3) DLSC Matters
- 4) Monitoring Matters
- 5) Professional Assistance Procedure (PAP) Matters
- 6) Petitions for Summary Suspensions
- 7) Petitions for Designation of Hearing Examiner
- 8) Proposed Stipulations, Final Decisions and Order
- 9) Proposed Interim Orders
- 10) Administrative Warnings
- 11) Review of Administrative Warnings
- 12) Proposed Final Decisions and Orders
- 13) Matters Relating to Costs/Orders Fixing Costs
- 14) Case Closings
- 15) Board Liaison Training
- 16) Petitions for Assessments and Evaluations
- 17) Petitions to Vacate Orders
- 18) Remedial Education Cases
- 19) Motions
- 20) Petitions for Re-Hearing
- 21) Appearances from Requests Received or Renewed

N. Consulting with Legal Counsel

RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

O. Vote on Items Considered or Deliberated Upon in Closed Session if Voting is Appropriate

P. Open Session Items Noticed Above Not Completed in the Initial Open Session

Q. Delegation of Ratification of Examination Results and Ratification of Licenses and Certificates

ADJOURNMENT

NEXT MEETING: JUNE 11, 2024

ORAL INTERVIEW OF CANDIDATES FOR LICENSURE

VIRTUAL/TELECONFERENCE

10:30 A.M. OR IMMEDIATELY FOLLOWING FULL BOARD MEETING

CLOSED SESSION – Reviewing Applications and Conducting Oral Interviews of **Zero (0)** (at the time of agenda publication) Candidates for Licensure and Any Additional Examinations Added After Agenda Preparation – Teresa Black

MEETINGS AND HEARINGS ARE OPEN TO THE PUBLIC, AND MAY BE CANCELLED WITHOUT NOTICE.

Times listed for meeting items are approximate and depend on the length of discussion and voting. All meetings are held virtually unless otherwise indicated. In-person meetings are typically conducted at 4822 Madison Yards Way, Madison, Wisconsin, unless an alternative location is listed on the meeting notice. In order to confirm a meeting or to request a complete copy of the board's agenda, please visit the Department website at <https://dps.wi.gov>. The board may also consider materials or items filed after the transmission of this notice. Times listed for the commencement of disciplinary hearings may be changed by the examiner for the convenience of the parties. Requests for interpreters for the hard of hearing, or other accommodations, are considered upon request by contacting Affirmative Action Officer, or reach the Meeting Staff by calling 608-267-7213.

**VIRTUAL/TELECONFERENCE
OCCUPATIONAL THERAPISTS AFFILIATED CREDENTIALING BOARD
MEETING MINUTES
December 5, 2023**

PRESENT: Teresa Black (*arrived at 9:35 a.m.*), Amber Donovan, Terrence Erickson, Randi Hanson, Kari Inda, Christine Kearns (*arrived at 9:45 a.m.*)

STAFF: Tom Ryan, Executive Director; Jameson Whitney, Legal Counsel; Nilajah Hardin, Administrative Rules Coordinator; Cari Starr, Board Administration Specialist; and other Department staff

CALL TO ORDER

Tom Ryan, Executive Director, called the meeting to order at 9:31 a.m. A quorum was confirmed with four (4) board members present.

ADOPTION OF AGENDA

Amendments to the Agenda

- E.3.c. Erickson, Terrence – 7/1/2027

MOTION: Randi Hanson moved, seconded by Kari Inda, to adopt the Agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES OF JUNE 6, 2023

MOTION: Randi Hanson moved, seconded by Kari Inda, to approve the Minutes of June 6, 2023 as published. Motion carried unanimously.

(Teri Black arrived at 9:35 a.m.)

(Christine Kearns arrived at 9:45 a.m.)

INTRODUCTIONS, ANNOUNCEMENTS, AND RECOGNITION

MOTION: Randi Hanson moved, seconded by Terrence Erickson, to recognize and thank Laura O'Brien for her years of dedicated service to the Board and State of Wisconsin. Motion carried unanimously.

ADMINISTRATIVE MATTERS

Election of Officers

Chairperson

NOMINATION: Randi Hanson nominated Teresa Black for the Office of Chairperson. Teresa Black accepted the nomination.

Tom Ryan, Executive Director, called for nominations three (3) times.

Teresa Black was elected as Chairperson by unanimous voice vote.

Vice Chairperson

NOMINATION: Teresa Black nominated Randi Hanson for the Office of Vice Chairperson. Randi Hanson accepted the nomination.

Tom Ryan, Executive Director, called for nominations three (3) times.

Randi Hanson was elected as Vice Chairperson by unanimous voice vote.

ELECTION RESULTS	
Chairperson	Teresa Black
Vice Chairperson	Randi Hanson
Secretary	Terrence Erickson

Appointment of Liaisons and Alternates

LIAISON APPOINTMENTS	
Credentialing Liaison(s)	Amber Donovan & Christine Kearns <i>Alternates:</i> Randi Hanson & Teresa Black
Education and Examinations Liaison(s)	Teresa Black & Kari Inda <i>Alternate:</i> Randi Hanson
Monitoring Liaison(s)	Randi Hanson <i>Alternate:</i> vacant
Professional Assistance Procedure Liaison(s)	Randi Hanson <i>Alternate:</i> vacant
Legislative Liaison(s)	Teresa Black <i>Alternate:</i> Terrence Erickson
Travel Authorization Liaison(s)	Teresa Black <i>Alternate:</i> Kari Inda
Website Liaison(s)	Randi Hanson <i>Alternate:</i> Terrence Erickson
Compact Liaison	Teresa Black <i>Alternate:</i> Amber Donovan
Screening Panel	Christine Kearns & Kari Inda <i>Alternates:</i> Randi Hanson & Teresa Black

CLOSED SESSION

MOTION: Randi Hanson moved, seconded by Terrence Erickson, 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 § 448.02(8), Stats.); to consider individual histories or disciplinary data (§ 19.85(1)(f), Stats.); and to confer with legal counsel (§ 19.85(1)(g), Stats.). Teresa Black, Chairperson read the language of the motion aloud for the record. The vote of each member was ascertained by voice vote. Roll Call Vote: Teresa Black -yes; Amber Donovan -yes; Terrence Erickson -yes; Randi Hanson -yes; Kari Inda -yes; Christine Kearns -yes. Motion carried unanimously.

The Board convened into Closed Session at 10:39 a.m.

DELIBERATION ON DIVISION OF LEGAL SERVICES AND COMPLIANCE (DLSC) MATTERS

Administrative Warning

23 OTB 002 – I.K.J., O.T.

MOTION: Randi Hanson moved, seconded by Terrence Erickson, to close DLSC Case Number 23 OTB 002, against I.K.J., O.T., for prosecutorial discretion (P1). Motion carried unanimously.

RECONVENE TO OPEN SESSION

MOTION: Randi Hanson moved, seconded by Kari Inda, to reconvene in Open Session. Motion carried unanimously.

The Board reconvened to Open Session at 11:14 a.m.

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

MOTION: Terrence Erickson moved, seconded by Randi Hanson, to affirm all motions made and votes taken in Closed Session. Motion carried unanimously.

DELEGATION OF RATIFICATION OF LICENSES AND CERTIFICATES

MOTION: Terrence Erickson moved, seconded by Randi Hanson, to delegate ratification of examination results to DSPS staff and to ratify all licenses and certificates as issued. Motion carried unanimously.

ADJOURNMENT

MOTION: Terrence Erickson moved, seconded by Randi Hanson, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 11:18 a.m.

OCCUPATIONAL THERAPISTS AFFILIATED CREDENTIALING BOARD
2024 Meeting dates

Meeting Date		<i>Start time</i>	Agenda item deadline
Tuesday, March 12, 2024	Virtual	<i>9:30 AM</i>	2/29/2024
Tuesday, June 11, 2024	Virtual	<i>9:30 AM</i>	5/30/2024
Tuesday, September 17, 2024	Virtual	<i>9:30 AM</i>	9/5/2024
Tuesday, December 17, 2024	Virtual	<i>9:30 AM</i>	12/5/2024

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

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Brenda Taylor, Board Services Supervisor		2) Date when request submitted: 12/14/2023	
3) Name of Board, Committee, Council, Sections: All Boards			
4) Meeting Date: First Meeting of 2024	5) Attachments: <input checked="" type="checkbox"/> Yes	6) How should the item be titled on the agenda page? Annual Policy Review	
7) Place Item in: <input checked="" type="checkbox"/> Open Session	8) Is an appearance before the Board being scheduled? <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if applicable: N/A	
10) Describe the issue and action that should be addressed: Board SharePoint Site: https://dsps.boards.wisconsin.gov/			
<p>Please be advised of the following Policy Items:</p> <ol style="list-style-type: none"> 1. In-Person Meeting Policy: Depending on the frequency of Board meetings, a Board may be allowed a certain number of in-person meetings. <ul style="list-style-type: none"> • 4-5 Meetings per year = 1 in-person opportunity • 6-8 Meetings per year = 2 in-person opportunities • 12 Meetings per year = 4 in-person opportunities 2. Attendance/Quorum: Thank you for your service and commitment to meeting attendance. If you cannot attend a meeting or have scheduling conflicts impacting your attendance, please let us know as soon as possible. Timely notification is appreciated as a quorum is required for Boards, Sections, and Councils to meet pursuant to Open Meetings Law. 3. Walking Quorum: Board/Section/Council members must not collectively discuss the body's business outside a properly noticed meeting. Should several members of a body do so, the members could be violating the open meetings law. 4. Mandatory Training: All Board Members must complete Public Records and Ethics Training, annually. Register to set up an account in the Cornerstone LearnCenter online portal or Log in to an existing account. 5. Agenda Deadlines: Please communicate agenda topics to your Executive Director before the agenda submission deadline at 12:00 pm, 8 business days prior to a meeting. (Attachment: Timeline of a Meeting) 6. Per Diem and Reimbursement Claims: Please submit all Per Diem and Reimbursement claims to DSPTS within 30 days of the close of each month in which expenses are incurred. (Attachment: Per Diem Example) 7. Lodging Accommodations/Hotel Cancellation Policy: Lodging accommodations are available to eligible members. Standard eligibility: the member must leave home before 6:00 am to attend a meeting by the scheduled start time. <ol style="list-style-type: none"> a. If a member cannot attend a meeting it is their responsibility to cancel their reservation within the applicable cancellation timeframe. b. If a meeting is changed to occur remotely, is canceled, or rescheduled, DSPTS staff will cancel or modify reservations as appropriate. 8. Inclement Weather Policy: In the event of inclement weather, the DSPTS may change a meeting from an in-person venue to hosted as virtual/teleconference only. 			
11)		Authorization	
<i>Brenda Taylor</i>		<i>12/14/2023</i>	
<p>Directions for including supporting documents:</p> <ol style="list-style-type: none"> 1. This form should be saved with any other documents submitted to the Agenda Items folders. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director 			

Timeline of a Meeting

8 business days prior to the meeting: All agenda materials are due to the Department by 12:00 pm, 8 business days prior to the meeting date.

7 business days prior to the meeting: The draft agenda page is due to the Executive Director. The Executive Director transmits to the Chair for review and approval.

5 business days prior to the meeting: The approved agenda is returned to the Board Administration Specialist for agenda packet production and compilation.

4 business days prior to the meeting: Agenda packets are posted on the DSPS Board SharePoint site and on the Department website.

Agenda Item Examples:

- Approval of the Agenda and previous meeting Minutes
- Open Session Items
 - Public Hearings (relating to Administrative Rules)
 - Administrative Matters
 - Legislation and Policy Matters
 - Administrative Rules Matters
 - Credentialing Matters
 - Education and Exam Issues
 - Public Agenda Requests
 - Current Issues Affecting the Profession
 - Public Comments
- Closed Session items
 - Deliberations on Proposed Disciplinary Actions
 - Stipulations
 - Administrative Warnings
 - Case Closings
 - Monitoring Matters
 - Professional Assistance Procedure (PAP) Issues
 - Proposed Final Decisions and Orders
 - Orders Fixing Costs/Matters Relating to Costs
 - Credentialing Matters
 - Education and Exam Issues

Thursday of the Week Prior to the Meeting: Agendas are published for public notice on the Public Notices and Meeting Minutes website: publicmeetings.wi.gov.

1 business day after the Meeting: "Action" lists are distributed by staff detailing board actions on closed session business.

5 business days after the Meeting: "To Do" lists are distributed to staff to ensure that board decisions are acted on and/or implemented within the appropriate divisions in the Department. Minutes approved by the board are published on the the Public Notices and Meeting Minutes website: publicmeetings.wi.gov.

Department of Safety and Professional Services

PER DIEM REPORT

INSTRUCTIONS: Claimant records board-related activities by entering the date of an activity, the duration of time spent in that activity, the relevant purpose code (see purpose code descriptions below), where the activity is conducted, and the type of activity performed. Only one (1) \$25.00 per diem payment can be issued on any given calendar day.

Purpose Codes:

- A. Official meetings including video/teleconference calls** (automatic day of per diem): i.e., board, committee, board training or screening panels; **Hearings**, i.e., Senate Confirmation, legislative, disciplinary or informal settlement conferences; **Examinations and Test Development Sessions**, i.e., test administration, test review or analysis events, national testing events, tour of test facilities, etc.)
- B. Other** (One (1) per diem will be issued for every five (5) hours spent in category B, per calendar month): i.e., review of disciplinary cases, consultation on cases, review of meeting materials, board liaison work e.g., contacts regarding Monitoring, Professional Assistance Procedure, Credentialing, Education and Examinations

NAME OF EXAMINING BOARD OR COUNCIL EXAMPLE EXAMINING BOARD			BOARD OR COUNCIL MEMBER'S NAME MARY SUNSHINE	
Activity Date MM/DD/YY	Duration of Activity Hours/Minutes	Purpose Code A or B	Where Performed City/Location (Home, Work, DSPS)	Activity Describe Activity Performed (see purpose codes)
12/2/20	2 hrs	B	Pleasant Prairie/Home	Review of screening panel materials
12/3/20	2 hr / 30 mins	B	Pleasant Prairie/Home	Review of screening panel materials
12/10/20	1 hr	A	Pleasant Prairie/Home	Screening Panel Meeting - Teleconference
12/12/20	1 hr / 30 mins	B	Pleasant Prairie/Home	Case consultation
12/13/20	1 hr	B	Pleasant Prairie/Home	Liaison: Application Review
12/16/20	6 hrs	A	Madison/DSPS	Board Member Training
				<p>The 5-hour rule applies to "B" code activities. Add the 'B' codes within the calendar month and then divide by five (5) hours to calculate your per diem payment. In this case the total is seven (7) hours which equals one (1) day of per diem.</p> <p>Each 'A' code is an automatic day of per diem regardless of time spent in that activity. Ms. Sunshine is eligible for two (2) additional days of payment.</p> <p>Department staff completes the fields titled "Total Days Claimed".</p>
CLAIMANT'S CERTIFICATION			Comments:	
The undersigned certifies, in accordance with § 16.53, Wis. Stats., that this account for per diem, is just and correct; and that this claim is for service necessarily incurred in the performance of duties required by the State, as authorized by law.				
<i>Mary Sunshine</i>		<i>1/4/2021</i>		
Claimant's Signature		Date	Supervisor	Date

EMPL ID: 100012345-0

To be completed by Department staff: TOTAL DAYS CLAIMED: 3 @ \$25.00 = 75.00

**OCCUPATIONAL THERAPISTS AFFILIATED
CREDENTIALING BOARD**

Elections as of 12/31/2023

Election of Officers

ELECTION RESULTS	
Chairperson	
Vice Chairperson	Teresa Black
Secretary	Terrence Erickson

Appointment of Liaisons and Alternates

LIAISON APPOINTMENTS	
Credentialing Liaison(s)	Christine Kearns, Amber Donovan <i>Alternate:</i> Randi Hanson, Teresa Black
Education and Examinations Liaison(s)	Teresa Black, Kari Inda <i>Alternate:</i> Randi Hanson
Monitoring Liaison(s)	Randi Hanson <i>Alternate:</i>
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Travel Authorization Liaison(s)	Teresa Black <i>Alternate:</i> Terrence Erickson
Website Liaison(s)	Randi Hanson <i>Alternate:</i> Terrence Erickson
Compact Liaison(s)	Teresa Black <i>Alternate:</i> Amber Donovan
Screening Panel	Kari Inda, Christine Kearns <i>Alternate:</i> Teresa Black, Randi Hanson



State of Wisconsin
DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES
CORRESPONDENCE / MEMORANDUM

DATE: January 9, 2024

TO: Board, Council, and Committee Members

FROM: Legal Counsel

SUBJECT: Liaison Definitions and Delegations Explanations

Overall Purpose of Liaison Appointments

Each Board/Section (Board) has inherent authority that is established in our Wisconsin Statutes. This authority may change from Board to Board. For further information on your Board's authority review Wis. Stat. ch. 15. Generally, each Board has authority to grant credentials, discipline credential holders, and set standards for education and examinations. Additionally, Liaisons assist with the operations of the Boards purpose by weighing in on legislative matters, traveling to national conferences, or communicating with stakeholders.

The Department asks that each year the Boards make liaison appointments to assist the Board and Department to accomplish these tasks in an efficient manner. Your practical knowledge and experience, as an appointed member of a professional board, are essential in making determinations regularly. The Liaison positions below assist the Department to complete operations between Board meetings. In most cases, Liaisons can make decisions for the full Board in their designated area. These are determined through the delegation process. However, a Liaison may also decide to send the delegated issue to the full Board for consideration as appropriate. Delegations assist the Board in defining the roles and authorities of each Liaison.

Liaison Definitions

Credentialing Liaison: The Credentialing Liaison is empowered by the Board to review and make determinations regarding certain applications for credentials. The Credentialing Liaison may be called on by Department staff to answer questions that pertain to qualifications for licensure, which may include whether a particular degree is suitable for the application requirements, whether an applicant's specific work experience satisfies the requirements in statute or rule for licensure, or whether an applicant's criminal or disciplinary history is substantially related to the practice of the profession in such a way that granting the applicant a credential would create a risk of harm to the public. Questions will likely be sent by Department

staff to the Credentialing Liaison via email and may include application materials. The Credentialing Liaison serves a very important role in the credentialing process.

Monitoring Liaison: The Monitoring Liaison is empowered by the Board to make decisions on any credential that is limited either through a disciplinary order or initial licensure. The Department Monitors will send requests from credential holders to the Monitoring Liaison. These requests vary wildly. A common request could be to remove a limitation that has been placed on a credential or to petition for full licensure. The Monitoring Liaison can review these requests and make decisions on behalf of the Board. The Board has the authority to grant decision making latitude to their liaison to any degree. The specific monitoring delegations are found in the Monitoring Document attached to the agenda. If the Monitoring Liaison has a question on a request, it is advisable for the Liaison to consult further with Department staff or bring the matter to the full Board for consideration.

Professional Assistance Procedure (PAP) Liaison: PAP is a voluntary program open to credential holders with substance abuse issues who wish to seek help by being held accountable through treatment and monitoring by the Department and Board. As part of PAP, the credential holder enters into an agreement with the Department to undergo testing, counseling, or other rehabilitation. The PAP Liaison's role includes responding to credential holders' requests for modifications and terminations of provisions of the agreement. Similar to the Monitoring Liaison, the Department Monitors will send requests from credential holders to the PAP Liaison for further review.

Education and Examination Liaison: Some Boards are required by statute or rule to approve qualifying education and examinations. The Education and Examination Liaison provides guidance to Department staff to exercise authority of the Board to approve or decline examinations and educational programs. This determination requires a level of professional expertise and should be performed by a professional member of the Board. For some Boards, the Education and Examination Liaison will also be tasked with approving continuing education programs and courses.

Legislative Liaison: The Legislative Liaison is permitted to act and speak on the Board's behalf regarding pending and enacted legislation or actions being considered by the legislature outside of Board meetings. The Legislative Liaison is not the Board's designated lobbyist and should exercise their delegated authority carefully.

Travel Authorization Liaison: The Travel Authorization Liaison is authorized to approve a Board member to travel to events and speak or act on the Board's behalf between Board meetings. The Travel Authorization Liaison is called upon to make decisions when sufficient notice was not received, and the full Board could not determine a representative to travel. The Travel Authorization Liaison is tasked with making determinations if the Board appointed representative is not able to attend or if the Board becomes authorized to send additional members. As scholarship and funding streams can be unpredictable.

Communication Liaison: The Communication Liaison responds on behalf of the Board when questions arise that require a response from the Board. The Communication Liaison works with

the Department to cultivate an appropriate response. The Communication Liaison can be responsible for all types of communication on behalf of the Board. However, the Board can appoint a separate **Website Liaison** to work with DSPS staff to make changes and ensure the Board webpage contains updated and accurate information. Additionally, for the Boards that are required by statute to produce a newsletter or digest. The Board can appoint a separate **Newsletter/Digest Liaison** to assemble and approve content for those communications.

Screening Panel Members: The duties of the Screening panel are to review incoming complaints against credential holders and determine which complaints should be opened for investigation and which complaints should be closed without further action. The complexity and amount of work in this role depends substantially on your particular Board. As a member of the Screening panel you are asked to apply your professional expertise to determine if a complaint alleges unprofessional conduct.

Delegations Explanations

Credentialing Delegations

The overall purpose of credentialing delegations is to allow the credentialing process to proceed as efficiently and effectively as possible.

Delegation of Authority to Credentialing Liaison (Generic)

MOTION EXAMPLE: to delegate authority to the Credentialing Liaison(s) to serve as a liaison between the Department and the Board and to act on behalf of the Board in regard to credentialing applications or questions presented to them, including the signing of documents related to applications.

PURPOSE: To permit one representative of the Board to assist Department staff with credentialing applications and eliminate the need for the entire Board to convene to consider credential application content or questions. Additionally, it is most efficient to have the designated liaison who has assisted with the credentialing process to be able to effectuate decisions which require a signature.

Delegation of Authority to DSPS When Credentialing Criteria is Met

MOTION EXAMPLE: to delegate credentialing authority to the Department to act upon applications that meet all credentialing statutory and regulatory requirements without Board or Board liaison review.

PURPOSE: To permit Department staff to efficiently issue credentials and eliminate the need for Board/Section/Liaison review when all credentialing legal requirements are met in an application.

Delegation of Authority for Predetermination Reviews

MOTION EXAMPLE: to delegate authority to the Department Attorneys to make decisions regarding predetermination applications pursuant to Wis. Stat. § 111.335(4)(f).

PURPOSE: In general, the Wisconsin Fair Employment Act (codified in Wis. Stat. Ch. 111) prohibits licensing agencies from discriminating against applicants because of their arrest and/or conviction record. However, there are exceptions which permit denial of a license in certain circumstances. Individuals who do not possess a license have a legal right to apply for a determination of whether they are disqualified from obtaining a license due to their conviction record. This process is called “Predetermination”. Predeterminations must be completed within 30 days. This delegation allows Department Attorneys to conduct predetermination reviews and efficiently make these legal determinations without need for Board/Section/Liaison review.

Delegation of Authority for Conviction Reviews

MOTION EXAMPLE: to delegate authority to the Department Attorneys to review and approve applications with convictions which are not substantially related to the practice.

PURPOSE: As used here, “substantially related” is a legal standard that is used in the Wisconsin Fair Employment Act. The concept of what is “substantially related” is informed by case law. This delegation permits Department Attorneys to independently conduct conviction reviews and efficiently approve applications if convictions are not substantially related to the practice of the profession. Applications that contain conviction records that may be substantially related to the practice of a profession will still be submitted to the Credentialing Liaison for input.

Delegation to DSPS When Applicant’s History Has Been Previously Reviewed

MOTION EXAMPLE: to delegate authority to Department staff to approve applications where Applicant’s prior discipline has been approved for a previous credential and there is no new discipline.

PURPOSE: Some Boards offer progressive levels of credentials. This delegation eliminates the need for a re-review of discipline that has already been considered and approved by the Board/Section/Liaison for a lower-level credential.

Delegation to DSPS When Applicant’s Conviction History Has Been Previously Reviewed

MOTION EXAMPLE: to delegate authority to Department staff to approve applications where criminal background checks have been approved for a previous credential and there is no new conviction record.

PURPOSE: Some Boards offer progressive levels of credentials. This delegation eliminates the need for a re-review of conviction history that has already been reviewed and approved for a lower-level credential.

Delegation of Authority for Reciprocity Reviews

MOTION EXAMPLE: to delegate authority to the Department Attorneys to review and approve reciprocity applications in which the out of state license requirements meet Wisconsin license requirements. (specific legal standards are referenced in the motion depending on credential/profession type).

PURPOSE: Applications via reciprocity or endorsement require comparison of Wisconsin licensing requirements to the licensing requirements of another jurisdiction. These reviews consider the legal standard for reciprocity, which varies by profession, as well as the specified legal requirements to obtain licensure in the profession. This delegation permits Department Attorneys to independently conduct reciprocity reviews and efficiently approve applications if legal standards and requirements are met for licensure. Applications for which reciprocity may not be available will still be submitted to the Credentialing Liaison for input.

Delegation of Authority for Military Reciprocity Reviews

MOTION EXAMPLE: to delegate authority to the Department Attorneys to review and approve military reciprocity applications in which the individual meets the requirements of Wis. Stat. § 440.09.

PURPOSE: The law permits service members, former service members, and their spouses to be licensed if they hold licensure in other jurisdictions that qualify them to perform acts authorized by the credential they are seeking in Wisconsin. This is a shortened path to licensure that does not require meeting the specific requirements/standards for licensure/reciprocity in a profession. By law, the Department/Board must expedite the issuance of a reciprocal license via military reciprocity. This delegation permits Department Attorneys to independently conduct military reciprocity reviews and efficiently approve applications if legal standards and requirements are met for licensure. Applications for which reciprocity may not be available will still be submitted to the Credentialing Liaison for input.

Delegation of Authority for Application Denial Reviews

MOTION EXAMPLE: to delegate authority to the Department's Attorney Supervisors to serve as the Board designee for purposes of reviewing and acting on requests for hearing as a result of a denial of a credential.

PURPOSE: When an application is denied, the applicant has a legal right to appeal the denial determination. Applicants must meet a specified legal standard in order to have an appeal granted. Additionally, Wisconsin law sets specific time frames for appeal decisions. This delegation permits Department Attorney Supervisors to independently review and efficiently act on requests for hearing as a result of a denial of a credential.

Delegation to Department Attorneys to Approve Duplicate Legal Issue

MOTION EXAMPLE: to delegate authority to Department Attorneys to approve a legal matter in connection with a renewal application when that same/similar matter was already addressed

by the Board and there are no new legal issues for that credential holder. Motion carried unanimously.

PURPOSE: The intent of this delegation is to be able to approve prior discipline by the Board for the renewal applicant. This delegation eliminates the need for a re-review of discipline that has already been considered and approved by the Board/Section/Liaison.

Monitoring Delegations

The overall purpose of monitoring delegations is to be able to enforce the Boards orders and limited licenses as efficiently and effectively as possible. Monitoring delegations have two categories: delegations to the monitoring liaison and delegations to the Department Monitor.

Delegation of Authority to Department Monitor

MOTION EXAMPLE: to delegate authority to the Department Monitor

- a. to grant full reinstatement of licensure if education is the only limitation and credential holder has submitted the required proof of course completion.
- b. to suspend the credential if the credential holder has not completed Board ordered education, paid costs, paid forfeitures, within the time specified by the Board Order.
- c. to lift a suspension when compliance with education and costs provisions have been met.

PURPOSE: These delegations allow for the Department Monitor to automatically act on requests when certain criteria are met or not met without needing to burden the Board Monitoring Liaison. The Board can set their own criteria for what actions they would like to be handled by the Department, the Monitoring Liaison and the full Board.

Delegation of Authority to Monitoring Liaison

MOTION EXAMPLE: to delegate authority to the Monitoring Liaison to approve or deny all requests received by the credential holder.

PURPOSE: These delegations allow the Board to set criteria for what decisions can be made by the Board member(s) serving as the Monitoring Liaison and what matters should be decided by the full Board. The Board has the authority to set specific criteria or to permit the liaison to make all determinations at their discretion.

Education and Exam Delegations

MOTION EXAMPLE: to delegate authority to the Education and Examination Liaison(s) to address all issues related to continuing education and examinations. Motion carried unanimously. (Differs by Board)

PURPOSE: Some Boards are responsible for approving qualifying educational programs or continuing education courses. A delegation is executed in order for a Board member to make

these determinations on behalf of the Boards and with assistance of the Department. Additionally, some Boards review examinations and individual scores to qualify for a credential.

Miscellaneous Delegations

Document Signature

MOTION EXAMPLE: to delegate authority to the Chairperson (or in absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) to sign documents on behalf of the Board in order to carry out its duties. Motion carried unanimously.

MOTION EXAMPLE: in order to carry out duties of the Board, the Chairperson (or in absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) has the ability to delegate signature authority for purposes of facilitating the completion of assignments during or between meetings. The members of the Board hereby delegate to the Executive Director, Board Counsel or DPD Division Administrator, the authority to sign on behalf of a Board member as necessary. Motion carried unanimously.

PURPOSE: In order to take the action approved at Board meetings, the Department may need to draft correspondence and/or Orders after the meetings have adjourned. These actions then need to be signed by a Board Member. This interaction usually takes place over email and a Board member can authorize the use of his/her signature that is kept on file.

Urgent Matters

MOTION EXAMPLE: in order to facilitate the completion of urgent matters between meetings, the Board delegates its authority to the Chairperson (or, in the absence of the Chairperson, the highest-ranking officer or longest serving Board member in that succession), to appoint liaisons to the Department to act in urgent matters. Motion carried unanimously.

PURPOSE: Allows for quick responses to urgent matters that may need Board approval or for which the Department requires guidance from the Board.

Delegation to Chief Legal Counsel

Due to Loss of Quorum

MOTION EXAMPLE: to delegate the review and authority to act on disciplinary cases to the Department's Chief Legal Counsel due to lack of/loss of quorum after two consecutive meetings. Motion carried unanimously.

PURPOSE: Sometimes Boards can struggle to meet quorum necessary to conduct business. This happens for a multitude of reasons but this delegation allows for the Boards to have disciplinary cases decided by Chief Legal Counsel if the Board fails to meet quorum for two consecutive meetings.

Stipulated Resolutions

MOTION EXAMPLE: to delegate to the Department's Chief Legal Counsel (CLC) the authority to act on behalf of the Board concerning stipulated resolutions providing for a surrender, suspension, or revocation of a credential, where the underlying merits involve serious and dangerous behavior, and where the signed stipulation is received between Board meetings. The Board further requests that CLC only act on such matters when the best interests of the Board, Department and the Public are best served by acting upon the stipulated resolution at the time the signed stipulation is received versus waiting for the next Board meeting. Motion carried unanimously.

PURPOSE: For matters of public safety, it may be necessary to take immediate action on a stipulated agreement rather than allowing a credential holder to continue practicing unencumbered until the next scheduled meeting. This delegation allows CLC to act on behalf of the Board when there is a stipulated agreement. A stipulated agreement is an agreement to which all relevant parties have consented to the terms.

Voluntary Surrenders

MOTION: to delegate authority to the assigned case advisor to accept or refuse a request for voluntary surrender pursuant to Wis. Stat. § 440.19 for a credential holder who has a pending complaint or disciplinary matter.

MOTION: to delegate authority to the Department to accept the voluntary surrender of a credential when there is no pending complaint or disciplinary matter with the Department pursuant to Wis. Stat. § 440.19.

PURPOSE: Credential holders can ask the Boards to surrender their credentials at any time. These delegations are in place for the different situations that arise from those requests. If a credential holder is seeking to surrender their credential because they wish to leave the profession that can be processed with this delegation by the Department if they have no pending disciplinary complaints. If the credential holder wishes to surrender while they have a pending disciplinary complaint that request is reviewed by the individual Board member assigned to the case.

DLSC Pre-screening

MOTION EXAMPLE: to delegate pre-screening decision making authority to the DSPS screening attorney for opening cases where the credential holder has failed to respond to allegations contained in the complaint when requested by intake (Case will be opened on failure to respond and the merits of the complaint).

PURPOSE: Pre-Screening delegations exist so the Board can define specific parameters where the Department can review disciplinary complaints and open those cases if they meet certain criteria. Boards also have the authority to set certain criteria that would allow the Department to review and close a case if the criteria is met.

Roles and Authorities Delegated for Monitoring

The Monitoring Liaison (“Liaison”) is a Board/Section designee who works with department monitors (“Monitor”) to enforce Board/Section orders as explained below.

Authorities Delegated to the Monitoring Liaison

The Liaison may take the following actions on behalf of the Board/Section:

1. Grant a temporary reduction in random drug screen frequency upon Respondent’s request if he/she is unemployed and is otherwise compliant with Board/Section order. The temporary reduction will be in effect until Respondent secures employment in the profession. The Department Monitor (“Monitor”) will draft an order and sign on behalf of the Liaison.
2. Grant a stay of suspension if Respondent is eligible per the Board/Section order. The Monitor will draft an order and sign on behalf of the Liaison.
3. Remove the stay of suspension if there are repeated violations or a substantial violation of the Board/Section order. In conjunction with removal of any stay of suspension, the Liaison may prohibit Respondent from seeking reinstatement of the stay for a specified period of time. The Monitor will draft an order and sign on behalf of the Liaison.
4. Grant or deny approval when Respondent proposes continuing/disciplinary/remedial education courses, treatment providers, mentors, supervisors, change of employment, etc. unless the order specifically requires full-Board/Section approval.
5. Grant full reinstatement of licensure if Respondent has fully complied with all terms of the order without deviation. The Monitor will draft an order and obtain written authorization from the Liaison to sign on their behalf.
6. Grant or deny a request to appear before the Board/Section in closed session.
7. The Liaison may determine whether Respondent’s petition is eligible for consideration by the full Board/Section.
8. Accept Respondent’s written request to surrender credential. If accepted by the Liaison, Monitor will consult with Board Counsel to determine if a stipulation is necessary. If a stipulation is not necessary, Monitor will draft an order and sign on behalf of the Liaison. If denied by the Liaison, the request to surrender credential will go to the full Board for review. (Except PHM, MED)

9. Grant Respondent's petition for a reduction in drug screens per the standard schedule, below. If approved, Monitor will draft an order and sign on behalf of the Liaison. Orders that do not start at 49 screens will still follow the same standard schedule.
 - a. Initial: 49 screens (including 1 hair test, if required by original order)
 - b. 1st Reduction: 36 screens (plus 1 hair test, if required by original order)
 - c. 2nd Reduction: 28 screens plus 1 hair test
 - d. 3rd Reduction: 14 screens plus 1 hair test
10. (*Dentistry only*) Ability to approve or deny all requests from a respondent.
11. The Liaison may approve or deny Respondent's request to be excused from drug and alcohol testing for work, travel, etc. (Applies only to these Boards: Dietitians, Massage/Bodywork Therapy Board, DEN, PAB, CHI, MED, RAD)
12. **The Liaison may have full authority to approve or deny a request from a Respondent that otherwise would require the approval of the full Board if the request cannot be heard and voted on due to lack of/loss of quorum.**
13. **The Liaison may have full authority to terminate any treatment ONLY upon written request from Respondent and written recommendation from Respondents treater.**

Authorities Delegated to the Department Monitor

The Monitor may take the following actions on behalf of the Board/Section, draft an order and sign:

1. Grant full reinstatement of licensure if education is the sole condition of the limitation and Respondent has submitted the required proof of completion for approved courses.
2. Suspend the license if Respondent has not completed Board/Section-ordered education and/or paid costs and forfeitures within the time specified by the Board/Section order. The Monitor may remove the suspension and issue an order when proof of completion and/or payment have been received.
3. Suspend the license (or remove stay of suspension) if Respondent fails to enroll and participate in an Approved Program for drug and alcohol testing within 30 days of the order, or if Respondent ceases participation in the Approved Program without Board approval. This delegated authority only pertains to respondents who must comply with drug and/or alcohol testing requirements.
4. Grant or deny approval when Respondent proposes treatment providers [, mentors, supervisors, etc.] unless the Order specifically requires full-Board/Section or Board designee approval. (Except for MED)
5. Grant a maximum of one 90-day extension, if warranted and requested in writing by Respondent, to complete Board/Section-ordered continuing/disciplinary/remedial education.
6. Grant a maximum of one 90-day extension or payment plan for proceeding costs and/or forfeitures if warranted and requested in writing by Respondent.
7. Grant a maximum of one 90-day extension, if warranted and requested in writing by Respondent, to complete a Board/Section-ordered evaluation or exam.

Authorities Delegated to Board Legal Counsel

Board Legal Counsel may take the following actions on behalf of the Board/Section:

1. Sign Monitoring orders that result from Board/Section meetings on behalf of the Board/Section Chair.
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Updated 03/13/2023

2022 Roles & Authorities

OCCUPATIONAL THERAPISTS AFFILIATED CREDENTIALING BOARD

2023 Delegations

Document Signature Delegations

MOTION: Randi Hanson moved, seconded by Teresa Black, to delegate authority to the Chairperson (or in absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) to sign documents on behalf of the Board in order to carry out its duties. Motion carried unanimously.

MOTION: Randi Hanson moved, seconded by Kari Inda, in order to carry out duties of the Board, the Chairperson (or in absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) has the ability to delegate signature authority for purposes of facilitating the completion of assignments during or between meetings. The members of the Board hereby delegate to the Executive Director or DPD Division Administrator, the authority to sign on behalf of a board member as necessary. Motion carried unanimously.

Delegated Authority for Urgent Matters

MOTION: Randi Hanson moved, seconded by Teresa Black, that in order to facilitate the completion of urgent matters between meetings, the Board delegates its authority to the Chairperson (or, in the absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession), to appoint liaisons to the Department to act in urgent matters. Motion carried unanimously.

Delegation to Chief Legal Counsel Due to Loss of Quorum

MOTION: Laura O'Brien moved, seconded by Teresa Black, to delegate the review and authority to act on disciplinary cases to the Department's Chief Legal Counsel due to lack of/loss of quorum after two consecutive meetings. Motion carried unanimously.

Delegation to Chief Legal Counsel for Stipulated Resolutions

MOTION: Teresa Black moved, seconded by Randi Hanson, to delegate to DSPPS Chief Legal Counsel the authority to act on behalf of the Board concerning stipulated resolutions providing for a surrender, suspension, or revocation of a credential, where the underlying merits involve serious and dangerous behavior, and where the signed stipulation is received between Board meetings. The Board further requests that CLC only act on such matters

when the best interests of the Board, Department and the Public are best served by acting upon the stipulated resolution at the time the signed stipulation is received versus waiting for the next Board meeting. Motion carried unanimously.

Monitoring Delegations

Delegation of Authorities for Monitoring

MOTION: Randi Hanson moved, seconded by Laura O'Brien, to adopt the "Roles and Authorities Delegated for Monitoring" document as presented in the March 14, 2023 agenda materials on pages 12-14. Motion carried unanimously.

Delegation of Authorities for Legal Counsel to Sign Monitoring Orders

MOTION: Teresa Black moved, seconded by Laura O'Brien, to delegate to Legal Counsel the authority to sign Monitoring orders that result from Board meetings on behalf of the Board Chairperson. Motion carried unanimously.

Credentialing Authority Delegations

OPTION 1: Delegation of Authority to Credentialing Liaison (Generic)

MOTION: Laura O'Brien moved, seconded by Randi Hanson, to delegate authority to the Credentialing Liaison(s) to serve as a liaison between the Department and the Board and to act on behalf of the Board in regard to credentialing applications or questions presented to them, including the signing of documents related to applications. Motion carried unanimously.

Delegation of Authority to DSPS When Credentialing Criteria is Met

MOTION: Laura O'Brien moved, seconded by Kari Inda, to delegate credentialing authority to the Department to act upon applications that meet all credentialing statutory and regulatory requirements without Board or Board liaison review. Motion carried unanimously.

Delegation of Authority for Predetermination Reviews

MOTION: Laura O'Brien moved, seconded by Randi Hanson, to delegate authority to the Department Attorneys to make decisions regarding predetermination applications pursuant to Wis. Stat. § 111.335(4)(f). Motion carried unanimously.

Delegation of Authority for Conviction Reviews

MOTION: Laura O'Brien moved, seconded by Randi Hanson, to delegate authority to the Department Attorneys to review and approve applications with convictions which are not substantially related to the practice of occupational therapy. Motion carried unanimously.

Delegation to DSPS When Applicant's Discipline History Has Been Previously Reviewed

MOTION: Laura O'Brien moved, seconded by Randi Hanson, to delegate authority to Department staff to approve applications where Applicant's prior discipline has been approved for a previous occupational therapy credential and there is no new discipline. Motion carried unanimously.

Delegation to DSPS When Applicant's Conviction History Has Been Previously Reviewed

MOTION: Laura O'Brien moved, seconded by Teresa Black, to delegate authority to Department staff to approve applications where criminal background checks have been approved for a previous occupational therapy credential and there is no new conviction record. Motion carried unanimously.

Delegation of Authority for Reciprocity Reviews

MOTION: Teresa Black moved, seconded by Laura O'Brien, delegate authority to the Department Attorneys to review and approve reciprocity applications in which the out of state license requirements are substantially equivalent to the Board's requirements. Motion carried unanimously.

Delegation of Authority for Military Reciprocity Reviews

MOTION: Laura O'Brien moved, seconded by Randi Hanson, to delegate authority to the Department Attorneys to review and approve military reciprocity applications in which the individual meets the requirements of Wis. Stat. § 440.09. Motion carried unanimously.

Delegated Authority for Application Denial Reviews

MOTION: Laura O'Brien moved, seconded by Kari Inda, to delegate authority to the Department's Attorney Supervisors to serve as the Board's designee for purposes of reviewing and acting on requests for hearing as a result of a denial of a credential. Motion carried unanimously.

Pre-Screening Delegation to Open Cases

MOTION: Laura O'Brien moved, seconded by Teresa Black, to delegate pre-screening decision making authority to the Department screening attorney for opening cases as outlined below:

1. OWIs of 3 or more that occurred in the last 5 years.

2. Reciprocal discipline cases.
3. Impairment and/or diversion at work that includes a positive drug/alcohol test or admission by respondent.
4. Conviction of a misdemeanor or felony that the attorney believes is substantially related and is not otherwise excluded from consideration via Wis. Stat. ch. 111.
5. No response from the respondent after intake requested a response (case would be opened for the failure to respond issue as well as the merits).

Motion carried unanimously.

Pre-Screening Delegation to Close Cases

MOTION: Randi Hanson moved, seconded by Laura O’Brien, to delegate pre-screening decision making authority to the Department screening attorney for closing cases as outlined below:

1. One OWI that is non-work related and if AODA assessment completed, assessment does not indicate dependency.
2. Complaints that even if allegations are true, do not amount to a violation of law or rules.

Motion carried unanimously.

Voluntary Surrenders

MOTION: Teresa Black moved, seconded by Randi Hanson, to delegate authority to the assigned case advisor to accept or refuse a request for voluntary surrender pursuant to Wis. Stat. § 440.19 for a credential holder who has a pending complaint or disciplinary matter. Motion carried unanimously.

MOTION: Laura O’Brien moved, seconded by Kari Inda, to delegate authority to the Department to accept the voluntary surrender of a credential when there is no pending complaint or disciplinary matter with the Department pursuant to Wis. Stat. § 440.19. Motion carried unanimously.

Education and Examination Liaison(s) Delegation

MOTION: Randi Hanson moved, seconded by Laura O’Brien, to delegate authority to the Education and Examination Liaison(s) to address all issues related to education, continuing education, and examinations. Motion carried unanimously.

Authorization for DSPS to Provide Board Member Contact Information to National Regulatory Related Bodies

MOTION: Teresa Black moved, seconded by Laura O’Brien, to authorize the Department staff to provide national regulatory related bodies with all

board member contact information that the Department retains on file.
Motion carried unanimously.

Optional Renewal Notice Insert Delegation

MOTION: Laura O'Brien moved, seconded by Teresa Black, to designate the Chairperson (or, in the absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) to provide a brief statement or link relating to board-related business within the license renewal notice at the Board's or Board designee's request. Motion carried unanimously.

Legislative Liaison Delegation

MOTION: Laura O'Brien moved, seconded by Randi Hanson, to delegate authority to the Legislative Liaisons to speak on behalf of the Board regarding legislative matters. Motion carried unanimously.

Travel Authorization Liaison Delegation

MOTION: Kari Inda moved, seconded by Laura O'Brien, to delegate authority to the Travel Authorization Liaison to approve any board member travel to and/or participation in events germane to the board, and to designate representatives from the Board to speak and/or act on the Board's behalf at such events. Motion carried unanimously.

Website Liaison(s) Delegation

MOTION: Randi Hanson moved, seconded by Laura O'Brien, to authorize to the Website Liaison(s) to act on behalf of the Board in working with Department staff to identify and execute website updates. Motion carried unanimously.

Compact Liaison(s) Delegation

MOTION: Laura O'Brien moved, seconded by Randi Hanson, to delegate to the Compact Liaison the authority to act and answer questions on any matters related to the Occupational Therapy Licensure Compact. Motion carried unanimously.



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-3890/1
MED:wlj

2023 ASSEMBLY BILL 959

January 16, 2024 - Introduced by Representatives MAGNAFICI, GUNDRUM, DONOVAN, GUSTAFSON, RODRIGUEZ and SCHMIDT, cosponsored by Senator TESTIN. Referred to Committee on Regulatory Licensing Reform.

1 **AN ACT** *to repeal* 448.96 (1); *to renumber* 448.96 (intro.), 448.96 (2) and (3),
2 448.96 (5), subchapter XII (title) of chapter 448 [precedes 448.987], 448.987 and
3 448.9875 (title) and (1) (intro.); *to renumber and amend* 15.406 (5), 180.1901
4 (1m) (bu), 446.01 (1v) (h), subchapter VII (title) of chapter 448 [precedes
5 448.96], 448.96 (1n), 448.96 (1o), 448.96 (4), 448.96 (6), 448.961, 448.962,
6 448.963, 448.964, 448.965, 448.966, 448.967, 448.968, 448.969, 448.9695,
7 448.9875 (1) (a) and (b), 448.9875 (1) (c), 448.9875 (2) and (3) and 448.9875 (4);
8 **to amend** 14.89, 15.08 (1m) (b), 15.085 (1m) (b), 49.45 (8) (a) 3., 49.45 (9r) (a)
9 7. c., 50.01 (2), 50.39 (3), 50.50 (7m), 146.40 (1) (d), 146.81 (1) (es), 146.997 (1)
10 (d) 4., 154.07 (1) (a) (intro.), 155.01 (7), 165.77 (1) (a), 252.14 (1) (ar) 4p., 256.215
11 (2) (b), 302.384 (1m), 440.03 (9) (a) (intro.), 440.03 (9) (a) 2., 440.03 (11m) (c) 2r.,
12 440.03 (13) (b) (intro.), 440.03 (13) (c), 440.094 (1) (c) 9., 440.094 (2) (a) (intro.),
13 440.15, 448.956 (1m), 450.10 (3) (a) 5., 451.02 (1) and 632.895 (12m) (b) 7.; and

ASSEMBLY BILL 959

1 **to create** chapter 465 (title) and 465.01 (2) of the statutes; **relating to:** the
2 Occupational Therapy Examining Board.

Analysis by the Legislative Reference Bureau

Under current law, occupational therapists and occupational therapy assistants are licensed by the Occupational Therapists Affiliated Credentialing Board. An affiliated credentialing board is defined as a body that is attached to an examining board to regulate a profession that does not practice independently of, or that practices in collaboration with, the profession regulated by the examining board.

The Occupational Therapists Affiliated Credentialing Board is attached to the Medical Examining Board and, with the advice of the Medical Examining Board, sets standards of professional competence and conduct for occupational therapists and occupational therapy assistants, assesses qualifications and grants credentials, and takes disciplinary actions.

This bill changes the Occupational Therapists Affiliated Credentialing Board to the Occupational Therapy Examining Board. Except that the board will no longer be attached to or advised by the Medical Examining Board, the Occupational Therapy Examining Board's duties and responsibilities remain the same under the bill.

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:

3 **SECTION 1.** 14.89 of the statutes is amended to read:

4 **14.89 Occupational therapy licensure compact.** There is created an
5 occupational therapy compact commission as specified in s. ~~448.987~~ 465.50. The
6 delegate of the commission representing this state shall be an individual described
7 in s. ~~448.987~~ 465.50 (8) (b) 2. The commission has the powers and duties granted and
8 imposed under s. ~~448.987~~ 465.50.

9 **SECTION 2.** 15.08 (1m) (b) of the statutes is amended to read:

10 15.08 **(1m)** (b) The public members of the chiropractic examining board, the
11 dentistry examining board, the hearing and speech examining board, the medical

ASSEMBLY BILL 959

1 examining board, the naturopathic medicine examining board, the physical therapy
2 examining board, the occupational therapy examining board, the perfusionists
3 examining council, the respiratory care practitioners examining council, the board
4 of nursing, the nursing home administrator examining board, the veterinary
5 examining board, the optometry examining board, the pharmacy examining board,
6 the marriage and family therapy, professional counseling, and social work
7 examining board, the psychology examining board, and the radiography examining
8 board shall not be engaged in any profession or occupation concerned with the
9 delivery of physical or mental health care.

10 **SECTION 3.** 15.085 (1m) (b) of the statutes is amended to read:

11 15.085 **(1m)** (b) The public members of the podiatry affiliated credentialing
12 board, ~~the occupational therapists affiliated credentialing board~~, the physician
13 assistant affiliated credentialing board, and the genetic counselors affiliated
14 credentialing board shall not be engaged in any profession or occupation concerned
15 with the delivery of physical or mental health care.

16 **SECTION 4.** 15.406 (5) of the statutes is renumbered 15.405 (7t), and 15.405 (7t)
17 (intro.), (a) and (b), as renumbered, are amended to read:

18 15.405 **(7t)** ~~OCCUPATIONAL THERAPISTS AFFILIATED CREDENTIALING~~ THERAPY
19 EXAMINING BOARD. (intro.) There is created in the department of safety and
20 professional services, ~~attached to the medical examining board~~, an occupational
21 ~~therapists affiliated credentialing~~ therapy examining board consisting of the
22 following members appointed for 4-year terms:

23 (a) Three occupational therapists who are licensed under subch. VII of ch. 448
24 I of ch. 465.

ASSEMBLY BILL 959**SECTION 4**

1 (b) Two occupational therapy assistants who are licensed under subch. VII of
2 ~~ch. 448 I~~ of ch. 465.

3 **SECTION 5.** 49.45 (8) (a) 3. of the statutes is amended to read:

4 49.45 **(8)** (a) 3. “Occupational therapist” has the meaning given in s. ~~448.96 (4)~~
5 465.01 (7).

6 **SECTION 6.** 49.45 (9r) (a) 7. c. of the statutes is amended to read:

7 49.45 **(9r)** (a) 7. c. An occupational therapist who is licensed under subch. VII
8 I of ch. 448 ~~465~~ or who holds a compact privilege under subch. XII II of ch. 448 ~~465~~.

9 **SECTION 7.** 50.01 (2) of the statutes is amended to read:

10 50.01 **(2)** “Nurse aide” means a person who performs routine patient care
11 duties delegated by a registered nurse or licensed practical nurse who supervises the
12 person, for the direct health care of a patient or resident. “Nurse aide” does not mean
13 a feeding assistant, as defined in s. 146.40 (1) (aw); a person who is licensed,
14 permitted, certified, or registered under ch. 441, 448, 449, 450, 451, 455, 459, ~~or 460,~~
15 or 465; or a person whose duties primarily involve skills that are different than those
16 taught in instructional programs for nurse aides.

17 **SECTION 8.** 50.39 (3) of the statutes is amended to read:

18 50.39 **(3)** Facilities governed by ss. 45.50, 48.62, 49.70, 49.72, 50.02, 51.09, and
19 252.10, juvenile correctional facilities as defined in s. 938.02 (10p), correctional
20 institutions governed by the department of corrections under s. 301.02, and the
21 offices and clinics of persons licensed to treat the sick under chs. 446, 447, and 448,
22 and 465 are exempt from ss. 50.32 to 50.39. Sections 50.32 to 50.39 do not abridge
23 the rights of the medical examining board, physician assistant affiliated
24 credentialing board, physical therapy examining board, occupational therapy
25 examining board, podiatry affiliated credentialing board, dentistry examining

ASSEMBLY BILL 959

1 board, pharmacy examining board, chiropractic examining board, and board of
2 nursing in carrying out their statutory duties and responsibilities.

3 **SECTION 9.** 50.50 (7m) of the statutes is amended to read:

4 50.50 (7m) “Occupational therapy” has the meaning given in s. 448.96 (5)
5 465.01 (8).

6 **SECTION 10.** 146.40 (1) (d) of the statutes is amended to read:

7 146.40 (1) (d) “Nurse aide” means an individual who performs routine patient
8 care duties delegated by a registered nurse or licensed practical nurse who
9 supervises the individual, for the direct health care of a patient or resident. “Nurse
10 aide” does not mean a feeding assistant, an individual who is licensed, permitted,
11 certified, or registered under ch. 441, 448, 449, 450, 451, 455, 459, ~~or 460~~, or 465 or
12 an individual whose duties primarily involve skills that are different than those
13 taught in instructional programs for nurse aides approved under sub. (3) or (3g) or
14 evaluated by competency evaluation programs for nurse aides approved under sub.
15 (3m).

16 **SECTION 11.** 146.81 (1) (es) of the statutes is amended to read:

17 146.81 (1) (es) An occupational therapist or occupational therapy assistant who
18 is licensed under subch. VII I of ch. 448 465 or who holds a compact privilege under
19 subch. XII II of ch. 448 465.

20 **SECTION 12.** 146.997 (1) (d) 4. of the statutes is amended to read:

21 146.997 (1) (d) 4. A physician, physician assistant, podiatrist, perfusionist,
22 physical therapist, physical therapist assistant, ~~occupational therapist,~~
23 ~~occupational therapy assistant,~~ or genetic counselor licensed under ch. 448; a
24 physical therapist or physical therapist assistant who holds a compact privilege
25 under subch. XI of ch. 448; or an occupational therapist or occupational therapy

ASSEMBLY BILL 959**SECTION 12**

1 assistant who is licensed under subch. I of ch. 465 or who holds a compact privilege
2 under subch. ~~XII~~ II of ch. 448 465.

3 **SECTION 13.** 154.07 (1) (a) (intro.) of the statutes is amended to read:

4 154.07 (1) (a) (intro.) No health care professional, inpatient health care facility,
5 or person who is licensed, certified, or registered under ch. 441, 448, ~~or 455, or 465~~
6 or holds a compact privilege under subch. XI of ch. 448 or subch. II of ch. 465 and who
7 is acting under the direction of a health care professional may be held criminally or
8 civilly liable, or charged with unprofessional conduct, for any of the following:

9 **SECTION 14.** 155.01 (7) of the statutes is amended to read:

10 155.01 (7) "Health care provider" means a nurse licensed or permitted under
11 ch. 441, a chiropractor licensed under ch. 446, a dentist licensed under ch. 447, a
12 physician, physician assistant, perfusionist, podiatrist, physical therapist, physical
13 therapist assistant, occupational therapist, occupational therapy assistant, or
14 genetic counselor licensed under ch. 448, a naturopathic doctor licensed under ch.
15 466, a person practicing Christian Science treatment, an optometrist licensed under
16 ch. 449, a psychologist who is licensed under ch. 455, who is exercising the temporary
17 authorization to practice, as defined in s. 455.50 (2) (o), in this state, or who is
18 practicing under the authority to practice interjurisdictional telepsychology, as
19 defined in s. 455.50 (2) (b), a physical therapist or physical therapist assistant who
20 holds a compact privilege under subch. XI of ch. 448, an occupational therapist or
21 occupational therapy assistant who holds a compact privilege under subch. ~~XII~~ II of
22 ch. 448 465, a partnership thereof, a corporation or limited liability company thereof
23 that provides health care services, a cooperative health care association organized
24 under s. 185.981 that directly provides services through salaried employees in its
25 own facility, or a home health agency, as defined in s. 50.49 (1) (a).

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1 **SECTION 15.** 165.77 (1) (a) of the statutes is amended to read:

2 165.77 (1) (a) “Health care professional” means a person who is licensed,
3 certified, or registered under ch. 441, 448, ~~or 455,~~ or 465; a person who holds a
4 compact privilege under subch. XI of ch. 448 or subch. II of ch. 465; or a person who
5 is exercising the temporary authorization to practice, as defined in s. 455.50 (2) (o),
6 in this state, or who is practicing under the authority to practice interjurisdictional
7 telepsychology, as defined in s. 455.50 (2) (b).

8 **SECTION 16.** 180.1901 (1m) (bu) of the statutes is renumbered 180.1901 (1m)
9 (gm) and amended to read:

10 180.1901 (1m) (gm) Occupational therapists ~~affiliated credentialing~~ therapy
11 examining board under subch. ~~VII~~ of ch. 448 465.

12 **SECTION 17.** 252.14 (1) (ar) 4p. of the statutes is amended to read:

13 252.14 (1) (ar) 4p. An occupational therapist or occupational therapy assistant
14 who is licensed under subch. ~~VII~~ I of ch. 448 465 or who holds a compact privilege
15 under subch. ~~XII~~ II of ch. 448 465.

16 **SECTION 18.** 256.215 (2) (b) of the statutes is amended to read:

17 256.215 (2) (b) The emergency medical services provider establishes, submits
18 to the department, and maintains patient care protocols corresponding to the
19 appropriate service level to be used by a community paramedic or a community
20 emergency medical services practitioner. The emergency medical services provider
21 may include in a patient care protocol only those services that do not require a
22 license, certificate, or other credential under subch. II, III, or IV, ~~or VII~~ of ch. 448 or
23 ch. 441, 446, 447, 449, 450, 451, 455, 457, ~~or 459,~~ or 465 to provide.

24 **SECTION 19.** 302.384 (1m) of the statutes is amended to read:

ASSEMBLY BILL 959**SECTION 19**

1 302.384 **(1m)** In this section, “health care professional” means a person
2 licensed, certified, or registered under ch. 441, 448, ~~or 455, or 465~~; or a person who
3 holds a compact privilege under subch. XI of ch. 448 or subch. II of ch. 465; or a
4 psychologist who is exercising the temporary authorization to practice, as defined in
5 s. 455.50 (2) (o), in this state or who is practicing under the authority to practice
6 interjurisdictional telepsychology, as defined in s. 455.50 (2) (b).

7 **SECTION 20.** 440.03 (9) (a) (intro.) of the statutes is amended to read:

8 440.03 **(9)** (a) (intro.) Subject to pars. (b) and (c) and s. 458.33 (2) (b) and (5),
9 the department shall, biennially, determine each fee for an initial credential for
10 which no examination is required, for a reciprocal credential, and for a credential
11 renewal and any fees imposed under ss. 448.986 (2) and ~~448.9875~~ 465.51 (2) by doing
12 all of the following:

13 **SECTION 21.** 440.03 (9) (a) 2. of the statutes is amended to read:

14 440.03 **(9)** (a) 2. Not later than January 31 of each odd-numbered year,
15 adjusting for the succeeding fiscal biennium each fee for an initial credential for
16 which an examination is not required, for a reciprocal credential, and, subject to s.
17 440.08 (2) (a), for a credential renewal, and any fees imposed under ss. 448.986 (2)
18 and ~~448.9875~~ 465.51 (2), if an adjustment is necessary to reflect the approximate
19 administrative and enforcement costs of the department that are attributable to the
20 regulation of the particular occupation or business during the period in which the
21 initial or reciprocal credential, credential renewal, or compact privilege is in effect
22 and, for purposes of each fee for a credential renewal, to reflect an estimate of any
23 additional moneys available for the department’s general program operations as a
24 result of appropriation transfers that have been or are estimated to be made under
25 s. 20.165 (1) (i) during the fiscal biennium in progress at the time of the deadline for

ASSEMBLY BILL 959

1 an adjustment under this subdivision or during the fiscal biennium beginning on the
2 July 1 immediately following the deadline for an adjustment under this subdivision.

3 **SECTION 22.** 440.03 (11m) (c) 2r. of the statutes is amended to read:

4 440.03 **(11m)** (c) 2r. The coordinated database and reporting system under s.
5 ~~448.987~~ 465.50 (9), if such disclosure is required under the occupational therapy
6 licensure compact under s. ~~440.987~~ 465.50.

7 **SECTION 23.** 440.03 (13) (b) (intro.) of the statutes is amended to read:

8 440.03 **(13)** (b) (intro.) The department may investigate whether an applicant
9 for or holder of any of the following credentials has been charged with or convicted
10 of a crime only pursuant to rules promulgated by the department under this
11 paragraph, including rules that establish the criteria that the department will use
12 to determine whether an investigation under this paragraph is necessary, except as
13 provided in par. (c) and ss. 441.51 (5) (a) 5., 448.980 (5) (b) 3., 448.985 (3) (a) 4.,
14 ~~448.987 (3) (a) 5. a. and (5) (b) 2. a., and 455.50 (3) (e) 4. and (f) 4., and 465.50 (3) (a)~~
15 5. a. and (5) (b) 2. a.:

16 **SECTION 24.** 440.03 (13) (c) of the statutes is amended to read:

17 440.03 **(13)** (c) The department shall require an applicant for a private
18 detective license or a private security permit under s. 440.26, an applicant for a
19 juvenile martial arts instructor permit under sub. (17), an applicant for a real estate
20 appraiser certification under s. 458.06 or license under s. 458.08, an applicant for a
21 multistate license under s. 441.06 (1c) or 441.10 (1c), an applicant for a compact
22 license under s. 448.05 (2) (f), an applicant for a physical therapist license under s.
23 448.53 or physical therapist assistant license under s. 448.535, an applicant for an
24 occupational therapist or occupational therapy assistant compact privilege under s.
25 ~~448.987~~ 465.50 (4), an applicant for an occupational therapist or occupational

ASSEMBLY BILL 959**SECTION 24**

1 therapy assistant license described in s. ~~448.987~~ 465.50 (5) (b) 2. a., an applicant for
2 a psychologist license under s. 455.04, and a person for whom the department
3 conducts an investigation under par. (b), to be photographed and fingerprinted on 2
4 fingerprint cards, each bearing a complete set of the person's fingerprints. The
5 department of justice may submit the fingerprint cards, and the department of
6 justice shall submit the fingerprint cards of all applicants for a real estate appraiser
7 certification under s. 458.06 or license under s. 458.08, of all applicants for a
8 multistate license under s. 441.06 (1c) or 441.10 (1c), of all applicants for a compact
9 license under s. 448.05 (2) (f), of all applicants for a physical therapist license under
10 s. 448.53 or a physical therapist assistant license under s. 448.535, and of all
11 applicants for a psychologist license under s. 455.04, to the federal bureau of
12 investigation for the purpose of verifying the identity of the persons fingerprinted
13 and obtaining records of their criminal arrests and convictions. Information
14 obtained from the federal bureau of investigation may be shared with the
15 department or the appropriate credentialing board, but shall otherwise be kept
16 confidential and is not subject to disclosure under s. 19.35.

17 **SECTION 25.** 440.094 (1) (c) 9. of the statutes is amended to read:

18 440.094 (1) (c) 9. An occupational therapist or occupational therapy assistant
19 licensed under subch. VII I of ch. 448 465.

20 **SECTION 26.** 440.094 (2) (a) (intro.) of the statutes is amended to read:

21 440.094 (2) (a) (intro.) Notwithstanding ss. 441.06 (4), 441.15 (2), 441.16,
22 446.02 (1), 447.03 (1) and (2), 448.03 (1) (a), (b), and (c) and (1m), 448.51 (1), 448.61,
23 448.76, ~~448.961 (1) and (2)~~, 449.02 (1), 450.03 (1), 451.04 (1), 455.02 (1m), 457.04 (4),
24 (5), (6), and (7), 459.02 (1), 459.24 (1), and 460.02, and 465.03, a health care provider
25 may provide services within the scope of the credential that the health care provider

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1 holds and the department shall grant the health care provider a temporary
2 credential to practice under this section if all of the following apply:

3 **SECTION 27.** 440.15 of the statutes is amended to read:

4 **440.15 No fingerprinting.** Except as provided under ss. 440.03 (13) (c),
5 441.51 (5) (a) 5., 448.980 (5) (b) 3., 448.985 (3) (a) 4., ~~448.987 (3) (a) 5. a. and (5) (b)~~
6 ~~2. a.~~, 450.071 (3) (c) 9., 450.075 (3) (c) 9., and 455.50 (3) (e) 4. and (f) 4., and 465.50
7 (3) (a) 5. a. and (5) (b) 2. a., the department or a credentialing board may not require
8 that an applicant for a credential or a credential holder be fingerprinted or submit
9 fingerprints in connection with the department's or the credentialing board's
10 credentialing.

11 **SECTION 28.** 446.01 (1v) (h) of the statutes is renumbered 446.01 (1v) (p) and
12 amended to read:

13 446.01 (1v) (p) Occupational therapists ~~affiliated credentialing therapy~~
14 examining board under subch. VII I of ch. 448 465. "Health care professional" also
15 includes an individual who holds a compact privilege under subch. XII II of ch. 448
16 465.

17 **SECTION 29.** 448.956 (1m) of the statutes is amended to read:

18 448.956 (1m) Subject to sub. (1) (a), a licensee may provide athletic training
19 to an individual without a referral, except that a licensee may not provide athletic
20 training as described under s. 448.95 (5) (d) or (e) in an outpatient rehabilitation
21 setting unless the licensee has obtained a written referral for the individual from a
22 practitioner licensed or certified under subch. II, III, IV, or V, ~~or VII~~ of this chapter;
23 under ch. 446; under subch. I of ch. 465; or under s. 441.16 (2) or from a practitioner
24 who holds a compact privilege under subch. XI ~~or XII~~ of ch. 448 or subch. II of ch. 465.

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1 465.01 (7) “Occupational therapist” means an individual who is licensed by the
2 affiliated credentialing board to practice occupational therapy or who holds an
3 occupational therapist compact privilege.

4 **SECTION 37.** 448.96 (5) of the statutes is renumbered 465.01 (8).

5 **SECTION 38.** 448.96 (6) of the statutes is renumbered 465.01 (9) and amended
6 to read:

7 465.01 (9) “Occupational therapy assistant” means an individual who is
8 licensed by the affiliated credentialing board to assist in the practice of occupational
9 therapy under the supervision of an occupational therapist or who holds an
10 occupational therapy assistant compact privilege.

11 **SECTION 39.** 448.961 of the statutes is renumbered 465.03 and amended to
12 read:

13 **465.03 License required. (1)** Except as provided in s. 448.962 465.05 (1), no
14 person may practice occupational therapy, designate himself or herself as an
15 occupational therapist, claim to render occupational therapy services, or use the
16 abbreviation “O.T.” or “O.T.R.” after the person’s name unless the person is licensed
17 as an occupational therapist or holds a valid occupational therapist compact
18 privilege.

19 **(2)** Except as provided in s. 448.962 465.05 (2), no person may assist in the
20 practice of occupational therapy, describe himself or herself as an occupational
21 therapy assistant, claim to render occupational therapy services as an occupational
22 therapy assistant, or use the abbreviation “O.T.A.” or “C.O.T.A.” after the person’s
23 name unless the person is licensed as an occupational therapy assistant or holds a
24 valid occupational therapy assistant compact privilege.

ASSEMBLY BILL 959**SECTION 40**

1 **SECTION 40.** 448.962 of the statutes is renumbered 465.05, and 465.05 (1) (c)
2 (intro.) and (2) (c) (intro.), as renumbered, are amended to read:

3 465.05 (1) (c) (intro.) Any person performing occupational therapy services in
4 this state under a limited permit, as provided under s. ~~448.963~~ 465.07 (4), if at least
5 one of the following applies:

6 (2) (c) (intro.) Any person performing occupational therapy services in this
7 state under a limited permit, as provided under s. ~~448.963~~ 465.07 (4), if at least one
8 of the following applies:

9 **SECTION 41.** 448.963 of the statutes is renumbered 465.07, and 465.07 (2)
10 (intro.), (b) (intro.), 1. and 3. and (c), (3) (intro.), (b) (intro.), 1. and 3. and (c) and (4)
11 (intro.), (a) and (b), as renumbered, are amended to read:

12 465.07 (2) (intro.) The ~~affiliated credentialing~~ board shall grant a license as an
13 occupational therapist to a person who does all of the following:

14 (b) (intro.) Submits evidence satisfactory to the ~~affiliated credentialing~~ board
15 that he or she has done any of the following:

16 1. Successfully completed the academic requirements and supervised
17 internship of an educational program in occupational therapy recognized by the
18 ~~affiliated credentialing~~ board and accredited by the Accreditation Council for
19 Occupational Therapy Education of the American Occupational Therapy
20 Association.

21 3. Been initially certified as an occupational therapist by the National Board
22 for Certification in Occupational Therapy, if the ~~affiliated credentialing~~ board
23 determines that the requirements for the certification are equivalent to the
24 requirements under subds. 1. and 2.

25 (c) Passes an examination under s. ~~448.964~~ 465.09.

ASSEMBLY BILL 959

1 **(3)** (intro.) The ~~affiliated credentialing~~ board shall grant a license as an
2 occupational therapy assistant to a person who does all of the following:

3 **(b)** (intro.) Submits evidence satisfactory to the ~~affiliated credentialing~~ board
4 that he or she has done any of the following:

5 1. Successfully completed the academic requirements and supervised
6 internship of an educational program in occupational therapy recognized by the
7 ~~affiliated credentialing~~ board and accredited by the Accreditation Council for
8 Occupational Therapy Education of the American Occupational Therapy
9 Association.

10 3. Been initially certified as an occupational therapy assistant by the National
11 Board for Certification in Occupational Therapy, if the ~~affiliated credentialing~~ board
12 determines that the requirements for the certification are equivalent to the
13 requirements under subds. 1. and 2.

14 **(c)** Passes an examination under s. ~~448.964~~ 465.09.

15 **(4)** (intro.) The ~~affiliated credentialing~~ board may, upon application, issue a
16 permit for a limited period of time designated by the ~~affiliated credentialing~~ board
17 to any of the following:

18 **(a)** A person who presents evidence satisfactory to the ~~affiliated credentialing~~
19 board of having met the requirements under sub. (2) **(b)** 1. or 2., to practice
20 occupational therapy in association with an occupational therapist.

21 **(b)** A person who presents evidence satisfactory to the ~~affiliated credentialing~~
22 board of having met the requirements under sub. (3) **(b)** 1. or 2., to assist in the
23 practice of occupational therapy under the supervision of an occupational therapist.

24 **SECTION 42.** 448.964 of the statutes is renumbered 465.09, and 465.09 (1), as
25 renumbered, is amended to read:

ASSEMBLY BILL 959**SECTION 42**

1 465.09 (1) The ~~affiliated credentialing~~ board shall conduct or arrange for
2 examinations required for occupational therapist and occupational therapy
3 assistant licensure under s. ~~448.963~~ 465.07 (2) (c) and (3) (c) at times and places
4 determined by the affiliated credentialing board.

5 **SECTION 43.** 448.965 of the statutes is renumbered 465.11, and 465.11 (title),
6 (1) (intro.) and (b) and (2), as renumbered, are amended to read:

7 **465.11 (title) Duties and powers of affiliated credentialing board. (1)**
8 (intro.) The ~~affiliated credentialing~~ board shall promulgate rules that establish each
9 of the following:

10 (b) Continuing education requirements for license renewal for an occupational
11 therapist or occupational therapy assistant under s. ~~448.967~~ 465.14 (2).

12 **(2)** The ~~affiliated credentialing~~ board may promulgate rules that define the
13 scope of practice of occupational therapy or the scope of assisting in the practice of
14 occupational therapy.

15 **SECTION 44.** 448.966 of the statutes is renumbered 465.13 and amended to
16 read:

17 **465.13 Reciprocal licensure. (1)** Upon application and payment of the fee
18 specified in s. 440.05 (2), the ~~affiliated credentialing~~ board shall grant a license as
19 an occupational therapist to a person who holds a similar certificate or license in
20 another state or territory of the United States if the ~~affiliated credentialing~~ board
21 determines that the requirements for receiving the certificate or license in the other
22 state or territory are substantially equivalent to the requirements under s. ~~448.963~~
23 465.07 (2).

24 **(2)** Upon application and payment of the fee specified in s. 440.05 (2), the
25 ~~affiliated credentialing~~ board shall grant a license as an occupational therapy

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1 assistant to a person who holds a similar certificate or license in another state or
2 territory of the United States if the ~~affiliated credentialing~~ board determines that the
3 requirements for receiving the certificate or license in the other state or territory are
4 substantially equivalent to the requirements under s. ~~448.963~~ 465.07 (3).

5 **SECTION 45.** 448.967 of the statutes is renumbered 465.14, and 465.14 (2), as
6 renumbered, is amended to read:

7 465.14 (2) The renewal dates for licenses granted under this subchapter are
8 specified under s. 440.08 (2) (a). Renewal applications shall be submitted to the
9 department on a form provided by the department and shall include the renewal fee
10 determined by the department under s. 440.03 (9) (a) and a statement attesting
11 compliance with the continuing education requirements established in rules
12 promulgated under s. ~~448.965~~ 465.11 (1) (b).

13 **SECTION 46.** 448.968 of the statutes is renumbered 465.15, and 465.15 (1) and
14 (2) (intro.) and (f), as renumbered, are amended to read:

15 465.15 (1) Subject to the rules promulgated under s. 440.03 (1), the ~~affiliated~~
16 ~~credentialing~~ board may make investigations and conduct hearings to determine
17 whether a violation of this subchapter or any rule promulgated under this
18 subchapter has occurred.

19 (2) (intro.) Subject to the rules promulgated under s. 440.03 (1), the ~~affiliated~~
20 ~~credentialing~~ board may reprimand a licensee or compact privilege holder or deny,
21 limit, suspend or revoke a license granted under this subchapter or a compact
22 privilege if it finds that the applicant, licensee, or compact privilege holder has done
23 any of the following:

24 (f) Engaged in unprofessional or unethical conduct in violation of the code of
25 ethics established in the rules promulgated under s. ~~448.965~~ 465.11 (1) (c).

ASSEMBLY BILL 959**SECTION 47**

1 **SECTION 47.** 448.969 of the statutes is renumbered 465.17 and amended to
2 read:

3 **465.17 Injunctive relief.** If the ~~affiliated credentialing~~ board has reason to
4 believe that any person is violating this subchapter or any rule promulgated under
5 this subchapter, the ~~affiliated credentialing~~ board, the department, the attorney
6 general or the district attorney of the proper county may investigate and may, in
7 addition to any other remedies, bring an action in the name and on behalf of this state
8 to enjoin the person from the violation.

9 **SECTION 48.** 448.9695 of the statutes is renumbered 465.19, and 465.19 (2), as
10 renumbered, is amended to read:

11 465.19 (2) Any person aggrieved by any action taken under this subchapter by
12 the ~~affiliated credentialing~~ board, its officers or its agents may apply for judicial
13 review as provided in ch. 227, and shall file notice of such appeal with the secretary
14 of the ~~affiliated credentialing~~ board within 30 days. No court of this state may enter
15 an ex parte stay of any action taken by the ~~affiliated credentialing~~ board under this
16 subchapter.

17 **SECTION 49.** Subchapter XII (title) of chapter 448 [precedes 448.987] of the
18 statutes is renumbered subchapter II (title) of chapter 465 [precedes 465.50].

19 **SECTION 50.** 448.987 of the statutes is renumbered 465.50.

20 **SECTION 51.** 448.9875 (title) and (1) (intro.) of the statutes are renumbered
21 465.51 (title) and (1) (intro.).

22 **SECTION 52.** 448.9875 (1) (a) and (b) of the statutes are renumbered 465.51 (1)
23 (b) and (c) and amended to read:

24 465.51 (1) (b) “Compact” means the occupational therapy licensure compact
25 under s. ~~448.987~~ 465.50.

ASSEMBLY BILL 959

1 (c) “Compact privilege” means a compact privilege, as defined in s. 448.987
2 465.50 (2) (d), that is granted under the compact to an individual to practice in this
3 state.

4 **SECTION 53.** 448.9875 (1) (c) of the statutes is renumbered 465.51 (1) (a) and
5 amended to read:

6 465.51 (1) (a) “~~Examining board~~” “Board” means the occupational therapists
7 ~~affiliated credentialing therapy examining~~ board.

8 **SECTION 54.** 448.9875 (2) and (3) of the statutes are renumbered 465.51 (2) and
9 (3) and amended to read:

10 465.51 (2) The department may impose a fee for an individual to receive a
11 compact privilege as provided in s. 448.987 465.50 (3) (c).

12 (3) The ~~examining~~ board may, by rule, require an individual seeking a compact
13 privilege to meet a jurisprudence requirement in accordance with s. 448.987 465.50
14 (4) (a) 9., if such a requirement is imposed by the ~~examining~~ board under s. 448.964
15 465.09 in order to obtain a license under s. 448.963 465.07.

16 **SECTION 55.** 448.9875 (4) of the statutes is renumbered 465.51 (4), and 465.51
17 (4) (b), as renumbered, is amended to read:

18 465.51 (4) (b) Subject to s. 448.987 465.50 and any rules promulgated
19 thereunder, ss. 440.20 to 440.22 and the rules promulgated under s. 440.03 (1) shall
20 apply to an individual who holds a compact privilege in the same manner that they
21 apply to holders of licenses issued under subch. VII II.

22 **SECTION 56.** 450.10 (3) (a) 5. of the statutes is amended to read:

23 450.10 (3) (a) 5. A physician, physician assistant, podiatrist, physical
24 therapist, physical therapist assistant, ~~occupational therapist, occupational therapy~~
25 ~~assistant~~, or genetic counselor licensed under ch. 448, a physical therapist or

ASSEMBLY BILL 959**SECTION 56**

1 physical therapist assistant who holds a compact privilege under subch. XI of ch. 448,
2 or an occupational therapist or occupational therapy assistant who is licensed under
3 subch. I of ch. 465 or holds a compact privilege under subch. ~~XII~~ II of ch. 448 465.

4 **SECTION 57.** 451.02 (1) of the statutes is amended to read:

5 451.02 (1) An individual holding a license, permit or certificate under ch. 441,
6 446, 447, 448, ~~or 449,~~ or 465 or a compact privilege under subch. XI ~~or XII~~ of ch. 448
7 or subch. II of ch. 465 who engages in a practice of acupuncture that is also included
8 within the scope of his or her license, permit, certificate, or privilege.

9 **SECTION 58.** Chapter 465 (title) of the statutes is created to read:

10 **CHAPTER 465**

11 **OCCUPATIONAL THERAPY**

12 **SECTION 59.** 465.01 (2) of the statutes is created to read:

13 465.01 (2) "Board" means the occupational therapy examining board.

14 **SECTION 60.** 632.895 (12m) (b) 7. of the statutes is amended to read:

15 632.895 (12m) (b) 7. An occupational therapist, as defined in s. 448.96 (4)
16 465.01 (7).

17 **SECTION 61. Nonstatutory provisions.**

18 (1) TRANSITIONAL PROVISIONS. All members serving terms on the occupational
19 therapists affiliated credentialing board on the effective date of this subsection are
20 transferred to the occupational therapy examining board; each member's term on the
21 occupational therapy examining board shall expire on the date it would have expired
22 on the occupational therapists affiliated credentialing board. Any matter pending
23 with the occupational therapists affiliated credentialing board on the effective date
24 of this subsection is transferred to the occupational therapy examining board, and
25 all materials submitted to or actions taken by the occupational therapists affiliated



2023 ASSEMBLY BILL 90

March 8, 2023 - Introduced by Representatives GUSTAFSON, SORTWELL, MACCO, ALLEN, BEHNKE, BINSFELD, BODDEN, DITTRICH, GREEN, GUNDRUM, KITCHENS, KRUG, MURSAU, O'CONNOR, RETTINGER, RODRIGUEZ, SCHMIDT, SCHRAA, SCHUTT, STEFFEN, TUSLER and WICHGERS, cosponsored by Senators STAFSHOLT, TESTIN, CABRAL-GUEVARA, FEYEN and WANGGAARD. Referred to Committee on Regulatory Licensing Reform.

1 **AN ACT** *to amend* 440.03 (13) (b) (intro.), 448.962 (1) (c) (intro.), 448.962 (2) (c)
2 (intro.), 448.963 (1) (b), 448.963 (2) (intro.), 448.963 (3) (intro.) and 448.963 (4)
3 (intro.); and *to create* 448.963 (3m), 448.963 (4m) and 448.9635 of the statutes;
4 **relating to:** third-party processing of applications for occupational therapists
5 and occupational therapy assistants and granting rulemaking authority.

Analysis by the Legislative Reference Bureau

This bill requires the Department of Safety and Professional Services to contract with a third-party entity to receive applications for licensure as an occupational therapist or occupational therapy assistant, to collect and retain application fees, to determine whether an applicant has an arrest or conviction record, and to determine whether the applicant has met all other requirements for licensure. If the third-party entity determines that an applicant meets all of the requirements for licensure, the bill requires the third-party entity to inform the Occupational Therapy Affiliated Credentialing Board of its determination within 10 days from the day that the determination is made. The bill then requires the Occupational Therapy Affiliated Credentialing Board to promptly issue a license as an occupational therapist or an occupational therapy assistant to any applicant that the third-party entity determined was eligible under the bill. The bill provides a similar third-party process for applicants for licensure for a limited period to practice occupational therapy in association with an occupational therapist or for licensure for a limited period to assist in the practice of occupational therapy under the supervision of an occupational therapist.

ASSEMBLY BILL 90

This bill allows any third-party entity contracted under the bill to set and periodically update the required fee for applications for licensure described under the bill. At least 60 days before any fee change goes into effect, the bill requires the third-party entity to submit a request to change the fee to the Joint Committee on Finance along with the third-party entity's current operating budget and an estimation of the change in total fees to be received by the third-party entity if the fee change were to go into effect. The bill allows the Joint Committee on Finance to hold a hearing on any requested fee change. If the Joint Committee on Finance holds a hearing on a requested fee change, the bill requires the third-party entity to adopt any fee determined by the joint committee. Further, if the Joint Committee on Finance determines at any time that the third-party entity has a budget surplus that is greater than 10 percent of the amount of fees that the third-party entity receives in a year, the joint committee may order the third-party entity to lower the fee to a fee determined by the joint committee.

Before entering into a contract with a third-party entity, the bill requires that any proposed contract be submitted to the Joint Committee on Finance for approval. Once a contract is approved, the bill requires the third-party entity to annually submit a report to the legislature detailing the performance of the third-party entity. The bill permits DSPS or any person delegated by the legislature to inspect and examine all records relating to the operations of the third-party entity.

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

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

1 **SECTION 1.** 440.03 (13) (b) (intro.) of the statutes is amended to read:

2 440.03 (13) (b) (intro.) The department may investigate whether an applicant
3 for or holder of any of the following credentials has been charged with or convicted
4 of a crime only pursuant to rules promulgated by the department under this
5 paragraph, including rules that establish the criteria that the department will use
6 to determine whether an investigation under this paragraph is necessary, except as
7 provided in par. (c) and ss. 441.51 (5) (a) 5., 448.9635 (2) (a) 3., 448.980 (5) (b) 3.,
8 448.985 (3) (a) 4., 448.987 (3) (a) 5. a. and (5) (b) 2. a., and 455.50 (3) (e) 4. and (f) 4.:

9 **SECTION 2.** 448.962 (1) (c) (intro.) of the statutes is amended to read:

ASSEMBLY BILL 90

1 448.962 (1) (c) (intro.) Any person performing occupational therapy services in
2 this state under a ~~limited permit~~ license issued for a limited period of time, as
3 provided under s. 448.963 (4), if at least one of the following applies:

4 **SECTION 3.** 448.962 (2) (c) (intro.) of the statutes is amended to read:

5 448.962 (2) (c) (intro.) Any person performing occupational therapy services in
6 this state under a ~~limited permit~~ license issued for a limited period of time, as
7 provided under s. 448.963 (4), if at least one of the following applies:

8 **SECTION 4.** 448.963 (1) (b) of the statutes is amended to read:

9 448.963 (1) (b) Pay the fee specified in s. 440.05 (1) or, if the department
10 contracts with a 3rd-party entity under s. 448.9635, the fee established by the
11 3rd-party entity under s. 448.9635 (3).

12 **SECTION 5.** 448.963 (2) (intro.) of the statutes is amended to read:

13 448.963 (2) (intro.) The Subject to sub. (3m), the affiliated credentialing board
14 shall grant a license as an occupational therapist to a person who does all of the
15 following:

16 **SECTION 6.** 448.963 (3) (intro.) of the statutes is amended to read:

17 448.963 (3) (intro.) The Subject to sub. (3m), the affiliated credentialing board
18 shall grant a license as an occupational therapy assistant to a person who does all
19 of the following:

20 **SECTION 7.** 448.963 (3m) of the statutes is created to read:

21 448.963 (3m) If the department contracts with a 3rd-party entity under s.
22 448.9635, the affiliated credentialing board shall promptly issue a license as an
23 occupational therapist under sub. (2) or a license as an occupational therapy
24 assistant under sub. (3) to an applicant that the 3rd-party entity determines is
25 eligible.

ASSEMBLY BILL 90**SECTION 8**

1 **SECTION 8.** 448.963 (4) (intro.) of the statutes is amended to read:

2 448.963 (4) (intro.) The Subject to sub. (4m), the affiliated credentialing board
3 may, upon application, issue a ~~permit~~ license for a limited period of time designated
4 by the affiliated credentialing board to any of the following:

5 **SECTION 9.** 448.963 (4m) of the statutes is created to read:

6 448.963 (4m) If the department contracts with a 3rd-party entity under s.
7 448.9635, the affiliated credentialing board may issue a license to practice
8 occupational therapy in association with an occupational therapist under sub. (4) (a)
9 or a license to assist in the practice of occupational therapy under the supervision of
10 an occupational therapist under sub. (4) (b) to an applicant that the 3rd-party entity
11 determines is eligible.

12 **SECTION 10.** 448.9635 of the statutes is created to read:

13 **448.9635 Third-party application processing.** (1) (a) The department
14 shall contract with a 3rd-party entity to perform the functions described under this
15 section.

16 (b) Before executing or renewing a contract under this subsection, the
17 department shall submit the proposed contract to the joint committee on finance for
18 approval. If the cochairpersons of the joint committee on finance do not notify the
19 department within 14 working days after the date the contract is submitted under
20 this subsection that the committee has scheduled a meeting for the purpose of
21 reviewing the contract, the department shall execute or renew the contract. If,
22 within 14 working days after the date the contract is submitted under this
23 subsection, the cochairpersons of the joint committee on finance notify the
24 department that the committee has scheduled a meeting for the purpose of reviewing

ASSEMBLY BILL 90

1 the contract, the department shall incorporate into the contract all changes made by
2 the committee.

3 (c) No contract under this subsection is valid or enforceable unless the contract
4 was submitted to and approved by the joint committee on finance under par. (b) in
5 its entirety.

6 (d) No contract under this subsection may be for a term greater than 4 years.

7 (2) If the department contracts with a 3rd-party entity under sub. (1), all of
8 the following apply:

9 (a) The 3rd-party entity shall do all of the following for any applicant for
10 licensure under s. 448.963 (2) or (3):

- 11 1. Receive the application for licensure required under s. 448.963 (1) (a).
- 12 2. Collect and retain the fee established by the 3rd-party entity under sub. (3).
- 13 3. Determine, subject to ss. 111.321, 111.322, and 111.335, whether the
14 applicant has been convicted of an offense the circumstances of which substantially
15 relate to the practice of occupational therapy or the practice as an occupational
16 therapy assistant, whichever is applicable.

17 4. If the applicant is applying for licensure as an occupational therapist,
18 determine whether the applicant has met the requirements under s. 448.963 (2) or,
19 if the applicant is applying for licensure as an occupational therapy assistant,
20 determine whether the applicant has met the requirements under s. 448.963 (3).

21 (b) The 3rd-party entity shall do all of the following for any applicant for a
22 license under s. 448.963 (4):

- 23 1. If the applicant is applying for a license to practice occupational therapy in
24 association with an occupational therapist under s. 448.963 (4) (a), determine
25 whether the applicant has met the requirements under s. 448.963 (2) (b) 1. or 2.

ASSEMBLY BILL 90**SECTION 10**

1 2. If the applicant is applying for a license to assist in the practice of
2 occupational therapy under the supervision of an occupational therapist under s.
3 448.963 (4) (b), determine whether the applicant has met the requirements under s.
4 448.963 (3) (b) 1. or 2.

5 (c) 1. The 3rd-party entity shall inform the affiliated credentialing board of all
6 applications received under par. (a), whether the applicant has paid the required fee,
7 whether the applicant has been convicted of an offense described under par. (a) 3.,
8 and the determination made by the 3rd-party entity under par. (a) 4. within 10 days
9 from the day that the decision is made. The 3rd-party entity shall also inform the
10 applicant of the determination made by the 3rd-party entity under par. (a) 4. within
11 10 days from the day that the decision is made.

12 2. The 3rd-party entity shall inform the affiliated credentialing board of all
13 applications received under par. (b) 1. or 2. and the determination made by the
14 3rd-party entity under par. (b) 1. or 2. within 10 days from the day that the decision
15 is made. The 3rd-party entity shall also inform the applicant of the determination
16 made by the 3rd-party entity under par. (b) 1. or 2. within 10 days from the day that
17 the decision is made.

18 **(3)** (a) If the department contracts with a 3rd-party entity under sub. (1), the
19 3rd-party entity shall establish and may periodically update the fee for applications
20 for licensure under this subchapter. At least 60 days before any fee change goes into
21 effect, the 3rd-party entity shall submit a request to establish the fee to the joint
22 committee on finance.

23 (b) Any request under par. (a) shall include a current operating budget for the
24 3rd-party entity and an estimation of the change in total fees to be received by the
25 3rd-party entity if the fee change were to go into effect.

ASSEMBLY BILL 90

1 (c) If the cochairpersons of the joint committee on finance do not notify the
2 3rd-party entity within 14 working days after the date the request is submitted
3 under par. (a) that the committee has scheduled a meeting for the purpose of
4 reviewing the fee, the 3rd-party entity may adopt the fee. If, within 14 working days
5 after the date the request is submitted under par. (a), the cochairpersons of the joint
6 committee on finance notify the 3rd-party entity that the committee has scheduled
7 a meeting for the purpose of reviewing the fee, the 3rd-party entity shall adopt the
8 fee determined by the committee.

9 (d) If the joint committee on finance determines at any time that the 3rd-party
10 entity has a budget surplus that is greater than 10 percent of the amount of fees that
11 the 3rd-party entity receives in a year, the joint committee on finance may order the
12 3rd-party entity to lower the fee under par. (a) to a fee determined by the joint
13 committee.

14 (e) Whenever there is a change in the fee charged by the 3rd-party entity under
15 this subsection, the joint committee on finance shall submit the updated fee to the
16 legislative reference bureau for publication in the Wisconsin administrative register.

17 **(4)** If the department contracts with a 3rd-party entity under sub. (1), the
18 3rd-party entity shall, no later than April 15 of each year, submit a financial report
19 to the joint committee on finance and to the chief clerk of each house of the legislature
20 for distribution under s. 13.172 (2). The report shall contain all of the following for
21 the previous calendar year:

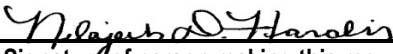
22 (a) The number of applications received by the 3rd-party entity.

23 (b) The amount of fees collected by the 3rd-party entity.

24 (c) The number of applications for which the 3rd-party entity determined the
25 applicant was eligible for licensure.

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

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Nilajah Hardin Administrative Rules Coordinator		2) Date when request submitted: 02/29/24 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: Occupational Therapists Affiliated Credentialing Board			
4) Meeting Date: 03/12/24	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Administrative Rule Matters Discussion and Consideration 1. Permanent Rule Draft: OT 1 to 5, Relating to Implementation of the Occupational Therapy Licensure Compact 2. Pending or Possible Rulemaking Projects	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <i>(If yes, please complete Appearance Request for Non-DSPS Staff)</i> <input type="checkbox"/> Yes <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: Attachments: 1. OT 1 to 5 – Permanent Rule Draft 2. Rule Project Chart			
11) Authorization			
 Signature of person making this request		02/29/24 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
OCCUPATIONAL THERAPISTS AFFILIATED CREDENTIALING BOARD

IN THE MATTER OF RULEMAKING	:	PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE	:	OCCUPATIONAL THERAPISTS
OCCUPATIONAL THERAPISTS	:	AFFILIATED CREDENTIALING
AFFILIATED CREDENTIALING	:	BOARD
BOARD	:	ADOPTING RULES
	:	(CLEARINGHOUSE RULE)

PROPOSED ORDER

An order of the Occupational Therapists Affiliated Credentialing Board to amend OT 1.01 (1), 2.02 (9), 5.02 (3), (4), (5), (6), (8), (9), (12), and (15) and create 1.02 (6g), (6r), (14e), (14m), (14s), (27), 2.09 and 3.03 (3) (Note), relating to implementation of the Occupational Therapy Licensure Compact.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted: Subchapter XII of ch. 448, Stats.

Statutory authority: Sections 15.085 (5) (b) and 448.9875 (3), Stats.

Explanation of agency authority:

Section 15.085 (5) (b), Stats., provides that each affiliated credentialing board “[s]hall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains, and define and enforce professional conduct and unethical practices not inconsistent with the law relating to the particular trade or profession.”

Section 448.9875 (3), Stats., provides that “[t]he examining board may, by rule, require an individual seeking a compact privilege to meet a jurisprudence requirement in accordance with s. 448.987 (4) (a) 9., if such a requirement is imposed by the examining board under s. 448.964 in order to obtain a license under s. 448.963.”

Related statute or rule: None.

Plain language analysis:

The Occupational Therapists Affiliated Credentialing Board will conduct a comprehensive evaluation of its rules to implement the Occupational Therapy Licensure Compact to ensure clarity and consistency with applicable Wisconsin statutes. The following updates will be made:

- Create definitions of “occupational therapist,” “occupational therapist assistant,” and “occupational therapy.”

- Create definitions of “compact,” “compact privilege,” and identify the requirements for obtaining a compact privilege, including a requirement that an individual seeking a compact privilege successfully complete a jurisprudence examination.
- Create a definition of a “health care provider” to include an occupational therapist or an occupational therapy assistant licensed under ch. 448 holds a compact privilege under subch. XI of ch. 448.
- Amend the definition of “supervisor” to specify it includes a person holding an occupational therapist compact privilege granted by the Board but does not include a person holding a temporary license.
- Amend the unprofessional conduct requirements in s. OT 5.02 to also apply to those licensed under compact privileges as needed.

Summary of, and comparison with, existing or proposed federal regulation: None.

Summary of public comments received on statement of scope and a description of how and to what extent those comments and feedback were taken into account in drafting the proposed rule: N/A.

Comparison with rules in adjacent states:

Illinois: Illinois is not a member state of the Occupational Therapy Licensure Compact.

Iowa: Iowa is a member state of the Occupational Therapy Licensure Compact and is actively issuing compact privileges. Rules of the Iowa Board of Physical and Occupational Therapy address issuing a compact privilege and the practice of physical therapy under a compact privilege [645 Iowa Administrative Code Section 200.3].

Michigan: Michigan is not a member state of the Occupational Therapy Licensure Compact.

Minnesota: Minnesota is not a member state of the Occupational Therapy Licensure Compact.

Summary of factual data and analytical methodologies:

The proposed rules were developed by reviewing subch. XII of ch. 448, Stats., which ratifies the Occupational Therapy Licensure Compact, and conducting a comprehensive evaluation and update of the Occupational Therapy Examining Board’s rules to implement the Compact.

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

The proposed rule will be posted for a period of 14 days to solicit public comment on economic impact, including how the proposed rules may affect businesses, local government units, and individuals.

Fiscal Estimate and Economic Impact Analysis:

The Fiscal Estimate and Economic Impact Analysis will be attached upon completion.

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 Jennifer.Garrett@wisconsin.gov, or by calling (608) 266-2112.

Agency contact person:

Nilajah Hardin, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, P.O. Box 8366, Madison, Wisconsin 53708-8366; telephone 608-267-7139; email at DSPSAdminRules@wisconsin.gov.

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

Comments may be submitted to Nilajah Hardin, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, P.O. Box 8366, Madison, Wisconsin 53708-8366, or by email to DSPSAdminRules@wisconsin.gov. Comments must be received on or before the public hearing, held on a date to be determined, to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. OT 1.01 is amended to read:

OT 1.01 The rules in this chapter are adopted by the occupational therapists affiliated credentialing board pursuant to the authority of ss. 15.08 (5) (b), 227.11 (2), 448.965, and subch. XII of ch. 448, Stats., to govern the license and regulation of occupational therapists and occupational therapy assistants.

SECTION 2. OT 1.02 (6g), (6r), (11m), (14e), (14m), (14s) and (27) are created to read:

OT 1.02 (6g) “Compact” means the occupational therapy licensure compact under s. 448.987, Stats.

(6r) “Compact privilege” has the meaning given in s. 448.987 (2) (d), Stats.

(11m) “Health care provider” has the meaning given in s. 155.01 (7), Stats.

(14e) “Occupational therapist” has the meaning given in s. 448.96 (4), Stats.

(14m) “Occupational therapy assistant” has the meaning given in s. 448.96 (6), Stats.

(14s) “Occupational therapy compact commission” or “commission” has the meaning given in s. 448.987 (2) (s), Stats.

(27) “Supervisor” means a person holding a regular license as an occupational therapist, or an occupational therapist with compact privilege granted by the board, who is competent to coordinate, direct, and inspect the accomplishments of another occupational therapist or occupational therapy assistant. This definition does not apply to a person holding a temporary license issued under ch. OT 2.

SECTION 3. OT 2.09 is created to read:

OT 2.09 Compact privilege requirements. Each person applying for a compact privilege shall submit to the board all of the following:

- (1) A completed application form provided by the board.
- (2) The fee specified in s. 448.9875 (3) (c), Stats.
- (3) Evidence of successful completion of the examination specified in s. OT 2.03 (1).

Note: Application instructions for compact privilege may be obtained from the Department of Safety and Professional Services’ website at <http://dsps.wi.gov>.

SECTION 4. OT 3.03 (Note) is created to read:

OT 3.03 (3) (Note) Application instructions for renewal may be obtained from the Department of Safety and Professional Services’ website at <http://dsps.wi.gov>.

SECTION 5. OT 5.02 (3), (4), (5), (6), (8), (9), (12), and (15) are amended to read:

- (3) Knowingly making or presenting or causing to be made or presented any false, fraudulent, or forged statement, writing, certificate, diploma, or other item in connection with any application for license or compact privilege.
- (4) Practicing fraud, forgery, deception, collusion, or conspiracy in connection with any examination for license or compact privilege.
- (5) Giving, selling, buying, bartering, or attempting to give, sell, buy, or barter any license or compact privilege.
- (6) Engaging or attempting to engage in practice under any license or compact privilege under any given name or surname other than that under which originally licensed, ~~or registered,~~ or granted compact privilege to practice in this or any other state
- (8) Practicing or attempting to practice under any license or compact privilege when unable to do so with reasonable skill and safety to clients.
- (9) Practicing or attempting to practice under any license or compact privilege beyond the scope of that license or compact privilege.
- (12) Knowingly making any false statement, written or oral, in practicing under any license or compact privilege, with fraudulent intent; or obtaining or attempting to obtain any professional fee or compensation of any form by fraud or deceit.

- (15) Having a license, compact privilege, certificate, permit, registration, or other practice credential granted by another state or by any agency of the federal government to practice occupational therapy, which becomes limited, restricted, suspended, or revoked, or having been subject to other adverse action by the state licensing authority or by an agency of the federal government including the denial or limitation of an original credential, or the surrender of a credential, whether or not accompanied by findings of negligence or unprofessional conduct.

SECTION 6. 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)

DRAFT

**Occupational Therapists Affiliated Credentialing Board
Rule Projects (updated 02/29/24)**

Clearinghouse Rule Number	Scope #	Scope Expiration	Code Chapter Affected	Relating clause	Current Stage	Next Step
Not Assigned Yet	072-22	02/22/2025	OT 1 to 5	Implementation of the Occupational Therapy Licensure Compact (Emergency Rule)	Emergency Rule Draft Approved by the Governor on 09/21/23; Rule Paused, Proceeding with Permanent Rule Only	N/A
Not Assigned Yet	072-22	02/22/2025	OT 1 to 5	Implementation of the Occupational Therapy Licensure Compact (Permanent Rule)	Board Review of Preliminary Rule Draft at 03/12/24 Meeting	Submission for EIA Comment, Fiscal Estimate, and Clearinghouse Review