



**VIRTUAL/TELECONFERENCE
MEDICAL EXAMINING BOARD
Virtual, 4822 Madison Yards Way, Madison
Contact: Valerie Payne (608) 266-2112
August 18, 2021**

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

AGENDA

8:00 A.M.

OPEN SESSION – CALL TO ORDER – ROLL CALL

A. Adoption of Agenda (1-5)

B. Approval of Minutes of July 21, 2021 (6-12)

C. Introductions, Announcements and Recognition

D. Reminders: Conflicts of Interest, Scheduling Concerns

E. Administrative Matters – Discussion and Consideration

- 1) Board, Department and Staff Updates
- 2) Board Members – Term Expiration Dates
 - a. Milton Bond, Jr. – 7/1/2023
 - b. Clarence Chou – 7/1/2023
 - c. Kris Ferguson – 7/1/2025
 - d. Diane Gerlach – 7/1/2024
 - e. Sumeet Goel – 7/1/2023
 - f. Carmen Lerma – 7/1/2024
 - g. Michael Parish – 7/1/2023
 - h. Rachel Sattler – 7/1/2024
 - i. Gregory Schmeling – 7/1/2025
 - j. Derrick Siebert – 7/1/2025
 - k. Sheldon Wasserman – 7/1/2023
 - l. Lemuel Yerby – 7/1/2024
 - m. Emily Yu – 7/1/2024
- 3) Appointments, Reappointments, Confirmations, and Committee, Panel and Liaison Appointments
- 4) Assignment of Screening Panel and Examination Panel Liaisons
- 5) Wis. Stat. § 15.085 (3)(b) – Affiliated Credentialing Boards’ Biannual Meeting with the Medical Examining Board to Consider Matters of Joint Interest

- F. Presentation and Consideration of the Heroes for Healthcare Proposed Military Medics and Corpsmen Program**
- G. Legislative and Policy Matters – Discussion and Consideration**
 - 1) 2021 Senate Bill 394 and Assembly Bill 396, Relating to Advanced Practice Registered Nurses **(13-153)**
- H. Administrative Rule Matters – Discussion and Consideration (154)**
 - 1) Adoption Orders
 - a. Med 10, Relating to Unprofessional Conduct **(155-157)**
 - b. Med 13, Relating to CME Requirements **(158-161)**
 - 2) Preliminary Rule Drafts
 - a. AT 2, Relating to Reciprocal Credentials for Service Members, Former Service Members, and Their Spouses **(162-164)**
 - b. OT 2, Relating to Licensure Requirements **(165-167)**
 - 3) Implemented Scope: Med 1, Relating to Licensure **(168-169)**
 - 4) Cos 2, 3, 5, & 8, Relating to Scope of Practice, Mobile Practice, and Distance Learning – Preliminary Rule Draft **(170-175)**
 - 5) Pending or Possible Rulemaking Projects
- I. CE Broker – Discussion and Consideration**
- J. COVID-19 – Discussion and Consideration**
- K. Federation of State Medical Boards (FSMB) Matters – Discussion and Consideration**
- L. Controlled Substances Board Report
- M. Interstate Medical Licensure Compact Commission (IMLCC) – Report from Wisconsin’s Commissioners – Discussion and Consideration**
- N. Newsletter Matters – Discussion and Consideration**
- O. MED-PA Collaboration Committee Report**
- P. Screening Panel Report**
- Q. Future Agenda Items
- R. Discussion and Consideration of Items Added After Preparation of Agenda:
 - 1) Introductions, Announcements and Recognition
 - 2) Elections, Appointments, Reappointments, Confirmations, and Committee, Panel and Liaison Appointments
 - 3) Administrative Matters
 - 4) Election of Officers
 - 5) Appointment of Liaisons and Alternates
 - 6) Delegation of Authorities
 - 7) Education and Examination Matters
 - 8) Credentialing Matters
 - 9) Practice Matters
 - 10) Legislative and Policy Matters
 - 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

S. 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 448.02(8), 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.).

T. Deliberation on DLSC Matters

- 1) Proposed Stipulations, Final Decisions and Orders**
 - a. 20 MED 297 – Andrea M. Mattison, PA **(176-181)**
 - b. 20 MED 297 – Neil A. Shepler, MD **(182-187)**
 - c. 20 MED 385 – Joseph D. Spennetta, MD **(188-196)**
 - d. 20 MED 482 – Waheed Jalazai, MD **(197-202)**
 - e. 21 MED 034 – Dennis E. Colby, DO **(203-208)**
- 2) Complaints**
 - a. 18 MED 316 – D.I.S. **(209-211)**
- 3) Stipulations and Interim Orders**
 - a. 21 MED 191 – Francis F. Joseph, MD **(212-217)**
- 4) Administrative Warnings**
 - a. 20 MED 317 – A.V.B. **(218-219)**
 - b. 21 MED 007 – J.K.B. **(220-222)**
 - c. 21 MED 251 – J.A.R. **(223-224)**
- 5) Case Closings**
 - a. 19 MED 165 – B.B. **(225-250)**
 - b. 19 MED 557 – D.R.F. **(251-257)**
 - c. 20 MED 258 – S.C.M. **(258-268)**
 - d. 21 MED 018 – R.A.H. **(269-273)**
 - e. 21 MED 026 – A.D.S. **(274-287)**
 - f. 21 MED 057 – D.J.K. **(288-293)**

- g. 21 MED 100 – K.I.C. **(294-302)**
- h. 21 MED 214 – J.D.Z. **(303-318)**
- 6) Monitoring Matters**
 - a. Craig Maskil, MD – Results of AODA Assessment and Fitness-for-Practice Evaluation **(319-366)**

U. Credentialing Matters

- 1) Waiver of 24 Months of Post-Graduate Training
 - a. Andrew Bentall, MD **(367-387)**
- 2) Application Review
 - a. 10:00 A.M. APPEARANCE: David Kim, MD **(388-398)**
 - b. Shannon Wiggins, DO **(399-486)**

V. 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) Complaints
- 15) Case Closings
- 16) Board Liaison Training
- 17) Petitions for Extension of Time
- 18) Petitions for Assessments and Evaluations
- 19) Petitions to Vacate Orders
- 20) Remedial Education Cases
- 21) Motions
- 22) Petitions for Re-Hearing
- 23) Appearances from Requests Received or Renewed

W. Open Cases

X. Consulting with Legal Counsel

RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

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

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

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

ADJOURNMENT

**ORAL EXAMINATION OF CANDIDATES FOR LICENSURE
VIRTUAL/TELECONFERENCE**

10:00 A.M. OR IMMEDIATELY FOLLOWING THE FULL BOARD MEETING

CLOSED SESSION – Reviewing Applications and Conducting Oral Examination of **three (3)**
(at time of agenda publication) Candidates for Licensure – **Dr. Chou** and **Dr. Yerby**

NEXT MEETING: SEPTEMBER 15, 2021

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 at 4822 Madison Yards Way, Madison, Wisconsin, unless otherwise noted. In order to confirm a meeting or to request a complete copy of the board's agenda, please call the listed contact person. 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 deaf or hard of hearing, or other accommodations, are considered upon request by contacting the Affirmative Action Officer, 608-266-2112, or the Meeting Staff at 608-266-5439.

**VIRTUAL/TELECONFERENCE
MEDICAL EXAMINING BOARD
MEETING MINUTES
JULY 21, 2021**

PRESENT: Milton Bond, Jr., Clarence Chou, M.D.; Kris Ferguson, M.D.; Diane Gerlach, D.O.; Sumeet Goel, D.O.; Carmen Lerma; Michael Parish, M.D.; Rachel Sattler; Gregory Schmeling, M.D.; Derrick Siebert, M.D.; Sheldon Wasserman, M.D.; Lemuel Yerby, M.D., Emily Yu, M.D.

STAFF: Valerie Payne, Executive Director; Jameson Whitney, Legal Counsel; Jon Derenne, Legal Counsel; Megan Glaeser, Bureau Assistant; and other Department staff

CALL TO ORDER

Sheldon Wasserman, Chairperson, called the meeting to order at 8:00 a.m. A quorum was confirmed with thirteen (13) members present.

ADOPTION OF AGENDA

Amendment to the Agenda

- Under item “U. Credentialing Matters; 1) Full Board Oral Examination; a. 9:00 A.M. APPEARANCE – Jamal Zereik” **AMEND:**
 - Application Review
 - Jamal Zereik

MOTION: Diane Gerlach moved, seconded by Sumeet Goel, to adopt the Agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES OF JUNE 16, 2021

MOTION: Michael Parish moved, seconded by Clarence Chou, to approve the Minutes of June 16, 2021 as published. Motion carried unanimously.

ADMINISTRATIVE MATTERS

Appointment of Liaisons and Alternates

| LIAISON APPOINTMENTS | |
|--|--|
| Credentialing Liaison(s) | Lemuel Yerby, Emily Yu, Michael Parish, Diane Gerlach, Kris Ferguson, Gregory Schmeling, Derrick Siebert Alternate: Clarence Chou |
| Education and Examinations Liaison(s) | Sumeet Goel, Clarence Chou |
| Continuing Education Liaison(s) | Michael Parish Alternate: Diane Gerlach |

| | |
|--|---|
| Monitoring Liaison(s) | Kris Ferguson Alternate: Clarence Chou |
| Professional Assistance Procedure (PAP) Liaison(s) | Kris Ferguson Alternate: Clarence Chou |
| Legislative Liaison | Sumeet Goel, Sheldon Wasserman |
| Travel Liaison(s) | Sumeet Goel Alternate: Diane Gerlach |
| Newsletter Liaison(s) | Sheldon Wasserman Alternate: Sumeet Goel |
| Prescription Drug Monitoring Program Liaison(s) | Michael Parish Alternate: Kris Ferguson |
| Website Liaison(s) | Sumeet Goel Alternate: Milton Bond, Jr |
| Administrative Rules Liaison(s) | Sumeet Goel Alternate: Lemuel Yerby |
| Appointed to Controlled Substances Board as per Wis. Stats. §15.405(5g) (MED) | Kris Ferguson Alternate: Michael Parish |

| OTHER APPOINTMENTS | |
|---|---|
| Council on Anesthesiologist Assistants | Kris Ferguson |
| Interstate Medical Licensure Compact Commission (IMLCC) (2 reps) | Sheldon Wasserman, Clarence Chou |
| Licensure Forms Committee | Derrick Siebert, Diane Gerlach, Emily Yu |
| MED-PA Collaboration Committee | Sumeet Goel (Chairperson), Lemuel Yerby, Jennifer Jarrett, Eric Elliot, Reid Bowers |

MOTION: Michael Parish moved, seconded by Diane Gerlach, to appoint Kris Ferguson to the Council on Anesthesiologist Assistants as the Medical Examining Board representative. Motion carried unanimously.

ADMINISTRATIVE RULE MATTERS

Cos 2, 3, 5, & 8, Relating to Scope of Practice, Mobile Practice, Distance Learning – Preliminary Rule Draft

MOTION: Milton Bond, Jr. moved, seconded by Michael Parish, to delegate Sumeet Goel and Edit Olasz to a joint committee that may be established with the

Cosmetology Examining Board to discuss potential rule changes concerning scope of practice as discussed at the July 21, 2021 meeting. Motion carried unanimously.

CLOSED SESSION

MOTION: Diane Gerlach moved, seconded by Michael Parish, 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.). Sheldon Wasserman, Chairperson, read the language of the motion aloud for the record. The vote of each member was ascertained by voice vote. Roll Call Vote: Milton Bond, Jr.-yes; Clarence Chou-yes; Kris Ferguson-yes; Diane Gerlach-yes; Carmen Lerma-yes; Sumeet Goel-yes; Michael Parish-yes; Rachel Sattler-yes; Gregory Schmeling-yes; Derrick Siebert-yes; Sheldon Wasserman-yes; Lemuel Yerby-yes; and Emily Yu-yes. Motion carried unanimously.

The Board convened into Closed Session at 9:58 a.m.

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

Stipulations, Final Decisions and Orders

19 MED 166 – Karen A. Frodl, RCP

MOTION: Michael Parish moved, seconded by Sumeet Goel, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Karen A. Frodl, RCP, DLSC Case Number 19 MED 166. Motion carried unanimously.

19 MED 177 – Wayne A. Brearley, MD

MOTION: Diane Gerlach moved, seconded by Carmen Lerma, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Wayne A. Brearley, MD, DLSC Case Number 19 MED 177. Motion carried unanimously.

(Gregory Schmeling recused himself and left the room for deliberation and voting in the matter concerning Wayne A. Brearley, MD, DLSC Case Number 19 MED 177.)

19 MED 546 – Nestor E. Machare-Delgado, MD

MOTION: Lemuel Yerby moved, seconded by Emily Yu, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary

proceedings against Nestor E. Machare-Delgado, MD, DLSC Case Number 19 MED 546. Motion carried unanimously.

20 MED 146 – Amy J. Kaiser, RCP

MOTION: Diane Gerlach moved, seconded by Milton Bond, Jr., to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Amy J. Kaiser, RCP, DLSC Case Number 20 MED 146. Motion carried unanimously.

21 MED 155 – Thomas E. Kinney, MD

MOTION: Milton Bond, Jr. moved, seconded by Carmen Lerma, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Thomas E. Kinney, MD, DLSC Case Number 21 MED 155. Motion carried unanimously.

21 MED 191 – Lawrence O. Martin, MD

MOTION: Michael Parish moved, seconded by Clarence Chou, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Lawrence O. Martin, MD, DLSC Case Number 21 MED 191. Motion carried unanimously.

Complaints

19 MED 303 – M.J.K.

MOTION: Sumeet Goel moved, seconded by Derrick Siebert, to find probable cause in DLSC Case Number 19 MED 303, to believe that M.J.K. has committed unprofessional conduct, and therefore, to issue the Complaint and hold a hearing on such conduct pursuant to Wis. Stat§ 448.02(3)(b). Motion carried unanimously.

(Sheldon Wasserman recused himself and left the room for deliberation and voting in the matter concerning M.J.K., Respondent, DLSC Case Number 19 MED 303.)

20 MED 281 – S.L.P.

MOTION: Michael Parish moved, seconded by Kris Ferguson, to find probable cause in DLSC Case Number 20 MED 281, to believe that S.L.P. has committed unprofessional conduct, and therefore, to issue the Complaint and hold a hearing on such conduct pursuant to Wis. Stat. § 448.02(3)(b). Motion carried unanimously.

(Sheldon Wasserman recused himself and left the room for deliberation and voting in the matter concerning S.L.P., Respondent, DLSC Case Number 20 MED 281.)

Administrative Warnings

19 MED 177 – S.L.V.

MOTION: Clarence Chou moved, seconded by Diane Gerlach, to issue an Administrative Warning in the matter of S.L.V., DLSC Case Number 19 MED 177. Motion carried unanimously.

(Gregory Schmeling recused himself and left the room for deliberation and voting in the matter concerning S.L.V., DLSC Case Number 19 MED 177.)

19 MED 415 – P.S.S.

MOTION: Michael Parish moved, seconded by Milton Bond, Jr., to issue an Administrative Warning in the matter of P.S.S., DLSC Case Number 19 MED 415. Motion carried unanimously.

20 MED 297 – A.A.M.

MOTION: Sumeet Goel moved, seconded by Diane Gerlach, to decline to issue an Administrative Warning in the matter of A.A.M., DLSC Case Number 20 MED 297 and to refer the matter back to DLSC for further action. Motion carried unanimously.

20 MED 297 – N.A.S.

MOTION: Sumeet Goel moved, seconded by Michael Parish, to decline to issue an Administrative Warning in the matter of N.A.S., DLSC Case Number 20 MED 297 and to refer the matter back to DLSC for further action. Motion carried unanimously.

20 MED 410 – P.S.D.

MOTION: Derrick Siebert moved, seconded by Lemuel Yerby, to issue an Administrative Warning in the matter of P.S.D., DLSC Case Number 20 MED 410. Motion carried unanimously.

21 MED 153 – N.M.S.

MOTION: Michael Parish moved, seconded by Sumeet Goel, to issue an Administrative Warning in the matter of N.M.S., DLSC Case Number 21 MED 153. Motion carried unanimously.

Case Closings

MOTION: Gregory Schmeling moved, seconded by Emily Yu, to close the following DLSC Cases for the reasons outlined below:

1. 18 MED 160 – T.K. – Prosecutorial Discretion (P7)
 2. 18 MED 303 – D.T.M. – Insufficient Evidence
 3. 19 MED 480 – K.R.J. – No Violation
 4. 19 MED 532 – P.J.K. – No Violation
 5. 20 MED 116 – G.W.D. – No Violation
 6. 20 MED 129 – M.H. – No Violation
 7. 20 MED 277 – J.M.E. – No Violation
 8. 20 MED 356 – D.M.S. – No Violation
 9. 20 MED 412 – J.J.V. – Prosecutorial Discretion (P7)
 10. 20 MED 425 – M.J.S. – No Violation
 11. 20 MED 493 – U.U. – Insufficient Evidence
 12. 21 MED 041 – J.S.O. – Prosecutorial Discretion (P1)
 13. 21 MED 072 – L.M.F. – No Violation
 14. 21 MED 136 – L.L.T. – Prosecutorial Discretion (P5)
- Motion carried unanimously.

Monitoring Matters

Juan Preciado-Riestra, MD – Requesting Full Licensure

MOTION: Sumeet Goel moved, seconded by Michael Parish, to grant the request of Juan Preciado-Riestra, MD for full licensure. Motion carried unanimously.

Michael Hazelberg, DO – Results of AODA Assessment and Fitness-for-Practice Evaluation

MOTION: Michael Parish moved, seconded by Sumeet Goel, that pursuant to the 3/17/2021 order and the results of the Fitness-to-Practice evaluation, reinstate the license of Michael Hazelberg, D.O. to full unrestricted status. Motion carried. Opposed: Rachel Sattler

PROPOSED FINAL DECISIONS AND ORDERS

Tatjana Stevanovic, MD – DHA Case Number SPS-20-0006/DLSC Case Number 20 MED 043

MOTION: Sumeet Goel moved, seconded by Clarence Chou, to adopt the Findings of Fact, Conclusions of Law, and Proposed Decision and Order in the matter of disciplinary proceedings against Tatjana Stevanovic, MD, Respondent – DHA Case Number SPS-20-0006/DLSC Case Number 20 MED 043. Motion carried unanimously.

(Jameson Whitney recused himself and left the room for deliberation and voting in the matter concerning Tatjana Stevanovic, MD, Respondent, DHA Case Number SPS-20-0006/DLSC Case Number 20 MED 043. Jon Derenne assumed the role of Legal Counsel for the duration of deliberation and voting.)

CREENTIALING MATTERS

Application Reviews

Jamal Zereik

MOTION: Diane Gerlach moved, seconded by Milton Bond, Jr., to approve the Medicine and Surgery application of Jamal Zereik, pending proof of CME requirements and once all requirements are met. The Board delegates the Chairperson to address all questions regarding this matter. Motion carried unanimously.

Richard Ng

MOTION: Sumeet Goel moved, seconded by Kris Ferguson, to find that the convictions of Dr. Richard Ng are substantially related to the practice of medicine, to find that he has not shown adequate rehabilitation at this time to be licensed to practice medicine and surgery, and to issue a denial of his predetermination request. Reason for Denial: substantially related conviction under s. 111.335(4). Motion carried unanimously.

RECONVENE TO OPEN SESSION

MOTION: Michael Parish moved, seconded by Milton Bond, Jr., to reconvene to Open Session. Motion carried unanimously.

The Board reconvened to Open Session at 12:01 p.m.

VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION

MOTION: Clarence Chou moved, seconded by Lemuel Yerby, to affirm all motions made and votes taken in Closed Session. Motion carried unanimously.

(Be advised that any recusals or abstentions reflected in the closed session motions stand for the purposes of the affirmation vote.)

DELEGATION OF RATIFICATION OF EXAMINATION RESULTS AND RATIFICATION OF LICENSES AND CERTIFICATES

MOTION: Michael Parish moved, seconded by Diane Gerlach, to delegate ratification of examination results to DSPS staff and to ratify all licenses and certificates as issued. Motion carried unanimously.

ADJOURNMENT

MOTION: Diane Gerlach moved, seconded by Michael Parish, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 12:04 p.m.

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

AGENDA REQUEST FORM

| | | | |
|--|--|---|--|
| 1) Name and title of person submitting the request: Valerie Payne, Executive Director on behalf of Sheldon Wasserman, Chair | | 2) Date when request submitted: 8/11/2021 <small>Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting</small> | |
| 3) Name of Board, Committee, Council, Sections: Medical Examining Board | | | |
| 4) Meeting Date: 8/18/2021 | 5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | 6) How should the item be titled on the agenda page? Before Administrative Rule Matters, add: Legislative and Policy Matters – Discussion and Consideration 1. 2021 Senate Bill 394 and Assembly Bill 396, Relating to Advanced Practice and Registered Nurses | |
| 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: | |
| 10) Describe the issue and action that should be addressed: The Medical Examining Board will review and discuss the attached Wisconsin AB 396 and SB 394, relating to advanced practice registered nurses. | | | |
| 11) Authorization | | | |
| <i>Valerie Payne</i> | | 8/11/2021 | |
| Signature of person making this request | | Date | |
| Supervisor (if required) | | Date | |
| Executive Director signature (indicates approval to add post agenda deadline item to agenda) | | Date | |
| Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting. | | | |



State of Wisconsin
2021 - 2022 LEGISLATURE

LRB-3325/1
KP/MED/TJD:emw

2021 ASSEMBLY BILL 396

June 14, 2021 - Introduced by Representatives CABRAL-GUEVARA, MAGNAFICI, BRANDTJEN, BROOKS, CALLAHAN, GUNDRUM, KITCHENS, KNODL, KRUG, KUGLITSCH, KURTZ, MACCO, MURPHY, PETERSEN, J. RODRIGUEZ, ROZAR, SKOWRONSKI, SNYDER, TAUCHEN, TITTL, TUSLER, WICHGERS, RIEMER and DITTRICH, cosponsored by Senators TESTIN, FELZKOWSKI, MARKLEIN, STROEBEL and JACQUE. Referred to Committee on Health.

1 **AN ACT** *to repeal* 50.01 (1b), 77.54 (14) (f) 3., 118.2925 (1) (b), 146.89 (1) (r) 3.,
2 252.01 (1c), 440.03 (13) (b) 3., 440.03 (13) (b) 42., 440.08 (2) (a) 4m., 440.08 (2)
3 (a) 50., 441.11 (title), 441.11 (1), 441.11 (3), 441.15, 441.16, 441.19, 448.035 (1)
4 (a) and 450.01 (1m); **to renumber and amend** 253.13 (1), 255.06 (1) (d), 441.06
5 (7) and 441.11 (2); **to amend** 14.87 (title), 29.193 (1m) (a) 2. (intro.), 29.193 (2)
6 (b) 2., 29.193 (2) (c) 3., 29.193 (2) (cd) 2. b., 29.193 (2) (cd) 2. c., 29.193 (2) (e),
7 29.193 (3) (a), 45.40 (1g) (a), 46.03 (44), 50.08 (2), 50.09 (1) (a) (intro.), 50.09 (1)
8 (f) 1., 50.09 (1) (h), 50.09 (1) (k), 50.49 (1) (b) (intro.), 51.41 (1d) (b) 4., 70.47 (8)
9 (intro.), 77.54 (14) (f) 4., 97.59, 102.13 (1) (a), 102.13 (1) (b) (intro.), 1., 3. and 4.,
10 102.13 (1) (d) 1., 2., 3. and 4., 102.13 (2) (a), 102.13 (2) (b), 102.17 (1) (d) 1. and
11 2., 102.29 (3), 102.42 (2) (a), 106.30 (1), 118.15 (3) (a), 118.25 (1) (a), 118.29 (1)
12 (e), 118.2925 (3), 118.2925 (4) (c), 118.2925 (5), 146.343 (1) (c), 146.82 (3) (a),
13 146.89 (1) (r) 1., 146.89 (1) (r) 8., 146.89 (6), 154.01 (1g), 252.07 (8) (a) 2., 252.07
14 (9) (c), 252.10 (7), 252.11 (2), (4), (5), (7) and (10), 252.15 (3m) (d) 11. b. and 13.,

ASSEMBLY BILL 396

1 (5g) (c), (5m) (d) 2. and (e) 2. and 3. and (7m) (intro.) and (b), 252.16 (3) (c)
2 (intro.), 252.17 (3) (c) (intro.), 253.07 (4) (d), 253.115 (4), 253.115 (7) (a) (intro.),
3 253.15 (2), 255.06 (2) (d), 255.07 (1) (d), 257.01 (5) (a) and (b), 341.14 (1a), (1e)
4 (a), (1m) and (1q), 343.16 (5) (a), 343.51 (1), 343.62 (4) (a) 4., 440.094 (1) (c) 1.,
5 440.094 (2) (a) (intro.), 440.981 (1), 440.982 (1), 440.987 (2), 441.01 (3), 441.01
6 (4), 441.01 (7) (a) (intro.), 441.01 (7) (b), 441.06 (3), 441.06 (4), 441.07 (1g)
7 (intro.), (a), (c) and (e), 441.10 (7), 441.18 (2) (a) (intro.), 441.18 (2) (b), 441.18
8 (3), subchapter II (title) of chapter 441 [precedes 441.51], 441.51 (title), 448.03
9 (2) (a), 448.035 (2), (3) and (4), 448.56 (1) and (1m) (b), 448.62 (2m), 448.67 (2),
10 448.956 (1m), 450.01 (16) (h) 2., 450.01 (16) (hr) 2., 450.03 (1) (e), 450.11 (1g) (b),
11 450.11 (1i) (a) 1., 450.11 (1i) (b) 2. b., 450.11 (7) (b), 450.11 (8) (e), 450.13 (5) (b),
12 450.135 (7) (b), 462.04, 655.001 (7t), 655.001 (9), 655.005 (2) (a), 961.01 (19) (a)
13 and 961.395; **to repeal and recreate** 46.03 (44), 50.08 (2), 70.47 (8) (intro.),
14 146.82 (3) (a), 146.89 (1) (r) 1., 155.01 (1g) (b), 255.07 (1) (d), 343.16 (5) (a),
15 441.06 (title), 448.03 (2) (a), 448.035 (2), (3) and (4), 448.956 (1m), 450.11 (1g)
16 (b), 450.11 (1i) (a) 1., 462.04 and 961.01 (19) (a); and **to create** 253.115 (1) (f),
17 253.13 (1) (a), 253.15 (1) (em), 255.06 (1) (f) 2., 440.03 (13) (b) 39m., 440.08 (2)
18 (a) 47., 441.001 (1c), 441.001 (1m), 441.001 (3c), 441.001 (3g), 441.001 (3n),
19 441.001 (3r), 441.001 (3w), 441.001 (5), 441.01 (7) (c), 441.09 and 441.092 of the
20 statutes; **relating to:** advanced practice registered nurses, extending the time

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- 1 limit for emergency rule procedures, providing an exemption from emergency
2 rule procedures, and granting rule-making authority.

Analysis by the Legislative Reference Bureau

NURSING PRACTICE AND LICENSURE

This bill makes various changes to practice, licensure, and certification requirements for nurses, which are administered by the Board of Nursing.

Licensure of advanced practice registered nurses

Under current law, a person who wishes to practice professional nursing must be licensed by the Board of Nursing as a registered nurse (RN). This bill creates an additional system of licensure for advanced practice registered nurses (APRNs), to be administered by the board. Under the bill, in order to apply for an APRN license, a person must 1) hold, or concurrently apply for, an RN license; 2) have completed an accredited graduate-level or postgraduate-level education program preparing the person to practice as an APRN in one of four recognized roles and hold a current national certification approved by the board; 3) possess malpractice liability insurance in an amount determined as provided in the bill; 4) pay a fee determined by the Department of Safety and Professional Services; and 5) satisfy certain other criteria specified in the bill. The bill also allows a person who has not completed an accredited education program described above to receive an APRN license if the person 1) on January 1, 2019, was both licensed as an RN in Wisconsin and practicing in one of the four recognized roles; and 2) satisfies additional practice or education criteria established by the board. The bill also, however, automatically grants licenses to certain RNs, as further described below. The four recognized roles, as defined in the bill, are 1) certified nurse-midwife; 2) certified registered nurse anesthetist; 3) clinical nurse specialist; and 4) nurse practitioner. The bill requires the board, upon granting a person an APRN license, to also grant the person one or more specialty designations corresponding to the recognized role or roles for which the person qualifies.

The holder of an APRN license may append the title "A.P.R.N." to his or her name, as well as a title corresponding to whichever specialty designations that the person possesses. The bill prohibits any person from using the title "A.P.R.N.," and from otherwise indicating that he or she is an APRN, unless the person is licensed by the board as an APRN. The bill also prohibits the use of titles and abbreviations corresponding to a recognized role unless the person has a specialty designation for that role. However, the bill allows an APRN to delegate a task or order to another clinically trained health care worker if the task or order is within the scope of the APRN's practice, the APRN is competent to perform the task or issue the order, and the APRN has reasonable evidence that the health care worker is minimally competent to perform the task or issue the order under the circumstances. The bill requires an APRN to adhere to professional standards when managing situations that are beyond the APRN's expertise.

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Under the bill, when an APRN renews his or her APRN license, the board must grant the person the renewal of both the person's RN license and the person's APRN license. The bill requires all APRNs to complete continuing education requirements each biennium in clinical pharmacology or therapeutics relevant to the APRN's area of practice and to satisfy certain other requirements when renewing a license.

Practice of nurse-midwifery

This bill repeals licensure and practice requirements specific to nurse-midwives and the practice of nurse-midwifery, including specific requirements to practice with an obstetrician. Under the bill, "certified nurse-midwife" is one of the four recognized roles for APRNs, and a person who is licensed as a nurse-midwife under current law is automatically granted an APRN license with a certified nurse-midwife specialty designation. The bill otherwise allows nurse-midwives to be licensed as APRNs if they satisfy the licensure requirements, except that the bill also requires that a person applying for a certified nurse-midwife specialty designation be certified by the American Midwifery Certification Board. The bill also requires APRNs with a specialty designation as a certified nurse-midwife to file and keep current with DSPS a plan for involving a hospital or physician in treating certain patients if the APRN practices outside of a hospital.

Prescribing authority

Under current law, a person licensed as an RN may apply to the board for a certificate to issue prescription orders if the person meets certain requirements established by the board. An RN holding a certificate is subject to various practice requirements and limitations established by the board and must possess malpractice liability insurance in an amount determined by the board.

The bill eliminates certificates to issue prescription orders and generally authorizes APRNs to issue prescription orders. A person who is certified to issue prescription orders under current law is automatically granted an APRN license with his or her appropriate specialty designation. RNs who were practicing in a recognized role on January 1, 2019, but who did not hold a certificate to issue prescription orders on that date and who are granted an APRN license under the bill may not issue prescription orders. As under current law, an APRN issuing prescription orders is subject to various practice requirements and limitations established by the board.

The bill repeals a provision concerning the ability of advanced practice nurses who are certified to issue prescription orders and who are required to work in collaboration with or under the supervision of a physician to obtain and practice under a federal waiver to dispense narcotic drugs to individuals for addiction treatment.

OTHER CHANGES

The bill makes numerous other changes throughout the statutes relating to APRNs, including various terminology changes and technical changes relating to the Nurse Licensure Compact.

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

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

1 **SECTION 1.** 14.87 (title) of the statutes is amended to read:

2 **14.87** (title) ~~Enhanced nurse~~ **Nurse licensure compact**.

3 **SECTION 2.** 29.193 (1m) (a) 2. (intro.) of the statutes is amended to read:

4 29.193 (**1m**) (a) 2. (intro.) Has a permanent substantial loss of function in one
5 or both arms or one or both hands and fails to meet the minimum standards of any
6 one of the following standard tests, administered under the direction of a licensed
7 physician, a licensed physician assistant, a licensed chiropractor, or a ~~certified~~
8 licensed advanced practice registered nurse prescriber:

9 **SECTION 3.** 29.193 (2) (b) 2. of the statutes is amended to read:

10 29.193 (**2**) (b) 2. An applicant shall submit an application on a form prepared
11 and furnished by the department, which shall include a written statement or report
12 prepared and signed by a licensed physician, a licensed physician assistant, a
13 licensed chiropractor, a licensed podiatrist, or a ~~certified~~ licensed advanced practice
14 registered nurse prescriber prepared no more than 6 months preceding the
15 application and verifying that the applicant is physically disabled.

16 **SECTION 4.** 29.193 (2) (c) 3. of the statutes is amended to read:

17 29.193 (**2**) (c) 3. The department may issue a Class B permit to an applicant
18 who is ineligible for a permit under subd. 1., 2. or 2m. or who is denied a permit under
19 subd. 1., 2. or 2m. if, upon review and after considering the physical condition of the
20 applicant and the recommendation of a licensed physician, a licensed physician
21 assistant, a licensed chiropractor, a licensed podiatrist, or a ~~certified~~ licensed

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1 advanced practice registered nurse ~~prescriber~~ selected by the applicant from a list
2 of licensed physicians, licensed physician assistants, licensed chiropractors, licensed
3 podiatrists, and ~~certified~~ licensed advanced practice nurse ~~prescribers~~ registered
4 nurses compiled by the department, the department finds that issuance of a permit
5 complies with the intent of this subsection. The use of this review procedure is
6 discretionary with the department and all costs of the review procedure shall be paid
7 by the applicant.

8 **SECTION 5.** 29.193 (2) (cd) 2. b. of the statutes is amended to read:

9 29.193 (2) (cd) 2. b. The person has a permanent substantial loss of function
10 in one or both arms and fails to meet the minimum standards of the standard upper
11 extremity pinch test, the standard grip test, or the standard nine-hole peg test,
12 administered under the direction of a licensed physician, a licensed physician
13 assistant, a licensed chiropractor, or a ~~certified~~ licensed advanced practice registered
14 nurse ~~prescriber~~.

15 **SECTION 6.** 29.193 (2) (cd) 2. c. of the statutes is amended to read:

16 29.193 (2) (cd) 2. c. The person has a permanent substantial loss of function in
17 one or both shoulders and fails to meet the minimum standards of the standard
18 shoulder strength test, administered under the direction of a licensed physician, a
19 licensed physician assistant, a licensed chiropractor, or a ~~certified~~ licensed advanced
20 practice registered nurse ~~prescriber~~.

21 **SECTION 7.** 29.193 (2) (e) of the statutes is amended to read:

22 29.193 (2) (e) *Review of decisions.* An applicant denied a permit under this
23 subsection, except a permit under par. (c) 3., may obtain a review of that decision by
24 a licensed physician, a licensed physician assistant, a licensed chiropractor, a
25 licensed podiatrist, or a ~~certified~~ licensed advanced practice registered nurse

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1 prescriber designated by the department and with an office located in the
2 department district in which the applicant resides. The department shall pay for the
3 cost of a review under this paragraph unless the denied application on its face fails
4 to meet the standards set forth in par. (c) 1. or 2. A review under this paragraph is
5 the only method of review of a decision to deny a permit under this subsection and
6 is not subject to further review under ch. 227.

7 **SECTION 8.** 29.193 (3) (a) of the statutes is amended to read:

8 29.193 (3) (a) Produces a certificate from a licensed physician, a licensed
9 physician assistant, a licensed optometrist, or a ~~certified~~ licensed advanced practice
10 registered nurse prescriber stating that his or her sight is impaired to the degree that
11 he or she cannot read ordinary newspaper print with or without corrective glasses.

12 **SECTION 9.** 45.40 (1g) (a) of the statutes is amended to read:

13 45.40 (1g) (a) "Health care provider" means an advanced practice registered
14 nurse prescriber ~~certified~~ who may issue prescription orders under s. 441.16 441.09
15 (2), an audiologist licensed under ch. 459, a dentist licensed under ch. 447, an
16 optometrist licensed under ch. 449, a physician licensed under s. 448.02, or a
17 podiatrist licensed under s. 448.63.

18 **SECTION 10.** 46.03 (44) of the statutes is amended to read:

19 46.03 (44) SEXUALLY TRANSMITTED DISEASE TREATMENT INFORMATION. Prepare and
20 keep current an information sheet to be distributed to a patient by a physician, a
21 physician assistant, or ~~certified~~ an advanced practice registered nurse prescriber
22 who may issue prescription orders under s. 441.09 (2) providing expedited partner
23 therapy to that patient under s. 441.092 or 448.035. The information sheet shall
24 include information about sexually transmitted diseases and their treatment and
25 about the risk of drug allergies. The information sheet shall also include a statement

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1 advising a person with questions about the information to contact his or her
2 physician, pharmacist, or local health department, as defined in s. 250.01 (4).

3 **SECTION 11.** 46.03 (44) of the statutes, as affected by 2021 Wisconsin Acts 23
4 and (this act), is repealed and recreated to read:

5 46.03 (44) **SEXUALLY TRANSMITTED DISEASE TREATMENT INFORMATION.** Prepare and
6 keep current an information sheet to be distributed to a patient by a physician,
7 physician assistant, or an advanced practice registered nurse who may issue
8 prescription orders under s. 441.09 (2) providing expedited partner therapy to that
9 patient under s. 441.092, 448.035, or 448.9725. The information sheet shall include
10 information about sexually transmitted diseases and their treatment and about the
11 risk of drug allergies. The information sheet shall also include a statement advising
12 a person with questions about the information to contact his or her physician,
13 pharmacist, or local health department, as defined in s. 250.01 (4).

14 **SECTION 12.** 50.01 (1b) of the statutes is repealed.

15 **SECTION 13.** 50.08 (2) of the statutes is amended to read:

16 50.08 (2) A physician, an advanced practice registered nurse ~~prescriber~~
17 ~~certified who may issue prescription orders~~ under s. ~~441.16~~ 441.09 (2), or a physician
18 assistant licensed under ch. 448, who prescribes a psychotropic medication to a
19 nursing home resident who has degenerative brain disorder shall notify the nursing
20 home if the prescribed medication has a boxed warning under 21 CFR 201.57.

21 **SECTION 14.** 50.08 (2) of the statutes, as affected by 2021 Wisconsin Acts 23 and
22 (this act), is repealed and recreated to read:

23 50.08 (2) A physician, an advanced practice registered nurse who may issue
24 prescription orders under s. 441.09 (2), or a physician assistant, who prescribes a
25 psychotropic medication to a nursing home resident who has degenerative brain

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1 disorder shall notify the nursing home if the prescribed medication has a boxed
2 warning under 21 CFR 201.57.

3 **SECTION 15.** 50.09 (1) (a) (intro.) of the statutes is amended to read:

4 50.09 (1) (a) (intro.) Private and unrestricted communications with the
5 resident's family, physician, physician assistant, advanced practice registered nurse
6 ~~prescriber~~, attorney, and any other person, unless medically contraindicated as
7 documented by the resident's physician, physician assistant, or advanced practice
8 registered nurse ~~prescriber~~ in the resident's medical record, except that
9 communications with public officials or with the resident's attorney shall not be
10 restricted in any event. The right to private and unrestricted communications shall
11 include, but is not limited to, the right to:

12 **SECTION 16.** 50.09 (1) (f) 1. of the statutes is amended to read:

13 50.09 (1) (f) 1. Privacy for visits by spouse or domestic partner. If both spouses
14 or both domestic partners under ch. 770 are residents of the same facility, the spouses
15 or domestic partners shall be permitted to share a room unless medically
16 contraindicated as documented by the resident's physician, physician assistant, or
17 advanced practice registered nurse ~~prescriber~~ in the resident's medical record.

18 **SECTION 17.** 50.09 (1) (h) of the statutes is amended to read:

19 50.09 (1) (h) Meet with, and participate in activities of social, religious, and
20 community groups at the resident's discretion, unless medically contraindicated as
21 documented by the resident's physician, physician assistant, or advanced practice
22 registered nurse ~~prescriber~~ in the resident's medical record.

23 **SECTION 18.** 50.09 (1) (k) of the statutes is amended to read:

24 50.09 (1) (k) Be free from mental and physical abuse, and be free from chemical
25 and physical restraints except as authorized in writing by a physician, physician

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1 assistant, or advanced practice registered nurse ~~prescriber~~ for a specified and
2 limited period of time and documented in the resident's medical record. Physical
3 restraints may be used in an emergency when necessary to protect the resident from
4 injury to himself or herself or others or to property. However, authorization for
5 continuing use of the physical restraints shall be secured from a physician, physician
6 assistant, or advanced practice registered nurse ~~prescriber~~ within 12 hours. Any use
7 of physical restraints shall be noted in the resident's medical records. "Physical
8 restraints" includes, but is not limited to, any article, device, or garment that
9 interferes with the free movement of the resident and that the resident is unable to
10 remove easily, and confinement in a locked room.

11 **SECTION 19.** 50.49 (1) (b) (intro.) of the statutes is amended to read:

12 50.49 (1) (b) (intro.) "Home health services" means the following items and
13 services that are furnished to an individual, who is under the care of a physician,
14 physician assistant, or advanced practice registered nurse ~~prescriber~~, by a home
15 health agency, or by others under arrangements made by the home health agency,
16 that are under a plan for furnishing those items and services to the individual that
17 is established and periodically reviewed by a physician, physician assistant, or
18 advanced practice registered nurse ~~prescriber~~ and that are, except as provided in
19 subd. 6., provided on a visiting basis in a place of residence used as the individual's
20 home:

21 **SECTION 20.** 51.41 (1d) (b) 4. of the statutes is amended to read:

22 51.41 (1d) (b) 4. A psychiatric mental health advanced practice registered
23 nurse who is suggested by the Milwaukee County board of supervisors. The
24 Milwaukee County board of supervisors shall solicit suggestions from organizations
25 including the Wisconsin Nurses Association for individuals who specialize in a full

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1 continuum of behavioral health and medical services including emergency
2 detention, inpatient, residential, transitional, partial hospitalization, intensive
3 outpatient, and wraparound community-based services. The Milwaukee County
4 board of supervisors shall suggest to the Milwaukee County executive 4 psychiatric
5 mental health advanced practice registered nurses for this board membership
6 position.

7 **SECTION 21.** 70.47 (8) (intro.) of the statutes is amended to read:

8 70.47 (8) HEARING. (intro.) The board shall hear upon oath all persons who
9 appear before it in relation to the assessment. Instead of appearing in person at the
10 hearing, the board may allow the property owner, or the property owner's
11 representative, at the request of either person, to appear before the board, under
12 oath, by telephone or to submit written statements, under oath, to the board. The
13 board shall hear upon oath, by telephone, all ill or disabled persons who present to
14 the board a letter from a physician, osteopath, physician assistant, as defined in s.
15 448.01 (6), or advanced practice registered nurse prescriber certified under s. 441.16
16 ~~(2)~~ licensed under ch. 441 that confirms their illness or disability. At the request of
17 the property owner or the property owner's representative, the board may postpone
18 and reschedule a hearing under this subsection, but may not postpone and
19 reschedule a hearing more than once during the same session for the same property.
20 The board at such hearing shall proceed as follows:

21 **SECTION 22.** 70.47 (8) (intro.) of the statutes, as affected by 2021 Wisconsin Acts
22 23 and (this act), is repealed and recreated to read:

23 70.47 (8) HEARING. (intro.) The board shall hear upon oath all persons who
24 appear before it in relation to the assessment. Instead of appearing in person at the
25 hearing, the board may allow the property owner, or the property owner's

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1 representative, at the request of either person, to appear before the board, under
2 oath, by telephone or to submit written statements, under oath, to the board. The
3 board shall hear upon oath, by telephone, all ill or disabled persons who present to
4 the board a letter from a physician, physician assistant, or advanced practice
5 registered nurse licensed under ch. 441 that confirms their illness or disability. At
6 the request of the property owner or the property owner's representative, the board
7 may postpone and reschedule a hearing under this subsection, but may not postpone
8 and reschedule a hearing more than once during the same session for the same
9 property. The board at such hearing shall proceed as follows:

10 **SECTION 23.** 77.54 (14) (f) 3. of the statutes is repealed.

11 **SECTION 24.** 77.54 (14) (f) 4. of the statutes is amended to read:

12 77.54 (14) (f) 4. An advanced practice registered nurse who may issue
13 prescription orders under s. 441.09 (2).

14 **SECTION 25.** 97.59 of the statutes is amended to read:

15 **97.59 Handling foods.** No person in charge of any public eating place or other
16 establishment where food products to be consumed by others are handled may
17 knowingly employ any person handling food products who has a disease in a form
18 that is communicable by food handling. If required by the local health officer or any
19 officer of the department for the purposes of an investigation, any person who is
20 employed in the handling of foods or is suspected of having a disease in a form that
21 is communicable by food handling shall submit to an examination by the officer or
22 by a physician, physician assistant, or advanced practice registered nurse ~~prescriber~~
23 designated by the officer. The expense of the examination, if any, shall be paid by the
24 person examined. Any person knowingly infected with a disease in a form that is
25 communicable by food handling who handles food products to be consumed by others

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1 and any persons knowingly employing or permitting such a person to handle food
2 products to be consumed by others shall be punished as provided by s. 97.72.

3 **SECTION 26.** 102.13 (1) (a) of the statutes is amended to read:

4 102.13 (1) (a) Except as provided in sub. (4), whenever compensation is claimed
5 by an employee, the employee shall, upon the written request of the employee's
6 employer or worker's compensation insurer, submit to reasonable examinations by
7 physicians, chiropractors, psychologists, dentists, physician assistants, advanced
8 practice nurse prescribers registered nurses, or podiatrists provided and paid for by
9 the employer or insurer. No employee who submits to an examination under this
10 paragraph is a patient of the examining physician, chiropractor, psychologist,
11 dentist, physician assistant, advanced practice registered nurse prescriber, or
12 podiatrist for any purpose other than for the purpose of bringing an action under ch.
13 655, unless the employee specifically requests treatment from that physician,
14 chiropractor, psychologist, dentist, physician assistant, advanced practice registered
15 nurse prescriber, or podiatrist.

16 **SECTION 27.** 102.13 (1) (b) (intro.), 1., 3. and 4. of the statutes are amended to
17 read:

18 102.13 (1) (b) (intro.) An employer or insurer who requests that an employee
19 submit to reasonable examination under par. (a) or (am) shall tender to the employee,
20 before the examination, all necessary expenses including transportation expenses.
21 The employee is entitled to have a physician, chiropractor, psychologist, dentist,
22 physician assistant, advanced practice registered nurse prescriber, or podiatrist
23 provided by himself or herself present at the examination and to receive a copy of all
24 reports of the examination that are prepared by the examining physician,
25 chiropractor, psychologist, podiatrist, dentist, physician assistant, advanced

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1 practice registered nurse ~~prescriber~~, or vocational expert immediately upon receipt
2 of those reports by the employer or worker's compensation insurer. The employee is
3 also entitled to have a translator provided by himself or herself present at the
4 examination if the employee has difficulty speaking or understanding the English
5 language. The employer's or insurer's written request for examination shall notify
6 the employee of all of the following:

7 1. The proposed date, time, and place of the examination and the identity and
8 area of specialization of the examining physician, chiropractor, psychologist, dentist,
9 podiatrist, physician assistant, advanced practice registered nurse ~~prescriber~~, or
10 vocational expert.

11 3. The employee's right to have his or her physician, chiropractor, psychologist,
12 dentist, physician assistant, advanced practice registered nurse ~~prescriber~~, or
13 podiatrist present at the examination.

14 4. The employee's right to receive a copy of all reports of the examination that
15 are prepared by the examining physician, chiropractor, psychologist, dentist,
16 podiatrist, physician assistant, advanced practice registered nurse ~~prescriber~~, or
17 vocational expert immediately upon receipt of these reports by the employer or
18 worker's compensation insurer.

19 **SECTION 28.** 102.13 (1) (d) 1., 2., 3. and 4. of the statutes are amended to read:

20 102.13 (1) (d) 1. Any physician, chiropractor, psychologist, dentist, podiatrist,
21 physician assistant, advanced practice registered nurse ~~prescriber~~, or vocational
22 expert who is present at any examination under par. (a) or (am) may be required to
23 testify as to the results of the examination.

24 2. Any physician, chiropractor, psychologist, dentist, physician assistant,
25 advanced practice registered nurse ~~prescriber~~, or podiatrist who attended a worker's

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1 compensation claimant for any condition or complaint reasonably related to the
2 condition for which the claimant claims compensation may be required to testify
3 before the division when the division so directs.

4 3. Notwithstanding any statutory provisions except par. (e), any physician,
5 chiropractor, psychologist, dentist, physician assistant, advanced practice registered
6 nurse ~~prescriber~~, or podiatrist attending a worker's compensation claimant for any
7 condition or complaint reasonably related to the condition for which the claimant
8 claims compensation may furnish to the employee, employer, worker's compensation
9 insurer, department, or division information and reports relative to a compensation
10 claim.

11 4. The testimony of any physician, chiropractor, psychologist, dentist,
12 physician assistant, advanced practice registered nurse ~~prescriber~~, or podiatrist who
13 is licensed to practice where he or she resides or practices in any state and the
14 testimony of any vocational expert may be received in evidence in compensation
15 proceedings.

16 **SECTION 29.** 102.13 (2) (a) of the statutes, as affected by 2021 Wisconsin Act 29,
17 is amended to read:

18 102.13 (2) (a) An employee who reports an injury alleged to be work-related
19 or files an application for hearing waives any physician-patient,
20 psychologist-patient, or chiropractor-patient privilege with respect to any condition
21 or complaint reasonably related to the condition for which the employee claims
22 compensation. Notwithstanding ss. 51.30 and 146.82 and any other law, any
23 physician, chiropractor, psychologist, dentist, podiatrist, physician assistant,
24 advanced practice registered nurse ~~prescriber~~, hospital, or health care provider
25 shall, within a reasonable time after written request by the employee, employer,

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1 worker's compensation insurer, department, or division, or its representative,
2 provide that person with any information or written material reasonably related to
3 any injury for which the employee claims compensation. If the request is by a
4 representative of a worker's compensation insurer for a billing statement, the
5 physician, chiropractor, psychologist, dentist, podiatrist, physician assistant,
6 advanced practice registered nurse ~~prescriber~~, hospital, or health care provider
7 shall, within 30 days after receiving the request, provide that person with a complete
8 copy of an itemized billing statement or a billing statement in a standard billing
9 format recognized by the federal government.

10 **SECTION 30.** 102.13 (2) (b) of the statutes is amended to read:

11 102.13 (2) (b) A physician, chiropractor, podiatrist, psychologist, dentist,
12 physician assistant, advanced practice registered nurse ~~prescriber~~, hospital, or
13 health service provider shall furnish a legible, certified duplicate of the written
14 material requested under par. (a) in paper format upon payment of the actual costs
15 of preparing the certified duplicate, not to exceed the greater of 45 cents per page or
16 \$7.50 per request, plus the actual costs of postage, or shall furnish a legible, certified
17 duplicate of that material in electronic format upon payment of \$26 per request. Any
18 person who refuses to provide certified duplicates of written material in the person's
19 custody that is requested under par. (a) shall be liable for reasonable and necessary
20 costs and, notwithstanding s. 814.04 (1), reasonable attorney fees incurred in
21 enforcing the requester's right to the duplicates under par. (a).

22 **SECTION 31.** 102.17 (1) (d) 1. and 2. of the statutes are amended to read:

23 102.17 (1) (d) 1. The contents of certified medical and surgical reports by
24 physicians, podiatrists, surgeons, dentists, psychologists, physician assistants,
25 advanced practice ~~nurse prescribers~~ registered nurses, and chiropractors licensed in

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1 and practicing in this state, and of certified reports by experts concerning loss of
2 earning capacity under s. 102.44 (2) and (3), presented by a party for compensation
3 constitute prima facie evidence as to the matter contained in those reports, subject
4 to any rules and limitations the division prescribes. Certified reports of physicians,
5 podiatrists, surgeons, dentists, psychologists, physician assistants, advanced
6 practice nurse prescribers registered nurses, and chiropractors, wherever licensed
7 and practicing, who have examined or treated the claimant, and of experts, if the
8 practitioner or expert consents to being subjected to cross-examination, also
9 constitute prima facie evidence as to the matter contained in those reports. Certified
10 reports of physicians, podiatrists, surgeons, psychologists, and chiropractors are
11 admissible as evidence of the diagnosis, necessity of the treatment, and cause and
12 extent of the disability. Certified reports by doctors of dentistry, physician
13 assistants, and advanced practice nurse prescribers registered nurses are
14 admissible as evidence of the diagnosis and necessity of treatment but not of the
15 cause and extent of disability. Any physician, podiatrist, surgeon, dentist,
16 psychologist, chiropractor, physician assistant, advanced practice registered nurse
17 ~~prescriber~~, or expert who knowingly makes a false statement of fact or opinion in a
18 certified report may be fined or imprisoned, or both, under s. 943.395.

19 2. The record of a hospital or sanatorium in this state that is satisfactory to the
20 division, established by certificate, affidavit, or testimony of the supervising officer
21 of the hospital or sanatorium, any other person having charge of the record, or a
22 physician, podiatrist, surgeon, dentist, psychologist, physician assistant, advanced
23 practice registered nurse ~~prescriber~~, or chiropractor to be the record of the patient
24 in question, and made in the regular course of examination or treatment of the

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1 patient, constitutes prima facie evidence as to the matter contained in the record, to
2 the extent that the record is otherwise competent and relevant.

3 **SECTION 32.** 102.29 (3) of the statutes is amended to read:

4 102.29 (3) Nothing in this chapter shall prevent an employee from taking the
5 compensation that the employee may be entitled to under this chapter and also
6 maintaining a civil action against any physician, chiropractor, psychologist, dentist,
7 physician assistant, advanced practice registered nurse ~~prescriber~~, or podiatrist for
8 malpractice.

9 **SECTION 33.** 102.42 (2) (a) of the statutes is amended to read:

10 102.42 (2) (a) When the employer has notice of an injury and its relationship
11 to the employment, the employer shall offer to the injured employee his or her choice
12 of any physician, chiropractor, psychologist, dentist, physician assistant, advanced
13 practice registered nurse ~~prescriber~~, or podiatrist licensed to practice and practicing
14 in this state for treatment of the injury. By mutual agreement, the employee may
15 have the choice of any qualified practitioner not licensed in this state. In case of
16 emergency, the employer may arrange for treatment without tendering a choice.
17 After the emergency has passed the employee shall be given his or her choice of
18 attending practitioner at the earliest opportunity. The employee has the right to a
19 2nd choice of attending practitioner on notice to the employer or its insurance carrier.
20 Any further choice shall be by mutual agreement. Partners and clinics are
21 considered to be one practitioner. Treatment by a practitioner on referral from
22 another practitioner is considered to be treatment by one practitioner.

23 **SECTION 34.** 106.30 (1) of the statutes is amended to read:

24 106.30 (1) DEFINITION. In this section, “nurse” means a registered nurse
25 licensed under s. 441.06 or permitted under s. 441.08, a licensed practical nurse

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1 licensed or permitted under s. 441.10, or an advanced practice registered nurse
2 ~~prescriber certified under s. 441.16 (2), or a nurse-midwife licensed under s. 441.15~~
3 441.09.

4 **SECTION 35.** 118.15 (3) (a) of the statutes is amended to read:

5 118.15 (3) (a) Any child who is excused by the school board because the child
6 is temporarily not in proper physical or mental condition to attend a school program
7 but who can be expected to return to a school program upon termination or
8 abatement of the illness or condition. The school attendance officer may request the
9 parent or guardian of the child to obtain a written statement from a licensed
10 physician, dentist, chiropractor, optometrist, psychologist, physician assistant, or
11 ~~nurse practitioner, as defined in s. 255.06 (1) (d), or certified advanced practice~~
12 registered nurse prescriber or Christian Science practitioner living and residing in
13 this state, who is listed in the Christian Science Journal, as sufficient proof of the
14 physical or mental condition of the child. An excuse under this paragraph shall be
15 in writing and shall state the time period for which it is valid, not to exceed 30 days.

16 **SECTION 36.** 118.25 (1) (a) of the statutes is amended to read:

17 118.25 (1) (a) “Practitioner” means a person licensed as a physician or as a
18 physician assistant in any state or licensed as an advanced practice registered nurse
19 or certified as an advanced practice registered nurse prescriber in any state. In this
20 paragraph, “physician” has the meaning given in s. 448.01 (5).

21 **SECTION 37.** 118.29 (1) (e) of the statutes is amended to read:

22 118.29 (1) (e) “Practitioner” means any physician, dentist, optometrist,
23 physician assistant, advanced practice registered nurse ~~prescriber~~ with prescribing
24 authority, or podiatrist licensed in any state.

25 **SECTION 38.** 118.2925 (1) (b) of the statutes is repealed.

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1 **SECTION 39.** 118.2925 (3) of the statutes is amended to read:

2 118.2925 (3) PRESCRIPTIONS FOR SCHOOLS. A physician, an advanced practice
3 registered nurse prescriber who may issue prescription orders under s. 441.09 (2),
4 or a physician assistant may prescribe epinephrine auto-injectors in the name of a
5 school that has adopted a plan under sub. (2) (a), to be maintained by the school for
6 use under sub. (4).

7 **SECTION 40.** 118.2925 (4) (c) of the statutes is amended to read:

8 118.2925 (4) (c) Administer an epinephrine auto-injector to a pupil or other
9 person who the school nurse or designated school personnel in good faith believes is
10 experiencing anaphylaxis in accordance with a standing protocol from a physician,
11 an advanced practice registered nurse prescriber who may issue prescription orders
12 under s. 441.09 (2), or a physician assistant, regardless of whether the pupil or other
13 person has a prescription for an epinephrine auto-injector. If the pupil or other
14 person does not have a prescription for an epinephrine auto-injector, or the person
15 who administers the epinephrine auto-injector does not know whether the pupil or
16 other person has a prescription for an epinephrine auto-injector, the person who
17 administers the epinephrine auto-injector shall, as soon as practicable, report the
18 administration by dialing the telephone number “911” or, in an area in which the
19 telephone number “911” is not available, the telephone number for an emergency
20 medical service provider.

21 **SECTION 41.** 118.2925 (5) of the statutes is amended to read:

22 118.2925 (5) IMMUNITY FROM CIVIL LIABILITY; EXEMPTION FROM PRACTICE OF
23 MEDICINE. A school and its designated school personnel, and a physician, an advanced
24 practice registered nurse prescriber who may issue prescription orders under s.
25 441.09 (2), or a physician assistant who provides a prescription or standing protocol

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1 for school epinephrine auto-injectors, are not liable for any injury that results from
2 the administration or self-administration of an epinephrine auto-injector under
3 this section, regardless of whether authorization was given by the pupil's parent or
4 guardian or by the pupil's physician, physician assistant, or advanced practice
5 registered nurse prescriber, unless the injury is the result of an act or omission that
6 constitutes gross negligence or willful or wanton misconduct. The immunity from
7 liability provided under this subsection is in addition to and not in lieu of that
8 provided under s. 895.48.

9 **SECTION 42.** 146.343 (1) (c) of the statutes is amended to read:

10 146.343 (1) (c) "Nurse-midwife" means an individual who is licensed to engage
11 ~~in the practice of nurse-midwifery under s. 441.15 (3) (a)~~ as an advanced practice
12 registered nurse and possesses a certified nurse-midwife specialty designation
13 under s. 441.09.

14 **SECTION 43.** 146.82 (3) (a) of the statutes is amended to read:

15 146.82 (3) (a) Notwithstanding sub. (1), a physician, physician assistant, as
16 defined in s. 448.01 (6), or advanced practice registered nurse ~~prescriber-certified~~
17 ~~under s. 441.16 (2)~~ licensed under s. 441.09 who treats a patient whose physical or
18 mental condition in the physician's, physician assistant's, or advanced practice nurse
19 ~~prescriber's~~ registered nurse's judgment affects the patient's ability to exercise
20 reasonable and ordinary control over a motor vehicle may report the patient's name
21 and other information relevant to the condition to the department of transportation
22 without the informed consent of the patient.

23 **SECTION 44.** 146.82 (3) (a) of the statutes, as affected by 2021 Wisconsin Acts
24 23 and (this act), is repealed and recreated to read:

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1 146.82 (3) (a) Notwithstanding sub. (1), a physician, a physician assistant, or
2 an advanced practice registered nurse licensed under s. 441.09 who treats a patient
3 whose physical or mental condition in the physician's, physician assistant's, or
4 advanced practice registered nurse's judgment affects the patient's ability to exercise
5 reasonable and ordinary control over a motor vehicle may report the patient's name
6 and other information relevant to the condition to the department of transportation
7 without the informed consent of the patient.

8 **SECTION 45.** 146.89 (1) (r) 1. of the statutes is amended to read:

9 146.89 (1) (r) 1. Licensed as a physician under ch. 448, a dentist or dental
10 hygienist under ch. 447, a registered nurse, practical nurse, or nurse-midwife
11 advanced practice registered nurse under ch. 441, an optometrist under ch. 449, a
12 physician assistant under ch. 448, a pharmacist under ch. 450, a chiropractor under
13 ch. 446, a podiatrist under subch. IV of ch. 448, or a physical therapist under subch.
14 III of ch. 448.

15 **SECTION 46.** 146.89 (1) (r) 1. of the statutes, as affected by 2021 Wisconsin Acts
16 23 and (this act), is repealed and recreated to read:

17 146.89 (1) (r) 1. Licensed as a physician under ch. 448, a dentist or dental
18 hygienist under ch. 447, a registered nurse, practical nurse, or advanced practice
19 registered nurse under ch. 441, an optometrist under ch. 449, a physician assistant
20 under ch. subch. VIII of 448, a pharmacist under ch. 450, a chiropractor under ch.
21 446, a podiatrist under subch. IV of ch. 448, or a physical therapist under subch. III
22 of ch. 448.

23 **SECTION 47.** 146.89 (1) (r) 3. of the statutes is repealed.

24 **SECTION 48.** 146.89 (1) (r) 8. of the statutes is amended to read:

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1 146.89 (1) (r) 8. An advanced practice registered nurse who ~~has a certificate to~~
2 may issue prescription orders under s. ~~441.16~~ 441.09 (2).

3 **SECTION 49.** 146.89 (6) of the statutes is amended to read:

4 146.89 (6) (a) While serving as a volunteer health care provider under this
5 section, an advanced practice registered nurse who ~~has a certificate to~~ may issue
6 prescription orders under s. ~~441.16~~ 441.09 (2) is considered to meet the requirements
7 of s. 655.23, if required to comply with s. 655.23.

8 (b) While serving as a volunteer health care provider under this section, an
9 advanced practice registered nurse who ~~has a certificate to~~ may issue prescription
10 orders under s. ~~441.16~~ 441.09 (2) is not required to maintain in effect malpractice
11 insurance.

12 **SECTION 50.** 154.01 (1g) of the statutes is amended to read:

13 154.01 (1g) “Advanced practice registered nurse” means ~~a nurse~~ an individual
14 licensed under eh. 441 who is ~~currently certified by a national certifying body~~
15 approved by the board of nursing as a nurse practitioner, certified nurse-midwife,
16 certified registered nurse anesthetist, or clinical nurse specialist s. 441.09.

17 **SECTION 51.** 155.01 (1g) (b) of the statutes is repealed and recreated to read:

18 155.01 (1g) (b) An individual who is licensed as an advanced practice registered
19 nurse and possesses a nurse practitioner specialty designation under s. 441.09.

20 **SECTION 52.** 252.01 (1c) of the statutes is repealed.

21 **SECTION 53.** 252.07 (8) (a) 2. of the statutes is amended to read:

22 252.07 (8) (a) 2. The department or local health officer provides to the court a
23 written statement from a physician, physician assistant, or advanced practice
24 registered nurse ~~prescriber~~ that the individual has infectious tuberculosis or suspect
25 tuberculosis.

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1 **SECTION 54.** 252.07 (9) (c) of the statutes is amended to read:

2 252.07 (9) (c) If the court orders confinement of an individual under this
3 subsection, the individual shall remain confined until the department or local health
4 officer, with the concurrence of a treating physician, physician assistant, or advanced
5 practice registered nurse ~~prescriber~~, determines that treatment is complete or that
6 the individual is no longer a substantial threat to himself or herself or to the public
7 health. If the individual is to be confined for more than 6 months, the court shall
8 review the confinement every 6 months.

9 **SECTION 55.** 252.10 (7) of the statutes is amended to read:

10 252.10 (7) Drugs necessary for the treatment of mycobacterium tuberculosis
11 shall be purchased by the department from the appropriation account under s.
12 20.435 (1) (e) and dispensed to patients through the public health dispensaries, local
13 health departments, physicians, or advanced practice nurse ~~prescribers~~ registered
14 nurses who may issue prescription orders under s. 441.09 (2).

15 **SECTION 56.** 252.11 (2), (4), (5), (7) and (10) of the statutes are amended to read:

16 252.11 (2) An officer of the department or a local health officer having
17 knowledge of any reported or reasonably suspected case or contact of a sexually
18 transmitted disease for which no appropriate treatment is being administered, or of
19 an actual contact of a reported case or potential contact of a reasonably suspected
20 case, shall investigate or cause the case or contact to be investigated as necessary.
21 If, following a request of an officer of the department or a local health officer, a person
22 reasonably suspected of being infected with a sexually transmitted disease refuses
23 or neglects examination by a physician, physician assistant, or advanced practice
24 registered nurse ~~prescriber~~ or treatment, an officer of the department or a local

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1 health officer may proceed to have the person committed under sub. (5) to an
2 institution or system of care for examination, treatment, or observation.

3 (4) If a person infected with a sexually transmitted disease ceases or refuses
4 treatment before reaching what in a physician's, physician assistant's, or advanced
5 practice ~~nurse prescriber's~~ registered nurse's opinion is the noncommunicable stage,
6 the physician, physician assistant, or advanced practice registered nurse ~~prescriber~~
7 shall notify the department. The department shall without delay take the necessary
8 steps to have the person committed for treatment or observation under sub. (5), or
9 shall notify the local health officer to take these steps.

10 (5) Any court of record may commit a person infected with a sexually
11 transmitted disease to any institution or may require the person to undergo a system
12 of care for examination, treatment, or observation if the person ceases or refuses
13 examination, treatment, or observation under the supervision of a physician,
14 physician assistant, or advanced practice registered nurse ~~prescriber~~. The court
15 shall summon the person to appear on a date at least 48 hours, but not more than
16 96 hours, after service if an officer of the department or a local health officer petitions
17 the court and states the facts authorizing commitment. If the person fails to appear
18 or fails to accept commitment without reasonable cause, the court may cite the
19 person for contempt. The court may issue a warrant and may direct the sheriff, any
20 constable, or any police officer of the county immediately to arrest the person and
21 bring the person to court if the court finds that a summons will be ineffectual. The
22 court shall hear the matter of commitment summarily. Commitment under this
23 subsection continues until the disease is no longer communicable or until other
24 provisions are made for treatment that satisfy the department. The certificate of the

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1 petitioning officer is prima facie evidence that the disease is no longer communicable
2 or that satisfactory provisions for treatment have been made.

3 (7) Reports, examinations and inspections, and all records concerning sexually
4 transmitted diseases are confidential and not open to public inspection, and may not
5 be divulged except as may be necessary for the preservation of the public health, in
6 the course of commitment proceedings under sub. (5), or as provided under s. 938.296
7 (4) or 968.38 (4). If a physician, physician assistant, or advanced practice registered
8 nurse ~~prescriber~~ has reported a case of sexually transmitted disease to the
9 department under sub. (4), information regarding the presence of the disease and
10 treatment is not privileged when the patient, physician, physician assistant, or
11 advanced practice registered nurse ~~prescriber~~ is called upon to testify to the facts
12 before any court of record.

13 (10) The state laboratory of hygiene shall examine specimens for the diagnosis
14 of sexually transmitted diseases for any physician, physician assistant, advanced
15 practice registered nurse ~~prescriber~~, or local health officer in the state, and shall
16 report the positive results of the examinations to the local health officer and to the
17 department. All laboratories performing tests for sexually transmitted diseases
18 shall report all positive results to the local health officer and to the department, with
19 the name of the physician, physician assistant, or advanced practice registered nurse
20 ~~prescriber~~ to whom reported.

21 **SECTION 57.** 252.15 (3m) (d) 11. b. and 13., (5g) (c), (5m) (d) 2. and (e) 2. and 3.
22 and (7m) (intro.) and (b) of the statutes are amended to read:

23 252.15 (3m) (d) 11. b. The coroner, medical examiner, or appointed assistant
24 is investigating the cause of death of the subject of the HIV test and has contact with
25 the body fluid of the subject of the HIV test that constitutes a significant exposure,

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1 if a physician, physician assistant, or advanced practice registered nurse ~~prescriber~~,
2 based on information provided to the physician, physician assistant, or advanced
3 practice registered nurse ~~prescriber~~, determines and certifies in writing that the
4 coroner, medical examiner, or appointed assistant has had a contact that constitutes
5 a significant exposure and if the certification accompanies the request for disclosure.

6 13. If the subject of the HIV test has a positive HIV test result and is deceased,
7 by the subject's attending physician, physician assistant, or advanced practice
8 registered nurse ~~prescriber~~, to persons, if known to the physician, physician
9 assistant, or advanced practice registered nurse ~~prescriber~~, with whom the subject
10 had sexual contact or shared intravenous drug use paraphernalia.

11 (5g) (c) A physician, physician assistant, or advanced practice registered nurse
12 ~~prescriber~~, based on information provided to the physician, physician assistant, or
13 advanced practice registered nurse ~~prescriber~~, determines and certifies in writing
14 that the person has had contact that constitutes a significant exposure. The
15 certification shall accompany the request for HIV testing and disclosure. If the
16 person is a physician, physician assistant, or advanced practice registered nurse
17 ~~prescriber~~, he or she may not make this determination or certification. The
18 information that is provided to a physician, physician assistant, or advanced practice
19 registered nurse ~~prescriber~~ to document the occurrence of the contact that
20 constitutes a significant exposure and the physician's, physician assistant's, or
21 advanced practice nurse ~~prescriber's~~ registered nurse's certification that the person
22 has had contact that constitutes a significant exposure, shall be provided on a report
23 form that is developed by the department of safety and professional services under
24 s. 101.02 (19) (a) or on a report form that the department of safety and professional

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1 services determines, under s. 101.02 (19) (b), is substantially equivalent to the report
2 form that is developed under s. 101.02 (19) (a).

3 **(5m)** (d) 2. A physician, physician assistant, or advanced practice registered
4 nurse ~~prescriber~~, based on information provided to the physician, physician
5 assistant, or advanced practice registered nurse ~~prescriber~~, determines and certifies
6 in writing that the contact under subd. 1. constitutes a significant exposure. A health
7 care provider who has a contact under subd. 1. c. may not make the certification
8 under this subdivision for himself or herself.

9 (e) 2. If the contact occurs as provided under par. (d) 1. b., the attending
10 physician, physician assistant, or advanced practice registered nurse ~~prescriber~~ of
11 the funeral director, coroner, medical examiner, or appointed assistant.

12 3. If the contact occurs as provided under par. (d) 1. c., the physician, physician
13 assistant, or advanced practice registered nurse ~~prescriber~~ who makes the
14 certification under par. (d) 2.

15 **(7m)** REPORTING OF PERSONS SIGNIFICANTLY EXPOSED. (intro.) If a positive,
16 validated HIV test result is obtained from a test subject, the test subject's physician,
17 physician assistant, or advanced practice registered nurse ~~prescriber~~ who maintains
18 a record of the HIV test result under sub. (4) (c) may report to the state epidemiologist
19 the name of any person known to the physician, physician assistant, or advanced
20 practice registered nurse ~~prescriber~~ to have had contact with body fluid of the test
21 subject that constitutes a significant exposure, only after the physician, physician
22 assistant, or advanced practice registered nurse ~~prescriber~~ has done all of the
23 following:

24 (b) Notified the HIV test subject that the name of any person known to the
25 physician, physician assistant, or advanced practice registered nurse ~~prescriber~~ to

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1 have had contact with body fluid of the test subject that constitutes a significant
2 exposure will be reported to the state epidemiologist.

3 **SECTION 58.** 252.16 (3) (c) (intro.) of the statutes is amended to read:

4 252.16 (3) (c) (intro.) Has submitted to the department a certification from a
5 physician, as defined in s. 448.01 (5), physician assistant, or advanced practice
6 registered nurse prescriber of all of the following:

7 **SECTION 59.** 252.17 (3) (c) (intro.) of the statutes is amended to read:

8 252.17 (3) (c) (intro.) Has submitted to the department a certification from a
9 physician, as defined in s. 448.01 (5), physician assistant, or advanced practice
10 registered nurse prescriber of all of the following:

11 **SECTION 60.** 253.07 (4) (d) of the statutes is amended to read:

12 253.07 (4) (d) In each fiscal year, \$31,500 as grants for employment in
13 communities of licensed registered nurses, licensed practical nurses, ~~certified~~
14 ~~nurse-midwives~~ licensed advanced practice registered nurses, or licensed physician
15 assistants who are members of a racial minority.

16 **SECTION 61.** 253.115 (1) (f) of the statutes is created to read:

17 253.115 (1) (f) "Nurse-midwife" means an individual who is licensed as an
18 advanced practice registered nurse and possesses a certified nurse-midwife
19 specialty designation under s. 441.09.

20 **SECTION 62.** 253.115 (4) of the statutes is amended to read:

21 253.115 (4) SCREENING REQUIRED. Except as provided in sub. (6), the physician,
22 nurse-midwife ~~licensed under s. 441.15~~, or certified professional midwife licensed
23 under s. 440.982 who attended the birth shall ensure that the infant is screened for
24 hearing loss before being discharged from a hospital, or within 30 days of birth if the
25 infant was not born in a hospital.

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1 **SECTION 63.** 253.115 (7) (a) (intro.) of the statutes is amended to read:

2 253.115 (7) (a) (intro.) The physician, nurse-midwife ~~licensed under s. 441.15,~~
3 or certified professional midwife licensed under s. 440.982 who is required to ensure
4 that the infant is screened for hearing loss under sub. (4) shall do all of the following:

5 **SECTION 64.** 253.13 (1) of the statutes is renumbered 253.13 (1) (b) and
6 amended to read:

7 253.13 (1) (b) The attending physician or ~~nurse licensed under s. 441.15~~
8 nurse-midwife shall cause every infant born in each hospital or maternity home,
9 prior to its discharge therefrom, to be subjected to tests for congenital and metabolic
10 disorders, as specified in rules promulgated by the department. If the infant is born
11 elsewhere than in a hospital or maternity home, the attending physician, ~~nurse~~
12 ~~licensed under s. 441.15~~ nurse-midwife, or birth attendant who attended the birth
13 shall cause the infant, within one week of birth, to be subjected to these tests.

14 **SECTION 65.** 253.13 (1) (a) of the statutes is created to read:

15 253.13 (1) (a) In this subsection, “nurse-midwife” means an individual who is
16 licensed as an advanced practice registered nurse and possesses a certified
17 nurse-midwife specialty designation under s. 441.09.

18 **SECTION 66.** 253.15 (1) (em) of the statutes is created to read:

19 253.15 (1) (em) “Nurse-midwife” means an individual who is licensed as an
20 advanced practice registered nurse and possesses a certified nurse-midwife
21 specialty designation under s. 441.09.

22 **SECTION 67.** 253.15 (2) of the statutes is amended to read:

23 253.15 (2) INFORMATIONAL MATERIALS. The board shall purchase or prepare or
24 arrange with a nonprofit organization to prepare printed and audiovisual materials
25 relating to shaken baby syndrome and impacted babies. The materials shall include

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1 information regarding the identification and prevention of shaken baby syndrome
2 and impacted babies, the grave effects of shaking or throwing on an infant or young
3 child, appropriate ways to manage crying, fussing, or other causes that can lead a
4 person to shake or throw an infant or young child, and a discussion of ways to reduce
5 the risks that can lead a person to shake or throw an infant or young child. The
6 materials shall be prepared in English, Spanish, and other languages spoken by a
7 significant number of state residents, as determined by the board. The board shall
8 make those written and audiovisual materials available to all hospitals, maternity
9 homes, and nurse-midwives licensed under s. 441.15 that are required to provide or
10 make available materials to parents under sub. (3) (a) 1., to the department and to
11 all county departments and nonprofit organizations that are required to provide the
12 materials to child care providers under sub. (4) (d), and to all school boards and
13 nonprofit organizations that are permitted to provide the materials to pupils in one
14 of grades 5 to 8 and in one of grades 10 to 12 under sub. (5). The board shall also make
15 those written materials available to all county departments and Indian tribes that
16 are providing home visitation services under s. 48.983 (4) (b) 1. and to all providers
17 of prenatal, postpartum, and young child care coordination services under s. 49.45
18 (44). The board may make available the materials required under this subsection
19 to be made available by making those materials available at no charge on the board's
20 Internet site.

21 **SECTION 68.** 255.06 (1) (d) of the statutes is renumbered 255.06 (1) (f) (intro.)
22 and amended to read:

23 255.06 (1) (f) (intro.) "~~Nurse practitioner~~" "Women's health nurse clinician"
24 means ~~a~~ any of the following:

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1 1. A registered nurse who is licensed under ch. 441 or who holds a multistate
2 license, as defined in s. 441.51 (2) (h), issued in a party state, as defined in s. 441.51
3 (2) (k), and whose practice of professional nursing under s. 441.001 (4) includes
4 performance of delegated medical services under the supervision of a physician,
5 dentist, ~~or podiatrist,~~ or advanced practice registered nurse.

6 **SECTION 69.** 255.06 (1) (f) 2. of the statutes is created to read:

7 255.06 (1) (f) 2. An advanced practice registered nurse.

8 **SECTION 70.** 255.06 (2) (d) of the statutes is amended to read:

9 255.06 (2) (d) *Specialized training for rural colposcopic examinations and*
10 *activities.* Provide not more than \$25,000 in each fiscal year as reimbursement for
11 the provision of specialized training of ~~nurse practitioners~~ women's health nurse
12 clinicians to perform, in rural areas, colposcopic examinations and follow-up
13 activities for the treatment of cervical cancer.

14 **SECTION 71.** 255.07 (1) (d) of the statutes is amended to read:

15 255.07 (1) (d) "Health care practitioner" means a physician, a physician
16 assistant licensed under s. 448.04 (1) (f), or an advanced practice registered nurse
17 who is ~~certified to~~ may issue prescription orders under s. ~~441.16~~ 441.09 (2).

18 **SECTION 72.** 255.07 (1) (d) of the statutes, as affected by 2021 Wisconsin Acts
19 23 and (this act), is repealed and recreated to read:

20 255.07 (1) (d) "Health care practitioner" means a physician, a physician
21 assistant, or an advanced practice registered nurse who may issue prescription
22 orders under s. 441.09 (2).

23 **SECTION 73.** 257.01 (5) (a) and (b) of the statutes are amended to read:

24 257.01 (5) (a) An individual who is licensed as a physician, a physician
25 assistant, or a podiatrist under ch. 448, licensed as a registered nurse, licensed

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1 practical nurse, or ~~nurse-midwife~~ advanced practice registered nurse under ch. 441,
2 licensed as a dentist under ch. 447, licensed as a pharmacist under ch. 450, licensed
3 as a veterinarian or certified as a veterinary technician under ch. 89, or certified as
4 a respiratory care practitioner under ch. 448.

5 (b) An individual who was at any time within the previous 10 years, but is not
6 currently, licensed as a physician, a physician assistant, or a podiatrist under ch. 448,
7 licensed as a registered nurse, licensed practical nurse, or ~~nurse-midwife~~, advanced
8 practice registered nurse under ch. 441, licensed as a nurse-midwife under ch. 441,
9 2019 stats., licensed as a dentist under ch. 447, licensed as a pharmacist under ch.
10 450, licensed as a veterinarian or certified as a veterinary technician under ch. 89,
11 or certified as a respiratory care practitioner under ch. 448, if the individual's license
12 or certification was never revoked, limited, suspended, or denied renewal.

13 **SECTION 74.** 341.14 (1a), (1e) (a), (1m) and (1q) of the statutes are amended to
14 read:

15 341.14 (1a) If any resident of this state, who is registering or has registered an
16 automobile, or a motor truck, dual purpose motor home or dual purpose farm truck
17 which has a gross weight of not more than 8,000 pounds, a farm truck which has a
18 gross weight of not more than 12,000 pounds or a motor home, submits a statement
19 once every 4 years, as determined by the department, from a physician licensed to
20 practice medicine in any state, from an advanced practice registered nurse licensed
21 to practice nursing in any state, from a public health nurse certified or licensed to
22 practice in any state, from a physician assistant licensed or certified to practice in
23 any state, from a podiatrist licensed to practice in any state, from a chiropractor
24 licensed to practice chiropractic in any state, or from a Christian Science practitioner
25 residing in this state and listed in the Christian Science journal certifying to the

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1 department that the resident is a person with a disability that limits or impairs the
2 ability to walk, the department shall procure, issue and deliver to the disabled
3 person plates of a special design in lieu of plates which ordinarily would be issued
4 for the vehicle, and shall renew the plates. The plates shall be so designed as to
5 readily apprise law enforcement officers of the fact that the vehicle is owned by a
6 nonveteran disabled person and is entitled to the parking privileges specified in s.
7 346.50 (2a). No charge in addition to the registration fee shall be made for the
8 issuance or renewal of such plates.

9 (1e) (a) If any resident of this state, who is registering or has registered a
10 motorcycle, submits a statement once every 4 years, as determined by the
11 department, from a physician licensed to practice medicine in any state, from an
12 advanced practice registered nurse licensed to practice nursing in any state, from a
13 public health nurse certified or licensed to practice in any state, from a physician
14 assistant licensed or certified to practice in any state, from a podiatrist licensed to
15 practice in any state, from a chiropractor licensed to practice chiropractic in any
16 state, from a Christian Science practitioner residing in this state and listed in the
17 Christian Science journal, or from the U.S. department of veterans affairs certifying
18 to the department that the resident is a person with a disability that limits or impairs
19 the ability to walk, the department shall procure, issue and deliver to the disabled
20 person a plate of a special design in lieu of the plate which ordinarily would be issued
21 for the motorcycle, and shall renew the plate. The statement shall state whether the
22 disability is permanent or temporary and, if temporary, the opinion of the physician,
23 advanced practice registered nurse, public health nurse, physician assistant,
24 podiatrist, chiropractor, practitioner, or U.S. department of veterans affairs as to the
25 duration of the disability. The plate shall be so designed as to readily apprise law

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1 enforcement officers of the fact that the motorcycle is owned by a disabled person and
2 is entitled to the parking privileges specified in s. 346.50 (2a). No charge in addition
3 to the registration fee may be made for the issuance or renewal of the plate.

4 **(1m)** If any licensed driver submits to the department a statement once every
5 4 years, as determined by the department, from a physician licensed to practice
6 medicine in any state, from a public health nurse certified or licensed to practice in
7 any state, from an advanced practice registered nurse licensed to practice nursing
8 in any state, from a physician assistant licensed or certified to practice in any state,
9 from a podiatrist licensed to practice in any state, from a chiropractor licensed to
10 practice chiropractic in any state, or from a Christian Science practitioner residing
11 in this state and listed in the Christian Science journal certifying that another
12 person who is regularly dependent on the licensed driver for transportation is a
13 person with a disability that limits or impairs the ability to walk, the department
14 shall issue and deliver to the licensed driver plates of a special design in lieu of the
15 plates which ordinarily would be issued for the automobile or motor truck, dual
16 purpose motor home or dual purpose farm truck having a gross weight of not more
17 than 8,000 pounds, farm truck having a gross weight of not more than 12,000 pounds
18 or motor home, and shall renew the plates. The plates shall be so designed as to
19 readily apprise law enforcement officers of the fact that the vehicle is operated by a
20 licensed driver on whom a disabled person is regularly dependent and is entitled to
21 the parking privileges specified in s. 346.50 (2a). No charge in addition to the
22 registration fee may be made for the issuance or renewal of the plates. The plates
23 shall conform to the plates required in sub. (1a).

24 **(1q)** If any employer who provides an automobile, or a motor truck, dual
25 purpose motor home or dual purpose farm truck which has a gross weight of not more

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1 than 8,000 pounds, a farm truck which has a gross weight of not more than 12,000
2 pounds or a motor home, for an employee's use submits to the department a
3 statement once every 4 years, as determined by the department, from a physician
4 licensed to practice medicine in any state, from an advanced practice registered
5 nurse licensed to practice nursing in any state, from a public health nurse certified
6 or licensed to practice in any state, from a physician assistant licensed or certified
7 to practice in any state, from a podiatrist licensed to practice in any state, from a
8 chiropractor licensed to practice chiropractic in any state, or from a Christian
9 Science practitioner residing in this state and listed in the Christian Science journal
10 certifying that the employee is a person with a disability that limits or impairs the
11 ability to walk, the department shall issue and deliver to such employer plates of a
12 special design in lieu of the plates which ordinarily would be issued for the vehicle,
13 and shall renew the plates. The plates shall be so designed as to readily apprise law
14 enforcement officers of the fact that the vehicle is operated by a disabled person and
15 is entitled to the parking privileges specified in s. 346.50 (2a). No charge in addition
16 to the registration fee may be made for the issuance or renewal of the plates. The
17 plates shall conform to the plates required in sub. (1a).

18 **SECTION 75.** 343.16 (5) (a) of the statutes is amended to read:

19 343.16 (5) (a) The secretary may require any applicant for a license or any
20 licensed operator to submit to a special examination by such persons or agencies as
21 the secretary may direct to determine incompetency, physical or mental disability,
22 disease, or any other condition that might prevent such applicant or licensed person
23 from exercising reasonable and ordinary control over a motor vehicle. If the
24 department requires the applicant to submit to an examination, the applicant shall
25 pay for the examination. If the department receives an application for a renewal or

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1 duplicate license after voluntary surrender under s. 343.265 or receives a report from
2 a physician, physician assistant, as defined in s. 448.01 (6), advanced practice
3 registered nurse prescriber certified under s. 441.16 (2) licensed under s. 441.09, or
4 optometrist under s. 146.82 (3), or if the department has a report of 2 or more arrests
5 within a one-year period for any combination of violations of s. 346.63 (1) or (5) or
6 a local ordinance in conformity with s. 346.63 (1) or (5) or a law of a federally
7 recognized American Indian tribe or band in this state in conformity with s. 346.63
8 (1) or (5), or s. 346.63 (1m), 1985 stats., or s. 346.63 (2) or (6) or 940.25, or s. 940.09
9 where the offense involved the use of a vehicle, the department shall determine, by
10 interview or otherwise, whether the operator should submit to an examination under
11 this section. The examination may consist of an assessment. If the examination
12 indicates that education or treatment for a disability, disease or condition concerning
13 the use of alcohol, a controlled substance or a controlled substance analog is
14 appropriate, the department may order a driver safety plan in accordance with s.
15 343.30 (1q). If there is noncompliance with assessment or the driver safety plan, the
16 department shall revoke the person's operating privilege in the manner specified in
17 s. 343.30 (1q) (d).

18 **SECTION 76.** 343.16 (5) (a) of the statutes, as affected by 2021 Wisconsin Acts
19 23 and (this act), is repealed and recreated to read:

20 343.16 (5) (a) The secretary may require any applicant for a license or any
21 licensed operator to submit to a special examination by such persons or agencies as
22 the secretary may direct to determine incompetency, physical or mental disability,
23 disease, or any other condition that might prevent such applicant or licensed person
24 from exercising reasonable and ordinary control over a motor vehicle. If the
25 department requires the applicant to submit to an examination, the applicant shall

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1 pay for the examination. If the department receives an application for a renewal or
2 duplicate license after voluntary surrender under s. 343.265 or receives a report from
3 a physician, physician assistant, advanced practice registered nurse licensed under
4 s. 441.09, or optometrist under s. 146.82 (3), or if the department has a report of 2
5 or more arrests within a one-year period for any combination of violations of s.
6 346.63 (1) or (5) or a local ordinance in conformity with s. 346.63 (1) or (5) or a law
7 of a federally recognized American Indian tribe or band in this state in conformity
8 with s. 346.63 (1) or (5), or s. 346.63 (1m), 1985 stats., or s. 346.63 (2) or (6) or 940.25,
9 or s. 940.09 where the offense involved the use of a vehicle, the department shall
10 determine, by interview or otherwise, whether the operator should submit to an
11 examination under this section. The examination may consist of an assessment. If
12 the examination indicates that education or treatment for a disability, disease or
13 condition concerning the use of alcohol, a controlled substance or a controlled
14 substance analog is appropriate, the department may order a driver safety plan in
15 accordance with s. 343.30 (1q). If there is noncompliance with assessment or the
16 driver safety plan, the department shall revoke the person's operating privilege in
17 the manner specified in s. 343.30 (1q) (d).

18 **SECTION 77.** 343.51 (1) of the statutes is amended to read:

19 343.51 (1) Any person who qualifies for registration plates of a special design
20 under s. 341.14 (1), (1a), (1m), or (1q) or any other person with a disability that limits
21 or impairs the ability to walk may request from the department a special
22 identification card that will entitle any motor vehicle parked by, or under the
23 direction of, the person, or a motor vehicle operated by or on behalf of the
24 organization when used to transport such a person, to parking privileges under s.
25 346.50 (2), (2a), and (3). The department shall issue the card at a fee to be determined

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1 by the department, upon submission by the applicant, if the applicant is an
2 individual rather than an organization, of a statement from a physician licensed to
3 practice medicine in any state, from an advanced practice registered nurse licensed
4 to practice nursing in any state, from a public health nurse certified or licensed to
5 practice in any state, from a physician assistant licensed or certified to practice in
6 any state, from a podiatrist licensed to practice in any state, from a chiropractor
7 licensed to practice chiropractic in any state, or from a Christian Science practitioner
8 residing in this state and listed in the Christian Science journal that the person is
9 a person with a disability that limits or impairs the ability to walk. The statement
10 shall state whether the disability is permanent or temporary and, if temporary, the
11 opinion of the physician, advanced practice registered nurse, public health nurse,
12 physician assistant, podiatrist, chiropractor, or practitioner as to the duration of the
13 disability. The department shall issue the card upon application by an organization
14 on a form prescribed by the department if the department believes that the
15 organization meets the requirements under this subsection.

16 **SECTION 78.** 343.62 (4) (a) 4. of the statutes is amended to read:

17 343.62 (4) (a) 4. The applicant submits with the application a statement
18 completed within the immediately preceding 24 months, except as provided by rule,
19 by a physician licensed to practice medicine in any state, from an advanced practice
20 registered nurse licensed to practice nursing in any state, from a physician assistant
21 licensed or certified to practice in any state, from a podiatrist licensed to practice in
22 any state, from a chiropractor licensed to practice chiropractic in any state, or from
23 a Christian Science practitioner residing in this state, and listed in the Christian
24 Science journal certifying that, in the medical care provider's judgment, the
25 applicant is physically fit to teach driving.

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1 **SECTION 79.** 440.03 (13) (b) 3. of the statutes is repealed.

2 **SECTION 80.** 440.03 (13) (b) 39m. of the statutes is created to read:

3 440.03 **(13)** (b) 39m. Nurse, advanced practice registered.

4 **SECTION 81.** 440.03 (13) (b) 42. of the statutes is repealed.

5 **SECTION 82.** 440.08 (2) (a) 4m. of the statutes is repealed.

6 **SECTION 83.** 440.08 (2) (a) 47. of the statutes is created to read:

7 440.08 **(2)** (a) 47. Nurse, advanced practice registered: March 1 of each
8 even-numbered year.

9 **SECTION 84.** 440.08 (2) (a) 50. of the statutes is repealed.

10 **SECTION 85.** 440.094 (1) (c) 1. of the statutes, as created by 2021 Wisconsin Act
11 10, is amended to read:

12 440.094 **(1)** (c) 1. A registered nurse, licensed practical nurse, or nurse-midwife
13 ~~licensed under ch. 441, or an advanced practice registered nurse prescriber-certified~~
14 licensed under ch. 441.

15 **SECTION 86.** 440.094 (2) (a) (intro.) of the statutes, as created by 2021 Wisconsin
16 Act 10, is amended to read:

17 440.094 **(2)** (a) (intro.) Notwithstanding ss. 441.06 (4), ~~441.15 (2), 441.16,~~
18 ~~441.09 (3) (b),~~ 446.02 (1), 447.03 (1) and (2), 448.03 (1) (a), (b), and (c) and (1m), 448.51
19 (1), 448.61, 448.76, 448.961 (1) and (2), 449.02 (1), 450.03 (1), 451.04 (1), 455.02 (1m),
20 457.04 (4), (5), (6), and (7), 459.02 (1), 459.24 (1), and 460.02, a health care provider
21 may provide services within the scope of the credential that the health care provider
22 holds and the department shall grant the health care provider a temporary
23 credential to practice under this section if all of the following apply:

24 **SECTION 87.** 440.981 (1) of the statutes is amended to read:

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1 440.981 (1) No person may use the title “licensed midwife,” describe or imply
2 that he or she is a licensed midwife, or represent himself or herself as a licensed
3 midwife unless the person is granted a license under this subchapter or is licensed
4 as ~~a nurse-midwife under s. 441.15~~ an advanced practice registered nurse and
5 possesses a certified nurse-midwife specialty designation under s. 441.09.

6 **SECTION 88.** 440.982 (1) of the statutes is amended to read:

7 440.982 (1) No person may engage in the practice of midwifery unless the
8 person is granted a license under this subchapter, is granted a temporary permit
9 pursuant to a rule promulgated under s. 440.984 (2m), or is licensed as ~~a~~
10 ~~nurse-midwife under s. 441.15~~ an advanced practice registered nurse and possesses
11 a certified nurse-midwife specialty designation under s. 441.09.

12 **SECTION 89.** 440.987 (2) of the statutes is amended to read:

13 440.987 (2) One member who is licensed as ~~a nurse-midwife under s. 441.15~~
14 an advanced practice registered nurse and possesses a certified nurse-midwife
15 specialty designation under s. 441.09 and who practices in an out-of-hospital
16 setting.

17 **SECTION 90.** 441.001 (1c) of the statutes is created to read:

18 441.001 (1c) ADVANCED PRACTICE REGISTERED NURSING. “Advanced practice
19 registered nursing” means the advanced practice of nursing in one of the 4 recognized
20 roles based on advanced clinical knowledge and skills focusing on direct care of
21 individuals, greater responsibility, autonomy, and accountability for the provision of
22 care, health promotion and maintenance, including prescribing pharmacological
23 agents and therapeutics, and management of patient conditions.

24 **SECTION 91.** 441.001 (1m) of the statutes is created to read:

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1 441.001 (1m) CLINICAL PHARMACOLOGY OR THERAPEUTICS. “Clinical
2 pharmacology or therapeutics” means the identification of individual and classes of
3 drugs, their indications and contraindications, their efficacy, their side effects, and
4 their interactions, as well as clinical judgment skills and decision-making based on
5 thorough interviewing, history taking, physical assessment, test selection and
6 interpretation, pathophysiology, epidemiology, diagnostic reasoning, differentiation
7 of conditions, treatment decisions, case evaluation, and nonpharmacological
8 interventions.

9 **SECTION 92.** 441.001 (3c) of the statutes is created to read:

10 441.001 (3c) PRACTICE OF A CERTIFIED NURSE-MIDWIFE. “Practice of a certified
11 nurse-midwife” means practice in the management of women’s health care,
12 pregnancy, childbirth, postpartum care for newborns, family planning, and
13 gynecological services consistent with the standards of practice of the American
14 College of Nurse-Midwives or its successor.

15 **SECTION 93.** 441.001 (3g) of the statutes is created to read:

16 441.001 (3g) PRACTICE OF A CERTIFIED REGISTERED NURSE ANESTHETIST. “Practice
17 of a certified registered nurse anesthetist” means providing anesthesia care, pain
18 management care, and care related to anesthesia and pain management for persons
19 across their lifespan, whose health status may range from healthy through all levels
20 of acuity, including persons with immediate, severe, or life-threatening illness or
21 injury, in diverse settings, including hospitals, ambulatory surgery centers,
22 outpatient clinics, medical offices, and home health care settings.

23 **SECTION 94.** 441.001 (3n) of the statutes is created to read:

24 441.001 (3n) PRACTICE OF A CLINICAL NURSE SPECIALIST. “Practice of a clinical
25 nurse specialist” means providing advanced nursing care, primarily in health care

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1 facilities, including the diagnosis and treatment of illness for identified specific
2 populations based on a specialty.

3 **SECTION 95.** 441.001 (3r) of the statutes is created to read:

4 441.001 (3r) PRACTICE OF A NURSE PRACTITIONER. “Practice of a nurse
5 practitioner” means practice in ambulatory, acute, and long-term care settings as a
6 primary and specialty care provider who assesses, diagnoses, treats, and manages
7 acute, episodic, and chronic illnesses.

8 **SECTION 96.** 441.001 (3w) of the statutes is created to read:

9 441.001 (3w) PRESCRIPTION ORDER. “Prescription order” has the meaning given
10 in s. 450.01 (21).

11 **SECTION 97.** 441.001 (5) of the statutes is created to read:

12 441.001 (5) RECOGNIZED ROLE. “Recognized role” means one of the following
13 roles:

14 (a) Certified nurse-midwife.

15 (b) Certified registered nurse anesthetist.

16 (c) Clinical nurse specialist.

17 (d) Nurse practitioner.

18 **SECTION 98.** 441.01 (3) of the statutes is amended to read:

19 441.01 (3) The board may promulgate rules to establish minimum standards
20 for schools for professional nurses ~~and~~, schools for licensed practical nurses, and
21 schools for advanced practice registered nurses, including all related clinical units
22 and facilities, and make and provide periodic surveys and consultations to such
23 schools. ~~It~~ The board may also ~~establish~~ promulgate rules to prevent unauthorized
24 persons from practicing professional nursing. ~~It shall approve all rules for the~~
25 ~~administration of this chapter in accordance with ch. 227.~~

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1 **SECTION 99.** 441.01 (4) of the statutes is amended to read:

2 441.01 (4) The board shall direct that those schools that qualify be placed on
3 a list of schools the board has approved for professional nurses ~~or~~, of schools the board
4 has approved for licensed practical nurses, or of schools the board has approved for
5 advanced practice registered nurses on application and proof of qualifications; and
6 the board shall make a study of nursing education and ~~initiate~~ promulgate rules and
7 policies to improve it.

8 **SECTION 100.** 441.01 (7) (a) (intro.) of the statutes is amended to read:

9 441.01 (7) (a) (intro.) The board shall require each applicant for the renewal
10 of a registered nurse ~~or~~, licensed practical nurse, or advanced practice registered
11 nurse license issued under this chapter to do all of the following as a condition for
12 renewing the license:

13 **SECTION 101.** 441.01 (7) (b) of the statutes is amended to read:

14 441.01 (7) (b) The board may not renew a registered nurse ~~or~~, licensed practical
15 nurse, or advanced practice registered nurse license under this chapter unless the
16 renewal applicant has completed the nursing workforce survey to the satisfaction of
17 the board. The board shall establish standards to determine whether the survey has
18 been completed. The board shall, by no later than June 30 of each odd-numbered
19 year, submit all completed nursing workforce survey forms to the department of
20 workforce development.

21 **SECTION 102.** 441.01 (7) (c) of the statutes is created to read:

22 441.01 (7) (c) An applicant who is renewing both a registered nurse and
23 advanced practice registered nurse license under s. 441.09 (1) (c) is only required to
24 pay a single fee under par. (a) 2.

25 **SECTION 103.** 441.06 (title) of the statutes is repealed and recreated to read:

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1 **441.06** (title) **Registered nurses; civil liability exemption.**

2 **SECTION 104.** 441.06 (3) of the statutes is amended to read:

3 441.06 (3) ~~A~~ Except as provided in s. 441.09 (1) (c), a registered nurse
4 practicing for compensation shall, on or before the applicable renewal date specified
5 under s. 440.08 (2) (a), submit to the board on furnished forms a statement giving
6 name, residence, and other facts that the board requires, with the nursing workforce
7 survey and fee required under s. 441.01 (7) and the applicable renewal fee
8 determined by the department under s. 440.03 (9) (a).

9 **SECTION 105.** 441.06 (4) of the statutes is amended to read:

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

19 **SECTION 106.** 441.06 (7) of the statutes is renumbered 441.09 (7) and amended
20 to read:

21 441.09 (7) CIVIL LIABILITY. No person ~~certified~~ licensed as an advanced practice
22 registered nurse ~~prescriber~~ under s. 441.16 (2) this section is liable for civil damages
23 for any of the following:

24 (a) Reporting in good faith to the department of transportation under s. 146.82
25 (3) a patient's name and other information relevant to a physical or mental condition

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1 of the patient that in the advanced practice ~~nurse prescriber's~~ registered nurse's
2 judgment impairs the patient's ability to exercise reasonable and ordinary control
3 over a motor vehicle.

4 (b) In good faith, not reporting to the department of transportation under s.
5 146.82 (3) a patient's name and other information relevant to a physical or mental
6 condition of the patient that in the advanced practice ~~nurse prescriber's~~ registered
7 nurse's judgment does not impair the patient's ability to exercise reasonable and
8 ordinary control over a motor vehicle.

9 **SECTION 107.** 441.07 (1g) (intro.), (a), (c) and (e) of the statutes are amended
10 to read:

11 441.07 (**1g**) (intro.) Subject to the rules promulgated under s. 440.03 (1), the
12 board may deny an initial license or revoke, limit, suspend, or deny the renewal of
13 a license of a registered nurse, ~~nurse-midwife~~ advanced practice registered nurse,
14 or licensed practical nurse; ~~deny an initial certificate or revoke, limit, suspend, or~~
15 ~~deny the renewal of a certificate to prescribe drugs or devices granted under s.~~
16 441.16; or reprimand a registered nurse, ~~nurse-midwife~~ advanced practice
17 registered nurse, or licensed practical nurse, if the board finds that the applicant or
18 licensee committed any of the following:

19 (a) Fraud in the procuring or renewal of the ~~certificate or~~ license.

20 (c) Acts ~~which~~ that show the registered nurse, ~~nurse-midwife~~ advanced
21 practice registered nurse, or licensed practical nurse to be unfit or incompetent by
22 reason of negligence, abuse of alcohol or other drugs, or mental incompetency.

23 (e) A violation of any state or federal law that regulates prescribing or
24 dispensing drugs or devices, if the person ~~has a certificate to prescribe drugs or~~
25 ~~devices under s. 441.16~~ may issue prescription orders under s. 441.09 (2).

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1 **SECTION 108.** 441.09 of the statutes is created to read:

2 **441.09 Advanced practice registered nurses; civil liability exemption.**

3 **(1) LICENSE.** (a) An applicant who satisfies all of the following requirements may
4 apply to the board for initial licensure by the board as an advanced practice
5 registered nurse:

6 1. The applicant satisfies one of the following criteria:

7 a. The applicant holds a valid license to practice as a registered nurse issued
8 under s. 441.06 (1), (1c), or (1m).

9 b. The applicant applies concurrently for a license under s. 441.06 (1), (1c), or
10 (1m) with the application for a license under this paragraph.

11 c. The applicant is a registered nurse who holds a multistate license, as defined
12 in s. 441.51 (2) (h), issued by a jurisdiction, other than this state, that has adopted
13 the nurse licensure compact.

14 2. The applicant provides evidence satisfactory to the board that he or she
15 satisfies one of the following criteria:

16 a. The applicant has completed a graduate-level or postgraduate-level
17 education program that is approved by the board and that prepares the applicant for
18 the practice of advanced practice registered nursing in one of the 4 recognized roles,
19 and the applicant holds a current certification by a national certifying body approved
20 by the board.

21 b. On January 1, 2019, the applicant was licensed as a registered nurse in this
22 state and was practicing in a recognized role, and the applicant satisfies additional
23 criteria established by the board by rule under sub. (6) (c) relating to practice,
24 education, or certification.

25 3. The applicant pays the fee specified under s. 440.05 (1).

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1 4. The applicant provides evidence of any malpractice liability insurance
2 coverage required under sub. (5).

3 5. If the applicant is applying to receive a certified nurse-midwife specialty
4 designation under par. (b) 1., the applicant provides evidence satisfactory to the
5 board that the applicant is currently certified by the American Midwifery
6 Certification Board or its successor.

7 6. The applicant does not have an arrest or conviction record, subject to ss.
8 111.321, 111.322, and 111.335.

9 7. The applicant meets any other criteria established by the board by rule under
10 sub. (6) (c) relating to the education, training, or experience required for each
11 recognized role.

12 (b) 1. a. Subject to subd. 3. and s. 441.07 (1g), the board shall grant an advanced
13 practice registered nurse license to an applicant the board determines meets the
14 requirements under par. (a). The board shall also grant a person who is granted a
15 license under this subd. 1. a. one or more specialty designations corresponding to the
16 recognized roles for which the board determines that the person qualifies based on
17 the person's qualifications under par. (a).

18 b. The board shall grant an advanced practice registered nurse license to each
19 individual who, on the day before the effective date of this subd. 1. b. [LRB inserts
20 date], was certified to issue prescription orders under s. 441.16, 2019 stats. The
21 board shall also grant a person who is granted a license under this subd. 1. b. one or
22 more specialty designations corresponding to the recognized roles for which the
23 board determines that the person qualifies based on the person's qualifications.

24 c. The board shall grant an advanced practice registered nurse license to each
25 individual who, on the day before the effective date of this subd. 1. c. [LRB inserts

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1 date], was licensed as a nurse-midwife under s. 441.15, 2019 stats. The board shall
2 also grant a person who is granted a license under this subd. 1. c. a nurse-midwife
3 specialty designation.

4 2. Each specialty designation granted under subd. 1. shall appear on the
5 person's advanced practice registered nurse license.

6 3. The board may not grant an advanced practice registered nurse license to
7 a person applying concurrently for a license under s. 441.06 (1), (1c), or (1m), unless
8 the board also grants the person the license under s. 441.06 (1), (1c), or (1m).

9 4. The board may place specific limitations on a person licensed as an advanced
10 practice registered nurse as a condition of licensure.

11 5. If all of the following apply to a person, a notation indicating that the person
12 may not issue prescription orders shall appear on the person's advanced practice
13 registered nurse license:

14 a. The person is granted an advanced practice registered nurse license under
15 subd. 1. a. and satisfies only par. (a) 2. b. but not par. (a) 2. a., or the person is granted
16 an advanced practice registered nurse license under subd. 1. c.

17 b. On January 1, 2019, the person did not hold a certificate under s. 441.16 (2),
18 2019 Stats.

19 (c) On or before the applicable renewal date specified under s. 440.08 (2) (a),
20 an advanced practice registered nurse shall submit to the board on a form furnished
21 by the board a statement giving his or her name and residence, the nursing workforce
22 survey and fee required under s. 441.01 (7), evidence of having satisfied the
23 continuing education requirements under sub. (4), evidence of any malpractice
24 liability insurance coverage required under sub. (5), current evidence that the person
25 satisfies each of the requirements under par. (a) 1., 2., 5., and 7. that apply with

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1 respect to the person, and any other information that the board requires by rule, with
2 the applicable renewal fee determined by the department under s. 440.03 (9) (a). The
3 board shall grant to a person who satisfies the requirements under this paragraph
4 the renewal of his or her advanced practice registered nurse license and specialty
5 designations granted under par. (b) 1. and shall, if the person holds a license under
6 s. 441.06 (1), (1c), or (1m), also grant the renewal of that license.

7 **(2) PRESCRIBING AUTHORITY.** (a) Except as provided in par. (b), an advanced
8 practice registered nurse may issue prescription orders, subject to the rules
9 promulgated under sub. (6) (a) and (d), and may provide expedited partner therapy
10 in the manner described in s. 441.092.

11 (b) An advanced practice registered nurse may not issue prescription orders if
12 a notation under sub. (1) (b) 5. indicating that the advanced practice registered nurse
13 may not issue prescription orders appears on the advanced practice registered
14 nurse's license.

15 **(3) PRACTICE; TITLES.** (a) 1. The holder of a license issued under this section is
16 an "advanced practice registered nurse," may append to his or her name the title
17 "A.P.R.N.," and is authorized to practice advanced practice registered nursing.

18 2. The holder of a specialty designation for a recognized role granted under sub.
19 (1) (b) 1. may append to his or her name the title and an abbreviation corresponding
20 to that recognized role.

21 (b) 1. Except as provided in par. (d) and s. 257.03, no person may practice or
22 attempt to practice advanced practice registered nursing, nor use the title "advanced
23 practice registered nurse," the title "A.P.R.N.," or anything else to indicate that he
24 or she is an advanced practice registered nurse unless he or she is licensed under this
25 section.

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- 1 2. Except as provided in s. 257.03, no person may do any of the following:
- 2 a. Use the title “certified nurse–midwife,” the title “C.N.M.,” or anything else
- 3 to indicate that he or she is a certified nurse–midwife unless he or she has been
- 4 granted a certified nurse–midwife specialty designation under sub. (1) (b) 1.
- 5 b. Use the title “certified registered nurse anesthetist,” the title “C.R.N.A.,” or
- 6 anything else to indicate that he or she is a certified registered nurse anesthetist
- 7 unless he or she has been granted a certified registered nurse anesthetist specialty
- 8 designation under sub. (1) (b) 1.
- 9 c. Use the title “clinical nurse specialist,” the title “C.N.S.,” or anything else to
- 10 indicate that he or she is a clinical nurse specialist unless he or she has been granted
- 11 a clinical nurse specialist specialty designation under sub. (1) (b) 1.
- 12 d. Use the title “nurse practitioner,” the title “N.P.,” or anything else to indicate
- 13 that he or she is a nurse practitioner unless he or she has been granted a nurse
- 14 practitioner specialty designation under sub. (1) (b) 1.
- 15 (c) An advanced practice registered nurse shall adhere to professional
- 16 standards when managing situations that are beyond the advanced practice
- 17 registered nurse’s expertise. If a particular patient’s needs are beyond the advanced
- 18 practice registered nurse’s expertise, the advanced practice registered nurse shall
- 19 consult or collaborate with another health care provider or refer the patient to
- 20 another health care provider, as warranted by the patient’s needs.
- 21 (d) An advanced practice registered nurse licensed under this section may
- 22 delegate a task or order to another clinically trained health care worker if the task
- 23 or order is within the scope of the advanced practice registered nurse’s practice, the
- 24 advanced practice registered nurse is competent to perform the task or issue the
- 25 order, and the advanced practice registered nurse has reasonable evidence that the

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1 health care worker is minimally competent to perform the task or issue the order
2 under the circumstances.

3 (e) If an advanced practice registered nurse with a certified nurse-midwife
4 specialty designation under sub. (1) (b) 1. practices outside of a hospital setting, the
5 advanced practice registered nurse shall file and keep current with the department
6 a proactive plan for involving a hospital or a physician who has admitting privileges
7 at a hospital in the treatment of patients with higher acuity or emergency care needs
8 that exceed the advanced practice registered nurse's scope of practice.

9 (f) Nothing in this section prohibits an employer, hospital, or other entity with
10 a relationship with an advanced practice registered nurse from establishing
11 employment practice requirements on the advanced practice registered nurse as a
12 condition of employment.

13 (4) CONTINUING EDUCATION. Every advanced practice registered nurse shall
14 submit to the board evidence of having completed at least 16 contact hours per
15 biennium in clinical pharmacology or therapeutics relevant to the advanced practice
16 registered nurse's area of practice. The board may promulgate rules regarding the
17 continuing education requirements under this subsection.

18 (5) MALPRACTICE LIABILITY INSURANCE. Except for a person whose employer has
19 in effect malpractice liability insurance that provides coverage for the person in the
20 amounts specified under s. 655.23 (4), no person may practice advanced practice
21 registered nursing unless he or she at all times has in effect malpractice liability
22 insurance coverage in the minimum amounts required by the rules of the board. An
23 advanced practice registered nurse shall submit evidence of that coverage to the
24 board when applying for an initial license under this section or a renewal of a license

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1 under this section. An advanced practice registered nurse shall also submit such
2 evidence to the board upon request of the board.

3 **(5m)** NURSE ANESTHETISTS. (b) *Opt-out of federal certified registered nurse*
4 *anesthetist supervision requirement.* 1. The legislature finds that allowing certified
5 registered nurse anesthetists to administer anesthesia without supervision or
6 direction from an operating practitioner, physician, or anesthesiologist increases
7 access to quality anesthesia services throughout the state and is in the best interests
8 of the citizens of the state.

9 2. The state, including the governor, the board, and the medical examining
10 board, shall act to maintain an opt-out of the federal requirement for physician
11 supervision of certified registered nurse anesthetists pursuant to 42 CFR 482.52 (c).

12 **(6)** RULES. The board shall promulgate rules necessary to administer this
13 section, including rules for all of the following:

14 (a) Further defining the scope of practice of an advanced practice registered
15 nurse, practice of a certified nurse-midwife, practice of a certified registered nurse
16 anesthetist, practice of a nurse practitioner, and practice of a clinical nurse specialist
17 and defining the scope of practice within which an advanced practice registered
18 nurse may issue prescription orders under sub. (2).

19 (b) Determining acceptable national certification for purposes of sub. (1) (a) 2.
20 a.

21 (c) Establishing the appropriate education, training, or experience
22 requirements that a registered nurse must satisfy in order to be an advanced practice
23 registered nurse.

24 (d) Specifying the classes of drugs, individual drugs, or devices that may not
25 be prescribed by an advanced practice registered nurse under sub. (2).

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1 (e) Specifying the conditions to be met for registered nurses to do the following:

2 1. Administer a drug prescribed by an advanced practice registered nurse.

3 2. Administer a drug at the direction of an advanced practice registered nurse.

4 (f) Establishing the minimum amount of malpractice liability insurance
5 coverage that an advanced practice registered nurse must at all times have in effect
6 for purposes of sub. (5). The board shall promulgate rules under this paragraph in
7 consultation with the commissioner of insurance.

8 **SECTION 109.** 441.092 of the statutes is created to read:

9 **441.092 Expedited partner therapy. (1)** In this section:

10 (b) “Antimicrobial drug” has the meaning given in s. 448.035 (1) (b).

11 (c) “Expedited partner therapy” has the meaning given in s. 448.035 (1) (c).

12 **(2)** Notwithstanding the requirements of s. 448.9785, an advanced practice
13 registered nurse who may issue prescription orders under s. 441.09 (2) may provide
14 expedited partner therapy if a patient is diagnosed as infected with a chlamydial
15 infection, gonorrhea, or trichomoniasis and the patient has had sexual contact with
16 a sexual partner during which the chlamydial infection, gonorrhea, or
17 trichomoniasis may have been transmitted to or from the sexual partner. The
18 advanced practice registered nurse shall attempt to obtain the name of the patient’s
19 sexual partner. A prescription order for an antimicrobial drug prepared under this
20 subsection shall include the name and address of the patient’s sexual partner, if
21 known. If the advanced practice registered nurse is unable to obtain the name of the
22 patient’s sexual partner, the prescription order shall include, in ordinary, bold-faced
23 capital letters, the words, “expedited partner therapy” or the letters “EPT.”

24 **(3)** The advanced practice registered nurse shall provide the patient with a
25 copy of the information sheet prepared by the department of health services under

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1 s. 46.03 (44) and shall request that the patient give the information sheet to the
2 person with whom the patient had sexual contact.

3 (4) (a) Except as provided in par. (b), an advanced practice registered nurse is
4 immune from civil liability for injury to or the death of a person who takes any
5 antimicrobial drug if the antimicrobial drug is prescribed, dispensed, or furnished
6 under this section and if expedited partner therapy is provided as specified under
7 this section.

8 (b) The immunity under par. (a) does not extend to the donation, distribution,
9 furnishing, or dispensing of an antimicrobial drug by an advanced practice
10 registered nurse whose act or omission involves reckless, wanton, or intentional
11 misconduct.

12 **SECTION 110.** 441.10 (7) of the statutes is amended to read:

13 441.10 (7) No license is required for practical nursing, but, except as provided
14 in s. 257.03, no person without a license may hold himself or herself out as a licensed
15 practical nurse or licensed attendant, use the title or letters “Trained Practical
16 Nurse” or “T.P.N.”, “Licensed Practical Nurse” or “L.P.N.”, “Licensed Attendant” or
17 “L.A.”, “Trained Attendant” or “T.A.”, or otherwise seek to indicate that he or she is
18 a licensed practical nurse or licensed attendant. No licensed practical nurse or
19 licensed attendant may use the title, or otherwise seek to act as a registered, licensed,
20 graduate or professional nurse. Anyone violating this subsection shall be subject to
21 the penalties prescribed by s. 441.13. ~~The board shall grant without examination a~~
22 ~~license as a licensed practical nurse to any person who was on July 1, 1949, a licensed~~
23 ~~attendant.~~ This subsection does not apply to any licensed practical nurse who holds
24 a multistate license, as defined in s. 441.51 (2) (h), issued by a jurisdiction, other than
25 this state, that has adopted the enhanced nurse licensure compact under s. 441.51.

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1 **SECTION 111.** 441.11 (title) of the statutes is repealed.

2 **SECTION 112.** 441.11 (1) of the statutes is repealed.

3 **SECTION 113.** 441.11 (2) of the statutes is renumbered 441.09 (5m) (a) and
4 amended to read:

5 441.09 **(5m)** (a) Licensure exemption. The provisions of s. 448.04 (1) ~~(g)~~ 448.03
6 (1) (d) do not apply to ~~a~~ an advanced practice registered nurse licensed under this
7 section who possesses a certified registered nurse anesthetist specialty designation
8 under sub. (1) (b) 1. or to a person who engages in the practice of a nurse anesthetist
9 while performing official duties for the armed services or federal health services of
10 the United States.

11 **SECTION 114.** 441.11 (3) of the statutes is repealed.

12 **SECTION 115.** 441.15 of the statutes is repealed.

13 **SECTION 116.** 441.16 of the statutes is repealed.

14 **SECTION 117.** 441.18 (2) (a) (intro.) of the statutes is amended to read:

15 441.18 **(2)** (a) (intro.) An advanced practice registered nurse ~~certified to~~ who
16 may issue prescription orders under s. ~~441.16~~ 441.09 (2) may do any of the following:

17 **SECTION 118.** 441.18 (2) (b) of the statutes is amended to read:

18 441.18 **(2)** (b) An advanced practice registered nurse who prescribes or delivers
19 an opioid antagonist under par. (a) 1. shall ensure that the person to whom the opioid
20 antagonist is prescribed has or has the capacity to provide the knowledge and
21 training necessary to safely administer the opioid antagonist to an individual
22 undergoing an opioid-related overdose and that the person demonstrates the
23 capacity to ensure that any individual to whom the person further delivers the opioid
24 antagonist has or receives that knowledge and training.

25 **SECTION 119.** 441.18 (3) of the statutes is amended to read:

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1 441.18 (3) An advanced practice registered nurse who, acting in good faith,
 2 prescribes or delivers an opioid antagonist in accordance with sub. (2), or who, acting
 3 in good faith, otherwise lawfully prescribes or dispenses an opioid antagonist, shall
 4 be immune from criminal or civil liability and may not be subject to professional
 5 discipline under s. 441.07 for any outcomes resulting from prescribing, delivering,
 6 or dispensing the opioid antagonist.

7 **SECTION 120.** 441.19 of the statutes is repealed.

8 **SECTION 121.** Subchapter II (title) of chapter 441 [precedes 441.51] of the
 9 statutes is amended to read:

10 **CHAPTER 441**

11 SUBCHAPTER II

12 ENHANCED NURSE LICENSURE COMPACT

13 **SECTION 122.** 441.51 (title) of the statutes is amended to read:

14 **441.51** (title) ~~Enhanced nurse~~ **Nurse licensure compact.**

15 **SECTION 123.** 448.03 (2) (a) of the statutes is amended to read:

16 448.03 (2) (a) Any person lawfully practicing within the scope of a license,
 17 permit, registration, certificate or certification granted to practice midwifery under
 18 subch. XIII of ch. 440, to practice professional ~~or, practical,~~ or advanced practice
 19 registered nursing or nurse-midwifery under ch. 441, to practice chiropractic under
 20 ch. 446, to practice dentistry or dental hygiene under ch. 447, to practice optometry
 21 under ch. 449, to practice acupuncture under ch. 451 or under any other statutory
 22 provision, or as otherwise provided by statute.

23 **SECTION 124.** 448.03 (2) (a) of the statutes, as affected by 2021 Wisconsin Acts
 24 23 and (this act), is repealed and recreated to read:

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1 448.03 (2) (a) Any person lawfully practicing within the scope of a license,
2 permit, registration, certificate or certification granted to practice midwifery under
3 subch. XIII of ch. 440, to practice professional, practical, or advanced practice
4 registered nursing under ch. 441, to practice chiropractic under ch. 446, to practice
5 dentistry or dental hygiene under ch. 447, to practice optometry under ch. 449, to
6 practice as a physician assistant under subch. VIII, to practice acupuncture under
7 ch. 451 or under any other statutory provision, or as otherwise provided by statute.

8 **SECTION 125.** 448.035 (1) (a) of the statutes is repealed.

9 **SECTION 126.** 448.035 (2), (3) and (4) of the statutes are amended to read:

10 448.035 (2) Notwithstanding the requirements of s. 448.30, a physician, or a
11 physician assistant, ~~or certified advanced practice nurse prescriber~~ may provide
12 expedited partner therapy if the patient is diagnosed as infected with a chlamydial
13 infection, gonorrhea, or trichomoniasis and the patient has had sexual contact with
14 a sexual partner during which the chlamydial infection, gonorrhea, or
15 trichomoniasis may have been transmitted to or from the sexual partner. The
16 physician, or physician assistant, ~~or certified advanced practice nurse prescriber~~
17 shall attempt to obtain the name of the patient's sexual partner. A prescription order
18 for an antimicrobial drug prepared under this subsection shall include the name and
19 address of the patient's sexual partner, if known. If the physician, or physician
20 assistant, ~~or certified advanced practice nurse prescriber~~ is unable to obtain the
21 name of the patient's sexual partner, the prescription order shall include, in ordinary
22 bold-faced capital letters, the words, "expedited partner therapy" or the letters
23 "EPT."

24 (3) The physician, or physician assistant, ~~or certified advanced practice nurse~~
25 prescriber shall provide the patient with a copy of the information sheet prepared by

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1 the department of health services under s. 46.03 (44) and shall request that the
2 patient give the information sheet to the person with whom the patient had sexual
3 contact.

4 (4) (a) Except as provided in par. (b), a physician, or physician assistant, ~~or~~
5 ~~certified advanced practice nurse prescriber~~ is immune from civil liability for injury
6 to or the death of a person who takes any antimicrobial drug if the antimicrobial drug
7 is prescribed, dispensed, or furnished under this section and if expedited partner
8 therapy is provided as specified under this section.

9 (b) The immunity under par. (a) does not extend to the donation, distribution,
10 furnishing, or dispensing of an antimicrobial drug by a physician, or physician
11 assistant, ~~or certified advanced practice nurse prescriber~~ whose act or omission
12 involves reckless, wanton, or intentional misconduct.

13 **SECTION 127.** 448.035 (2), (3) and (4) of the statutes, as affected by 2021
14 Wisconsin Acts 23 and (this act), are repealed and recreated to read:

15 448.035 (2) Notwithstanding the requirements of s. 448.30, a physician may
16 provide expedited partner therapy if the patient is diagnosed as infected with a
17 chlamydial infection, gonorrhea, or trichomoniasis and the patient has had sexual
18 contact with a sexual partner during which the chlamydial infection, gonorrhea, or
19 trichomoniasis may have been transmitted to or from the sexual partner. The
20 physician shall attempt to obtain the name of the patient's sexual partner. A
21 prescription order for an antimicrobial drug prepared under this subsection shall
22 include the name and address of the patient's sexual partner, if known. If the
23 physician is unable to obtain the name of the patient's sexual partner, the
24 prescription order shall include, in ordinary bold-faced capital letters, the words,
25 "expedited partner therapy" or the letters "EPT."

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1 **(3)** The physician shall provide the patient with a copy of the information sheet
2 prepared by the department of health services under s. 46.03 (44) and shall request
3 that the patient give the information sheet to the person with whom the patient had
4 sexual contact.

5 **(4)** (a) Except as provided in par. (b), a physician is immune from civil liability
6 for injury to or the death of a person who takes any antimicrobial drug if the
7 antimicrobial drug is prescribed, dispensed, or furnished under this section and if
8 expedited partner therapy is provided as specified under this section.

9 (b) The immunity under par. (a) does not extend to the donation, distribution,
10 furnishing, or dispensing of an antimicrobial drug by a physician whose act or
11 omission involves reckless, wanton, or intentional misconduct.

12 **SECTION 128.** 448.56 (1) and (1m) (b) of the statutes are amended to read:

13 448.56 **(1)** WRITTEN REFERRAL. Except as provided in this subsection and s.
14 448.52, a person may practice physical therapy only upon the written referral of a
15 physician, physician assistant, chiropractor, dentist, podiatrist, or advanced practice
16 registered nurse ~~prescriber certified under s. 441.16 (2)~~. Written referral is not
17 required if a physical therapist provides services in schools to children with
18 disabilities, as defined in s. 115.76 (5), pursuant to rules promulgated by the
19 department of public instruction; provides services as part of a home health care
20 agency; provides services to a patient in a nursing home pursuant to the patient's
21 plan of care; provides services related to athletic activities, conditioning, or injury
22 prevention; or provides services to an individual for a previously diagnosed medical
23 condition after informing the individual's physician, physician assistant,
24 chiropractor, dentist, podiatrist, or advanced practice registered nurse ~~prescriber~~
25 ~~certified under s. 441.16 (2)~~ who made the diagnosis. The examining board may

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1 promulgate rules establishing additional services that are excepted from the written
2 referral requirements of this subsection.

3 **(1m)** (b) The examining board shall promulgate rules establishing the
4 requirements that a physical therapist must satisfy if a physician, physician
5 assistant, chiropractor, dentist, podiatrist, or advanced practice registered nurse
6 ~~prescriber~~ makes a written referral under sub. (1). The purpose of the rules shall be
7 to ensure continuity of care between the physical therapist and the health care
8 practitioner.

9 **SECTION 129.** 448.62 (2m) of the statutes is amended to read:

10 448.62 **(2m)** An advanced practice registered nurse ~~who is certified to issue~~
11 ~~prescription orders under s. 441.16~~ and who is providing nonsurgical patient services
12 as directed, supervised, and inspected by a podiatrist who has the power to direct,
13 decide, and oversee the implementation of the patient services rendered.

14 **SECTION 130.** 448.67 (2) of the statutes is amended to read:

15 448.67 **(2)** SEPARATE BILLING REQUIRED. Except as provided in sub. (4), a licensee
16 who renders any podiatric service or assistance, or gives any podiatric advice or any
17 similar advice or assistance, to any patient, podiatrist, physician, physician
18 assistant, advanced practice registered nurse ~~prescriber~~ ~~certified under s. 441.16 (2),~~
19 partnership, or corporation, or to any other institution or organization, including a
20 hospital, for which a charge is made to a patient, shall, except as authorized by
21 Title 18 or Title 19 of the federal Social Security Act, render an individual statement
22 or account of the charge directly to the patient, distinct and separate from any
23 statement or account by any other podiatrist, physician, physician assistant,
24 advanced practice registered nurse ~~prescriber~~, or other person.

25 **SECTION 131.** 448.956 (1m) of the statutes is amended to read:

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1 448.956 (1m) Subject to sub. (1) (a), a licensee may provide athletic training
2 to an individual without a referral, except that a licensee may not provide athletic
3 training as described under s. 448.95 (5) (d) or (e) in an outpatient rehabilitation
4 setting unless the licensee has obtained a written referral for the individual from a
5 practitioner licensed or certified under subch. II, III, IV, V, or VII of this chapter;
6 under ch. 446; or under s. 441.16 (2) 441.09 or from a practitioner who holds a
7 compact privilege under subch. IX of ch. 448.

8 **SECTION 132.** 448.956 (1m) of the statutes, as affected by 2021 Wisconsin Acts
9 23 and (this act), is repealed and recreated to read:

10 448.956 (1m) Subject to sub. (1) (a), a licensee may provide athletic training
11 to an individual without a referral, except that a licensee may not provide athletic
12 training as described under s. 448.95 (5) (d) or (e) in an outpatient rehabilitation
13 setting unless the licensee has obtained a written referral for the individual from a
14 practitioner licensed or certified under subch. II, III, IV, V, or VII of this chapter;
15 under ch. 446; or under s. 441.09 or from a practitioner who holds a compact privilege
16 under subch. X of ch. 448.

17 **SECTION 133.** 450.01 (1m) of the statutes is repealed.

18 **SECTION 134.** 450.01 (16) (h) 2. of the statutes is amended to read:

19 450.01 (16) (h) 2. The patient's advanced practice registered nurse ~~prescriber,~~
20 if the advanced practice registered nurse ~~prescriber~~ ~~has entered into a written~~
21 ~~agreement to collaborate with a physician~~ may issue prescription orders under s.
22 441.09 (2).

23 **SECTION 135.** 450.01 (16) (hr) 2. of the statutes is amended to read:

24 450.01 (16) (hr) 2. An advanced practice registered nurse ~~prescriber~~ who may
25 issue prescription orders under s. 441.09 (2).

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1 **SECTION 136.** 450.03 (1) (e) of the statutes is amended to read:

2 450.03 (1) (e) Any person lawfully practicing within the scope of a license,
3 permit, registration, certificate, or certification granted to provide home medical
4 oxygen under s. 450.076, to practice professional ~~or~~ practical, or advanced practice
5 registered nursing ~~or nurse-midwifery~~ under ch. 441, to practice dentistry or dental
6 hygiene under ch. 447, to practice medicine and surgery under ch. 448, to practice
7 optometry under ch. 449 or to practice veterinary medicine under ch. 89, or as
8 otherwise provided by statute.

9 **SECTION 137.** 450.11 (1g) (b) of the statutes is amended to read:

10 450.11 (1g) (b) A pharmacist may, upon the prescription order of a practitioner
11 providing expedited partner therapy, as specified in s. 441.092 or 448.035, that
12 complies with the requirements of sub. (1), dispense an antimicrobial drug as a
13 course of therapy for treatment of chlamydial infections, gonorrhea, or
14 trichomoniasis to the practitioner's patient or a person with whom the patient has
15 had sexual contact for use by the person with whom the patient has had sexual
16 contact. The pharmacist shall provide a consultation in accordance with rules
17 promulgated by the board for the dispensing of a prescription to the person to whom
18 the antimicrobial drug is dispensed. A pharmacist providing a consultation under
19 this paragraph shall ask whether the person for whom the antimicrobial drug has
20 been prescribed is allergic to the antimicrobial drug and advise that the person for
21 whom the antimicrobial drug has been prescribed must discontinue use of the
22 antimicrobial drug if the person is allergic to or develops signs of an allergic reaction
23 to the antimicrobial drug.

24 **SECTION 138.** 450.11 (1g) (b) of the statutes, as affected by 2021 Wisconsin Acts
25 23 and (this act), is repealed and recreated to read:

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1 450.11 (1g) (b) A pharmacist may, upon the prescription order of a practitioner
2 providing expedited partner therapy, as specified in s. 441.092, 448.035, or 448.9725,
3 that complies with the requirements of sub. (1), dispense an antimicrobial drug as
4 a course of therapy for treatment of chlamydial infections, gonorrhea, or
5 trichomoniasis to the practitioner's patient or a person with whom the patient has
6 had sexual contact for use by the person with whom the patient has had sexual
7 contact. The pharmacist shall provide a consultation in accordance with rules
8 promulgated by the board for the dispensing of a prescription to the person to whom
9 the antimicrobial drug is dispensed. A pharmacist providing a consultation under
10 this paragraph shall ask whether the person for whom the antimicrobial drug has
11 been prescribed is allergic to the antimicrobial drug and advise that the person for
12 whom the antimicrobial drug has been prescribed must discontinue use of the
13 antimicrobial drug if the person is allergic to or develops signs of an allergic reaction
14 to the antimicrobial drug.

15 **SECTION 139.** 450.11 (1i) (a) 1. of the statutes is amended to read:

16 450.11 (1i) (a) 1. A pharmacist may, upon and in accordance with the
17 prescription order of an advanced practice registered nurse ~~prescriber~~ under s.
18 441.18 (2) (a) 1., or of a physician or physician assistant under s. 448.037 (2) (a) 1.,
19 that complies with the requirements of sub. (1), deliver an opioid antagonist to a
20 person specified in the prescription order and may, upon and in accordance with the
21 standing order of an advanced practice registered nurse ~~prescriber~~ under s. 441.18
22 (2) (a) 2., or of a physician or physician assistant under s. 448.037 (2) (a) 2., that
23 complies with the requirements of sub. (1), deliver an opioid antagonist to an
24 individual in accordance with the order. The pharmacist shall provide a consultation

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1 in accordance with rules promulgated by the board for the delivery of a prescription
2 to the person to whom the opioid antagonist is delivered.

3 **SECTION 140.** 450.11 (1i) (a) 1. of the statutes, as affected by 2021 Wisconsin
4 Acts 23 and (this act), is repealed and recreated to read:

5 450.11 (1i) (a) 1. A pharmacist may, upon and in accordance with the
6 prescription order of an advanced practice registered nurse under s. 441.18 (2) (a) 1.,
7 of a physician under s. 448.037 (2) (a) 1., or of a physician assistant under s. 448.9727
8 (2) (a) 1. that complies with the requirements of sub. (1), deliver an opioid antagonist
9 to a person specified in the prescription order and may, upon and in accordance with
10 the standing order of an advanced practice registered nurse under s. 441.18 (2) (a)
11 2., of a physician under s. 448.037 (2) (a) 2., or of a physician assistant under s.
12 448.9727 (2) (a) 2. that complies with the requirements of sub. (1), deliver an opioid
13 antagonist to an individual in accordance with the order. The pharmacist shall
14 provide a consultation in accordance with rules promulgated by the board for the
15 delivery of a prescription to the person to whom the opioid antagonist is delivered.

16 **SECTION 141.** 450.11 (1i) (b) 2. b. of the statutes is amended to read:

17 450.11 (1i) (b) 2. b. An advanced practice registered nurse ~~prescriber~~ may only
18 deliver or dispense an opioid antagonist in accordance with s. 441.18 (2) or in
19 accordance with his or her other legal authority to dispense prescription drugs.

20 **SECTION 142.** 450.11 (7) (b) of the statutes is amended to read:

21 450.11 (7) (b) Information communicated to a physician, physician assistant,
22 or advanced practice registered nurse ~~prescriber~~ in an effort to procure unlawfully
23 a prescription drug or the administration of a prescription drug is not a privileged
24 communication.

25 **SECTION 143.** 450.11 (8) (e) of the statutes is amended to read:

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1 450.11 (8) (e) The board of nursing, insofar as this section applies to advanced
2 practice nurse prescribers registered nurses.

3 **SECTION 144.** 450.13 (5) (b) of the statutes is amended to read:

4 450.13 (5) (b) The patient's advanced practice registered nurse prescriber, if the
5 advanced practice registered nurse prescriber has entered into a written agreement
6 to collaborate with a physician may issue prescription orders under s. 441.09 (2).

7 **SECTION 145.** 450.135 (7) (b) of the statutes is amended to read:

8 450.135 (7) (b) The patient's advanced practice registered nurse prescriber, if
9 the advanced practice registered nurse prescriber has entered into a written
10 agreement to collaborate with a physician may issue prescription orders under s.
11 441.09 (2).

12 **SECTION 146.** 462.04 of the statutes is amended to read:

13 **462.04 Prescription or order required.** A person who holds a license or
14 limited X-ray machine operator permit under this chapter may not use diagnostic
15 X-ray equipment on humans for diagnostic purposes unless authorized to do so by
16 prescription or order of a physician licensed under s. 448.04 (1) (a), a dentist licensed
17 under s. 447.04 (1), a podiatrist licensed under s. 448.63, a chiropractor licensed
18 under s. 446.02, an advanced practice registered nurse certified licensed under s.
19 441.16 (2) 441.09, a physician assistant licensed under s. 448.04 (1) (f), or, subject to
20 s. 448.56 (7) (a), a physical therapist who is licensed under s. 448.53 or who holds a
21 compact privilege under subch. IX of ch. 448.

22 **SECTION 147.** 462.04 of the statutes, as affected by 2021 Wisconsin Acts 23 and
23 (this act), is repealed and recreated to read:

24 **462.04 Prescription or order required.** A person who holds a license or
25 limited X-ray machine operator permit under this chapter may not use diagnostic

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1 X-ray equipment on humans for diagnostic purposes unless authorized to do so by
2 prescription or order of a physician licensed under s. 448.04 (1) (a), a dentist licensed
3 under s. 447.04 (1), a podiatrist licensed under s. 448.63, a chiropractor licensed
4 under s. 446.02, an advanced practice registered nurse licensed under s. 441.09, a
5 physician assistant licensed under s. 448.974, or, subject to s. 448.56 (7) (a), a
6 physical therapist who is licensed under s. 448.53 or who holds a compact privilege
7 under subch. IX of ch. 448.

8 **SECTION 148.** 655.001 (7t) of the statutes is amended to read:

9 655.001 (7t) “Health care practitioner” means a health care professional, as
10 defined in s. 180.1901 (1m), who is an employee of a health care provider described
11 in s. 655.002 (1) (d), (e), (em), or (f) and who has the authority to provide health care
12 services that are not in collaboration with a physician under s. 441.15 (2) (b) or under
13 the direction and supervision of a physician or nurse anesthetist.

14 **SECTION 149.** 655.001 (9) of the statutes is amended to read:

15 655.001 (9) “Nurse anesthetist” means ~~a nurse~~ an individual who is licensed
16 ~~under ch. 441 or who holds a multistate license, as defined in s. 441.51 (2) (h), issued~~
17 ~~in a party state, as defined in s. 441.51 (2) (k), and who is certified as a nurse~~
18 ~~anesthetist by the American association of nurse anesthetists~~ as an advanced
19 practice registered nurse and possesses a certified registered nurse anesthetist
20 specialty designation under s. 441.09.

21 **SECTION 150.** 655.005 (2) (a) of the statutes is amended to read:

22 655.005 (2) (a) An employee of a health care provider if the employee is a
23 physician or a nurse anesthetist or is a health care practitioner who is providing
24 health care services that are not in collaboration with a physician under s. 441.15 (2)
25 (b) or under the direction and supervision of a physician or nurse anesthetist.

ASSEMBLY BILL 396**SECTION 151**

1 **SECTION 151.** 961.01 (19) (a) of the statutes is amended to read:

2 961.01 (19) (a) A physician, advanced practice registered nurse, dentist,
3 veterinarian, podiatrist, optometrist, scientific investigator or, subject to s. 448.21
4 (3), a physician assistant, or other person licensed, registered, certified or otherwise
5 permitted to distribute, dispense, conduct research with respect to, administer or use
6 in teaching or chemical analysis a controlled substance in the course of professional
7 practice or research in this state.

8 **SECTION 152.** 961.01 (19) (a) of the statutes, as affected by 2021 Wisconsin Acts
9 23 and (this act), is repealed and recreated to read:

10 961.01 (19) (a) A physician, advanced practice registered nurse, dentist,
11 veterinarian, podiatrist, optometrist, scientific investigator or, subject to s. 448.975
12 (1) (b), a physician assistant, or other person licensed, registered, certified or
13 otherwise permitted to distribute, dispense, conduct research with respect to,
14 administer or use in teaching or chemical analysis a controlled substance in the
15 course of professional practice or research in this state.

16 **SECTION 153.** 961.395 of the statutes is amended to read:

17 **961.395 Limitation on advanced practice registered nurses.** (1) An
18 advanced practice registered nurse who is ~~certified~~ may issue prescription orders
19 under s. ~~441.16~~ 441.09 (2) may prescribe controlled substances only as permitted by
20 the rules promulgated under s. ~~441.16 (3)~~ 441.09 (6) (d).

21 (2) An advanced practice registered nurse ~~certified under s. 441.16~~ who may
22 issue prescription orders under s. 441.09 (2) shall include with each prescription
23 order the advanced practice nurse ~~prescriber certification~~ license number issued to
24 him or her by the board of nursing.

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1 (3) An advanced practice registered nurse certified under s. 441.16 who may
2 issue prescription orders under s. 441.09 (2) may dispense a controlled substance
3 only by prescribing or administering the controlled substance or as otherwise
4 permitted by the rules promulgated under s. ~~441.16 (3)~~ 441.09 (6) (d).

SECTION 154. Nonstatutory provisions.

5 (1) Using the procedure under s. 227.24, the board of nursing may promulgate
6 rules under ch. 441 that are necessary to implement the changes in this act.
7 Notwithstanding s. 227.24 (1) (a) and (3), the board is not required to provide
8 evidence that promulgating a rule under this subsection as an emergency rule is
9 necessary for the preservation of the public peace, health, safety, or welfare and is
10 not required to provide a finding of emergency for a rule promulgated under this
11 subsection. Notwithstanding s. 227.24 (1) (c) and (2), a rule promulgated under this
12 subsection is effective for 2 years after its promulgation, or until permanent rules
13 take effect, whichever is sooner, and the effective period of a rule promulgated under
14 this subsection may not be further extended under s. 227.24 (2).

15 (2) (a) In this subsection, the definitions under s. 441.001 apply.

16 (b) Notwithstanding s. 441.09 (3), an individual who, on January 1, 2019, was
17 licensed as a registered nurse in this state and was practicing in a recognized role
18 may continue to practice advanced practice registered nursing and the
19 corresponding recognized role in which he or she was practicing and may continue
20 to use the titles corresponding to the recognized roles in which he or she was
21 practicing during the period before which the board takes final action on the person's
22 application under s. 441.09. This paragraph does not apply after March 1, 2023.

23 **SECTION 155. Effective dates.** This act takes effect on March 1, 2022, except
24 as follows:
25

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SECTION 155

1 (1) SECTION 154 (1) of this act takes effect on the day after publication.

2 (2) The treatment of ss. 46.03 (44) (by SECTION 11), 50.08 (2) (by SECTION 14),
3 70.47 (8) (intro.) (by SECTION 22), 146.82 (3) (a) (by SECTION 44), 146.89 (1) (r) 1. (by
4 SECTION 46), 255.07 (1) (d) (by SECTION 72), 343.16 (5) (a) (by SECTION 76), 448.03 (2)
5 (a) (by SECTION 124), 448.035 (2), (3), and (4) (by SECTION 127), 448.956 (1m) (by
6 SECTION 132), 450.11 (1g) (b) (by SECTION 138) and (1i) (a) 1. (by SECTION 140), 462.04
7 (by SECTION 147), and 961.01 (19) (a) (by SECTION 152) takes effect on April 1, 2022.

8 (END)



State of Wisconsin
2021 - 2022 LEGISLATURE

LRB-3578/1
KP/MED/TJD:emw

2021 SENATE BILL 394

June 10, 2021 - Introduced by Senators TESTIN, FELZKOWSKI, MARKLEIN, STROEBEL and JACQUE, cosponsored by Representatives CABRAL-GUEVARA, MAGNAFICI, BRANDTJEN, BROOKS, CALLAHAN, GUNDRUM, KITCHENS, KNODL, KRUG, KUGLITSCH, KURTZ, MACCO, MURPHY, PETERSEN, J. RODRIGUEZ, ROZAR, SNYDER, TAUCHEN, TITTL, TUSLER, WICHGERS, RIEMER, SKOWRONSKI and DITTRICH. Referred to Committee on Health.

1 **AN ACT** *to repeal* 50.01 (1b), 77.54 (14) (f) 3., 118.2925 (1) (b), 146.89 (1) (r) 3.,
2 252.01 (1c), 440.03 (13) (b) 3., 440.03 (13) (b) 42., 440.08 (2) (a) 4m., 440.08 (2)
3 (a) 50., 441.11 (title), 441.11 (1), 441.11 (3), 441.15, 441.16, 441.19, 448.035 (1)
4 (a) and 450.01 (1m); *to renumber and amend* 253.13 (1), 255.06 (1) (d), 441.06
5 (7) and 441.11 (2); *to amend* 14.87 (title), 29.193 (1m) (a) 2. (intro.), 29.193 (2)
6 (b) 2., 29.193 (2) (c) 3., 29.193 (2) (cd) 2. b., 29.193 (2) (cd) 2. c., 29.193 (2) (e),
7 29.193 (3) (a), 45.40 (1g) (a), 46.03 (44), 50.08 (2), 50.09 (1) (a) (intro.), 50.09 (1)
8 (f) 1., 50.09 (1) (h), 50.09 (1) (k), 50.49 (1) (b) (intro.), 51.41 (1d) (b) 4., 70.47 (8)
9 (intro.), 77.54 (14) (f) 4., 97.59, 102.13 (1) (a), 102.13 (1) (b) (intro.), 1., 3. and 4.,
10 102.13 (1) (d) 1., 2., 3. and 4., 102.13 (2) (a), 102.13 (2) (b), 102.17 (1) (d) 1. and
11 2., 102.29 (3), 102.42 (2) (a), 106.30 (1), 118.15 (3) (a), 118.25 (1) (a), 118.29 (1)
12 (e), 118.2925 (3), 118.2925 (4) (c), 118.2925 (5), 146.343 (1) (c), 146.82 (3) (a),
13 146.89 (1) (r) 1., 146.89 (1) (r) 8., 146.89 (6), 154.01 (1g), 252.07 (8) (a) 2., 252.07
14 (9) (c), 252.10 (7), 252.11 (2), (4), (5), (7) and (10), 252.15 (3m) (d) 11. b. and 13.,

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1 (5g) (c), (5m) (d) 2. and (e) 2. and 3. and (7m) (intro.) and (b), 252.16 (3) (c)
2 (intro.), 252.17 (3) (c) (intro.), 253.07 (4) (d), 253.115 (4), 253.115 (7) (a) (intro.),
3 253.15 (2), 255.06 (2) (d), 255.07 (1) (d), 257.01 (5) (a) and (b), 341.14 (1a), (1e)
4 (a), (1m) and (1q), 343.16 (5) (a), 343.51 (1), 343.62 (4) (a) 4., 440.094 (1) (c) 1.,
5 440.094 (2) (a) (intro.), 440.981 (1), 440.982 (1), 440.987 (2), 441.01 (3), 441.01
6 (4), 441.01 (7) (a) (intro.), 441.01 (7) (b), 441.06 (3), 441.06 (4), 441.07 (1g)
7 (intro.), (a), (c) and (e), 441.10 (7), 441.18 (2) (a) (intro.), 441.18 (2) (b), 441.18
8 (3), subchapter II (title) of chapter 441 [precedes 441.51], 441.51 (title), 448.03
9 (2) (a), 448.035 (2), (3) and (4), 448.56 (1) and (1m) (b), 448.62 (2m), 448.67 (2),
10 448.956 (1m), 450.01 (16) (h) 2., 450.01 (16) (hr) 2., 450.03 (1) (e), 450.11 (1g) (b),
11 450.11 (1i) (a) 1., 450.11 (1i) (b) 2. b., 450.11 (7) (b), 450.11 (8) (e), 450.13 (5) (b),
12 450.135 (7) (b), 462.04, 655.001 (7t), 655.001 (9), 655.005 (2) (a), 961.01 (19) (a)
13 and 961.395; **to repeal and recreate** 46.03 (44), 50.08 (2), 70.47 (8) (intro.),
14 146.82 (3) (a), 146.89 (1) (r) 1., 155.01 (1g) (b), 255.07 (1) (d), 343.16 (5) (a),
15 441.06 (title), 448.03 (2) (a), 448.035 (2), (3) and (4), 448.956 (1m), 450.11 (1g)
16 (b), 450.11 (1i) (a) 1., 462.04 and 961.01 (19) (a); and **to create** 253.115 (1) (f),
17 253.13 (1) (a), 253.15 (1) (em), 255.06 (1) (f) 2., 440.03 (13) (b) 39m., 440.08 (2)
18 (a) 47., 441.001 (1c), 441.001 (1m), 441.001 (3c), 441.001 (3g), 441.001 (3n),
19 441.001 (3r), 441.001 (3w), 441.001 (5), 441.01 (7) (c), 441.09 and 441.092 of the
20 statutes; **relating to:** advanced practice registered nurses, extending the time

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- 1 limit for emergency rule procedures, providing an exemption from emergency
2 rule procedures, and granting rule-making authority.

Analysis by the Legislative Reference Bureau

NURSING PRACTICE AND LICENSURE

This bill makes various changes to practice, licensure, and certification requirements for nurses, which are administered by the Board of Nursing.

Licensure of advanced practice registered nurses

Under current law, a person who wishes to practice professional nursing must be licensed by the Board of Nursing as a registered nurse (RN). This bill creates an additional system of licensure for advanced practice registered nurses (APRNs), to be administered by the board. Under the bill, in order to apply for an APRN license, a person must 1) hold, or concurrently apply for, an RN license; 2) have completed an accredited graduate-level or postgraduate-level education program preparing the person to practice as an APRN in one of four recognized roles and hold a current national certification approved by the board; 3) possess malpractice liability insurance in an amount determined as provided in the bill; 4) pay a fee determined by the Department of Safety and Professional Services; and 5) satisfy certain other criteria specified in the bill. The bill also allows a person who has not completed an accredited education program described above to receive an APRN license if the person 1) on January 1, 2019, was both licensed as an RN in Wisconsin and practicing in one of the four recognized roles; and 2) satisfies additional practice or education criteria established by the board. The bill also, however, automatically grants licenses to certain RNs, as further described below. The four recognized roles, as defined in the bill, are 1) certified nurse-midwife; 2) certified registered nurse anesthetist; 3) clinical nurse specialist; and 4) nurse practitioner. The bill requires the board, upon granting a person an APRN license, to also grant the person one or more specialty designations corresponding to the recognized role or roles for which the person qualifies.

The holder of an APRN license may append the title "A.P.R.N." to his or her name, as well as a title corresponding to whichever specialty designations that the person possesses. The bill prohibits any person from using the title "A.P.R.N.," and from otherwise indicating that he or she is an APRN, unless the person is licensed by the board as an APRN. The bill also prohibits the use of titles and abbreviations corresponding to a recognized role unless the person has a specialty designation for that role. However, the bill allows an APRN to delegate a task or order to another clinically trained health care worker if the task or order is within the scope of the APRN's practice, the APRN is competent to perform the task or issue the order, and the APRN has reasonable evidence that the health care worker is minimally competent to perform the task or issue the order under the circumstances. The bill requires an APRN to adhere to professional standards when managing situations that are beyond the APRN's expertise.

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Under the bill, when an APRN renews his or her APRN license, the board must grant the person the renewal of both the person's RN license and the person's APRN license. The bill requires all APRNs to complete continuing education requirements each biennium in clinical pharmacology or therapeutics relevant to the APRN's area of practice and to satisfy certain other requirements when renewing a license.

Practice of nurse-midwifery

This bill repeals licensure and practice requirements specific to nurse-midwives and the practice of nurse-midwifery, including specific requirements to practice with an obstetrician. Under the bill, "certified nurse-midwife" is one of the four recognized roles for APRNs, and a person who is licensed as a nurse-midwife under current law is automatically granted an APRN license with a certified nurse-midwife specialty designation. The bill otherwise allows nurse-midwives to be licensed as APRNs if they satisfy the licensure requirements, except that the bill also requires that a person applying for a certified nurse-midwife specialty designation be certified by the American Midwifery Certification Board. The bill also requires APRNs with a specialty designation as a certified nurse-midwife to file and keep current with DSPS a plan for involving a hospital or physician in treating certain patients if the APRN practices outside of a hospital.

Prescribing authority

Under current law, a person licensed as an RN may apply to the board for a certificate to issue prescription orders if the person meets certain requirements established by the board. An RN holding a certificate is subject to various practice requirements and limitations established by the board and must possess malpractice liability insurance in an amount determined by the board.

The bill eliminates certificates to issue prescription orders and generally authorizes APRNs to issue prescription orders. A person who is certified to issue prescription orders under current law is automatically granted an APRN license with his or her appropriate specialty designation. RNs who were practicing in a recognized role on January 1, 2019, but who did not hold a certificate to issue prescription orders on that date and who are granted an APRN license under the bill may not issue prescription orders. As under current law, an APRN issuing prescription orders is subject to various practice requirements and limitations established by the board.

The bill repeals a provision concerning the ability of advanced practice nurses who are certified to issue prescription orders and who are required to work in collaboration with or under the supervision of a physician to obtain and practice under a federal waiver to dispense narcotic drugs to individuals for addiction treatment.

OTHER CHANGES

The bill makes numerous other changes throughout the statutes relating to APRNs, including various terminology changes and technical changes relating to the Nurse Licensure Compact.

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

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

1 **SECTION 1.** 14.87 (title) of the statutes is amended to read:

2 **14.87** (title) ~~Enhanced nurse~~ **Nurse licensure compact.**

3 **SECTION 2.** 29.193 (1m) (a) 2. (intro.) of the statutes is amended to read:

4 29.193 (**1m**) (a) 2. (intro.) Has a permanent substantial loss of function in one
5 or both arms or one or both hands and fails to meet the minimum standards of any
6 one of the following standard tests, administered under the direction of a licensed
7 physician, a licensed physician assistant, a licensed chiropractor, or a ~~certified~~
8 licensed advanced practice registered nurse prescriber:

9 **SECTION 3.** 29.193 (2) (b) 2. of the statutes is amended to read:

10 29.193 (**2**) (b) 2. An applicant shall submit an application on a form prepared
11 and furnished by the department, which shall include a written statement or report
12 prepared and signed by a licensed physician, a licensed physician assistant, a
13 licensed chiropractor, a licensed podiatrist, or a ~~certified~~ licensed advanced practice
14 registered nurse prescriber prepared no more than 6 months preceding the
15 application and verifying that the applicant is physically disabled.

16 **SECTION 4.** 29.193 (2) (c) 3. of the statutes is amended to read:

17 29.193 (**2**) (c) 3. The department may issue a Class B permit to an applicant
18 who is ineligible for a permit under subd. 1., 2. or 2m. or who is denied a permit under
19 subd. 1., 2. or 2m. if, upon review and after considering the physical condition of the
20 applicant and the recommendation of a licensed physician, a licensed physician
21 assistant, a licensed chiropractor, a licensed podiatrist, or a ~~certified~~ licensed

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1 advanced practice registered nurse ~~prescriber~~ selected by the applicant from a list
2 of licensed physicians, licensed physician assistants, licensed chiropractors, licensed
3 podiatrists, and ~~certified~~ licensed advanced practice nurse ~~prescribers~~ registered
4 nurses compiled by the department, the department finds that issuance of a permit
5 complies with the intent of this subsection. The use of this review procedure is
6 discretionary with the department and all costs of the review procedure shall be paid
7 by the applicant.

8 **SECTION 5.** 29.193 (2) (cd) 2. b. of the statutes is amended to read:

9 29.193 (2) (cd) 2. b. The person has a permanent substantial loss of function
10 in one or both arms and fails to meet the minimum standards of the standard upper
11 extremity pinch test, the standard grip test, or the standard nine-hole peg test,
12 administered under the direction of a licensed physician, a licensed physician
13 assistant, a licensed chiropractor, or a ~~certified~~ licensed advanced practice registered
14 nurse ~~prescriber~~.

15 **SECTION 6.** 29.193 (2) (cd) 2. c. of the statutes is amended to read:

16 29.193 (2) (cd) 2. c. The person has a permanent substantial loss of function in
17 one or both shoulders and fails to meet the minimum standards of the standard
18 shoulder strength test, administered under the direction of a licensed physician, a
19 licensed physician assistant, a licensed chiropractor, or a ~~certified~~ licensed advanced
20 practice registered nurse ~~prescriber~~.

21 **SECTION 7.** 29.193 (2) (e) of the statutes is amended to read:

22 29.193 (2) (e) *Review of decisions.* An applicant denied a permit under this
23 subsection, except a permit under par. (c) 3., may obtain a review of that decision by
24 a licensed physician, a licensed physician assistant, a licensed chiropractor, a
25 licensed podiatrist, or a ~~certified~~ licensed advanced practice registered nurse

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1 prescriber designated by the department and with an office located in the
2 department district in which the applicant resides. The department shall pay for the
3 cost of a review under this paragraph unless the denied application on its face fails
4 to meet the standards set forth in par. (c) 1. or 2. A review under this paragraph is
5 the only method of review of a decision to deny a permit under this subsection and
6 is not subject to further review under ch. 227.

7 **SECTION 8.** 29.193 (3) (a) of the statutes is amended to read:

8 29.193 (3) (a) Produces a certificate from a licensed physician, a licensed
9 physician assistant, a licensed optometrist, or a ~~certified~~ licensed advanced practice
10 registered nurse prescriber stating that his or her sight is impaired to the degree that
11 he or she cannot read ordinary newspaper print with or without corrective glasses.

12 **SECTION 9.** 45.40 (1g) (a) of the statutes is amended to read:

13 45.40 (1g) (a) "Health care provider" means an advanced practice registered
14 nurse prescriber ~~certified~~ who may issue prescription orders under s. 441.16 441.09
15 (2), an audiologist licensed under ch. 459, a dentist licensed under ch. 447, an
16 optometrist licensed under ch. 449, a physician licensed under s. 448.02, or a
17 podiatrist licensed under s. 448.63.

18 **SECTION 10.** 46.03 (44) of the statutes is amended to read:

19 46.03 (44) **SEXUALLY TRANSMITTED DISEASE TREATMENT INFORMATION.** Prepare and
20 keep current an information sheet to be distributed to a patient by a physician, a
21 physician assistant, or ~~certified~~ an advanced practice registered nurse prescriber
22 who may issue prescription orders under s. 441.09 (2) providing expedited partner
23 therapy to that patient under s. 441.092 or 448.035. The information sheet shall
24 include information about sexually transmitted diseases and their treatment and
25 about the risk of drug allergies. The information sheet shall also include a statement

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1 advising a person with questions about the information to contact his or her
2 physician, pharmacist, or local health department, as defined in s. 250.01 (4).

3 **SECTION 11.** 46.03 (44) of the statutes, as affected by 2021 Wisconsin Acts 23
4 and (this act), is repealed and recreated to read:

5 46.03 (44) **SEXUALLY TRANSMITTED DISEASE TREATMENT INFORMATION.** Prepare and
6 keep current an information sheet to be distributed to a patient by a physician,
7 physician assistant, or an advanced practice registered nurse who may issue
8 prescription orders under s. 441.09 (2) providing expedited partner therapy to that
9 patient under s. 441.092, 448.035, or 448.9725. The information sheet shall include
10 information about sexually transmitted diseases and their treatment and about the
11 risk of drug allergies. The information sheet shall also include a statement advising
12 a person with questions about the information to contact his or her physician,
13 pharmacist, or local health department, as defined in s. 250.01 (4).

14 **SECTION 12.** 50.01 (1b) of the statutes is repealed.

15 **SECTION 13.** 50.08 (2) of the statutes is amended to read:

16 50.08 (2) A physician, an advanced practice registered nurse prescriber
17 certified who may issue prescription orders under s. ~~441.16~~ 441.09 (2), or a physician
18 assistant licensed under ch. 448, who prescribes a psychotropic medication to a
19 nursing home resident who has degenerative brain disorder shall notify the nursing
20 home if the prescribed medication has a boxed warning under 21 CFR 201.57.

21 **SECTION 14.** 50.08 (2) of the statutes, as affected by 2021 Wisconsin Acts 23 and
22 (this act), is repealed and recreated to read:

23 50.08 (2) A physician, an advanced practice registered nurse who may issue
24 prescription orders under s. 441.09 (2), or a physician assistant, who prescribes a
25 psychotropic medication to a nursing home resident who has degenerative brain

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1 disorder shall notify the nursing home if the prescribed medication has a boxed
2 warning under 21 CFR 201.57.

3 **SECTION 15.** 50.09 (1) (a) (intro.) of the statutes is amended to read:

4 50.09 (1) (a) (intro.) Private and unrestricted communications with the
5 resident's family, physician, physician assistant, advanced practice registered nurse
6 ~~prescriber~~, attorney, and any other person, unless medically contraindicated as
7 documented by the resident's physician, physician assistant, or advanced practice
8 registered nurse ~~prescriber~~ in the resident's medical record, except that
9 communications with public officials or with the resident's attorney shall not be
10 restricted in any event. The right to private and unrestricted communications shall
11 include, but is not limited to, the right to:

12 **SECTION 16.** 50.09 (1) (f) 1. of the statutes is amended to read:

13 50.09 (1) (f) 1. Privacy for visits by spouse or domestic partner. If both spouses
14 or both domestic partners under ch. 770 are residents of the same facility, the spouses
15 or domestic partners shall be permitted to share a room unless medically
16 contraindicated as documented by the resident's physician, physician assistant, or
17 advanced practice registered nurse ~~prescriber~~ in the resident's medical record.

18 **SECTION 17.** 50.09 (1) (h) of the statutes is amended to read:

19 50.09 (1) (h) Meet with, and participate in activities of social, religious, and
20 community groups at the resident's discretion, unless medically contraindicated as
21 documented by the resident's physician, physician assistant, or advanced practice
22 registered nurse ~~prescriber~~ in the resident's medical record.

23 **SECTION 18.** 50.09 (1) (k) of the statutes is amended to read:

24 50.09 (1) (k) Be free from mental and physical abuse, and be free from chemical
25 and physical restraints except as authorized in writing by a physician, physician

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1 assistant, or advanced practice registered nurse ~~prescriber~~ for a specified and
2 limited period of time and documented in the resident's medical record. Physical
3 restraints may be used in an emergency when necessary to protect the resident from
4 injury to himself or herself or others or to property. However, authorization for
5 continuing use of the physical restraints shall be secured from a physician, physician
6 assistant, or advanced practice registered nurse ~~prescriber~~ within 12 hours. Any use
7 of physical restraints shall be noted in the resident's medical records. "Physical
8 restraints" includes, but is not limited to, any article, device, or garment that
9 interferes with the free movement of the resident and that the resident is unable to
10 remove easily, and confinement in a locked room.

11 **SECTION 19.** 50.49 (1) (b) (intro.) of the statutes is amended to read:

12 50.49 (1) (b) (intro.) "Home health services" means the following items and
13 services that are furnished to an individual, who is under the care of a physician,
14 physician assistant, or advanced practice registered nurse ~~prescriber~~, by a home
15 health agency, or by others under arrangements made by the home health agency,
16 that are under a plan for furnishing those items and services to the individual that
17 is established and periodically reviewed by a physician, physician assistant, or
18 advanced practice registered nurse ~~prescriber~~ and that are, except as provided in
19 subd. 6., provided on a visiting basis in a place of residence used as the individual's
20 home:

21 **SECTION 20.** 51.41 (1d) (b) 4. of the statutes is amended to read:

22 51.41 (1d) (b) 4. A psychiatric mental health advanced practice registered
23 nurse who is suggested by the Milwaukee County board of supervisors. The
24 Milwaukee County board of supervisors shall solicit suggestions from organizations
25 including the Wisconsin Nurses Association for individuals who specialize in a full

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1 continuum of behavioral health and medical services including emergency
2 detention, inpatient, residential, transitional, partial hospitalization, intensive
3 outpatient, and wraparound community-based services. The Milwaukee County
4 board of supervisors shall suggest to the Milwaukee County executive 4 psychiatric
5 mental health advanced practice registered nurses for this board membership
6 position.

7 **SECTION 21.** 70.47 (8) (intro.) of the statutes is amended to read:

8 70.47 (8) HEARING. (intro.) The board shall hear upon oath all persons who
9 appear before it in relation to the assessment. Instead of appearing in person at the
10 hearing, the board may allow the property owner, or the property owner's
11 representative, at the request of either person, to appear before the board, under
12 oath, by telephone or to submit written statements, under oath, to the board. The
13 board shall hear upon oath, by telephone, all ill or disabled persons who present to
14 the board a letter from a physician, osteopath, physician assistant, as defined in s.
15 448.01 (6), or advanced practice registered nurse prescriber certified under s. 441.16
16 ~~(2)~~ licensed under ch. 441 that confirms their illness or disability. At the request of
17 the property owner or the property owner's representative, the board may postpone
18 and reschedule a hearing under this subsection, but may not postpone and
19 reschedule a hearing more than once during the same session for the same property.
20 The board at such hearing shall proceed as follows:

21 **SECTION 22.** 70.47 (8) (intro.) of the statutes, as affected by 2021 Wisconsin Acts
22 23 and (this act), is repealed and recreated to read:

23 70.47 (8) HEARING. (intro.) The board shall hear upon oath all persons who
24 appear before it in relation to the assessment. Instead of appearing in person at the
25 hearing, the board may allow the property owner, or the property owner's

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1 representative, at the request of either person, to appear before the board, under
2 oath, by telephone or to submit written statements, under oath, to the board. The
3 board shall hear upon oath, by telephone, all ill or disabled persons who present to
4 the board a letter from a physician, physician assistant, or advanced practice
5 registered nurse licensed under ch. 441 that confirms their illness or disability. At
6 the request of the property owner or the property owner's representative, the board
7 may postpone and reschedule a hearing under this subsection, but may not postpone
8 and reschedule a hearing more than once during the same session for the same
9 property. The board at such hearing shall proceed as follows:

10 **SECTION 23.** 77.54 (14) (f) 3. of the statutes is repealed.

11 **SECTION 24.** 77.54 (14) (f) 4. of the statutes is amended to read:

12 77.54 (14) (f) 4. An advanced practice registered nurse who may issue
13 prescription orders under s. 441.09 (2).

14 **SECTION 25.** 97.59 of the statutes is amended to read:

15 **97.59 Handling foods.** No person in charge of any public eating place or other
16 establishment where food products to be consumed by others are handled may
17 knowingly employ any person handling food products who has a disease in a form
18 that is communicable by food handling. If required by the local health officer or any
19 officer of the department for the purposes of an investigation, any person who is
20 employed in the handling of foods or is suspected of having a disease in a form that
21 is communicable by food handling shall submit to an examination by the officer or
22 by a physician, physician assistant, or advanced practice registered nurse ~~prescriber~~
23 designated by the officer. The expense of the examination, if any, shall be paid by the
24 person examined. Any person knowingly infected with a disease in a form that is
25 communicable by food handling who handles food products to be consumed by others

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1 and any persons knowingly employing or permitting such a person to handle food
2 products to be consumed by others shall be punished as provided by s. 97.72.

3 **SECTION 26.** 102.13 (1) (a) of the statutes is amended to read:

4 102.13 (1) (a) Except as provided in sub. (4), whenever compensation is claimed
5 by an employee, the employee shall, upon the written request of the employee's
6 employer or worker's compensation insurer, submit to reasonable examinations by
7 physicians, chiropractors, psychologists, dentists, physician assistants, advanced
8 practice nurse prescribers registered nurses, or podiatrists provided and paid for by
9 the employer or insurer. No employee who submits to an examination under this
10 paragraph is a patient of the examining physician, chiropractor, psychologist,
11 dentist, physician assistant, advanced practice registered nurse prescriber, or
12 podiatrist for any purpose other than for the purpose of bringing an action under ch.
13 655, unless the employee specifically requests treatment from that physician,
14 chiropractor, psychologist, dentist, physician assistant, advanced practice registered
15 nurse prescriber, or podiatrist.

16 **SECTION 27.** 102.13 (1) (b) (intro.), 1., 3. and 4. of the statutes are amended to
17 read:

18 102.13 (1) (b) (intro.) An employer or insurer who requests that an employee
19 submit to reasonable examination under par. (a) or (am) shall tender to the employee,
20 before the examination, all necessary expenses including transportation expenses.
21 The employee is entitled to have a physician, chiropractor, psychologist, dentist,
22 physician assistant, advanced practice registered nurse prescriber, or podiatrist
23 provided by himself or herself present at the examination and to receive a copy of all
24 reports of the examination that are prepared by the examining physician,
25 chiropractor, psychologist, podiatrist, dentist, physician assistant, advanced

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1 practice registered nurse ~~prescriber~~, or vocational expert immediately upon receipt
2 of those reports by the employer or worker's compensation insurer. The employee is
3 also entitled to have a translator provided by himself or herself present at the
4 examination if the employee has difficulty speaking or understanding the English
5 language. The employer's or insurer's written request for examination shall notify
6 the employee of all of the following:

7 1. The proposed date, time, and place of the examination and the identity and
8 area of specialization of the examining physician, chiropractor, psychologist, dentist,
9 podiatrist, physician assistant, advanced practice registered nurse ~~prescriber~~, or
10 vocational expert.

11 3. The employee's right to have his or her physician, chiropractor, psychologist,
12 dentist, physician assistant, advanced practice registered nurse ~~prescriber~~, or
13 podiatrist present at the examination.

14 4. The employee's right to receive a copy of all reports of the examination that
15 are prepared by the examining physician, chiropractor, psychologist, dentist,
16 podiatrist, physician assistant, advanced practice registered nurse ~~prescriber~~, or
17 vocational expert immediately upon receipt of these reports by the employer or
18 worker's compensation insurer.

19 **SECTION 28.** 102.13 (1) (d) 1., 2., 3. and 4. of the statutes are amended to read:

20 102.13 (1) (d) 1. Any physician, chiropractor, psychologist, dentist, podiatrist,
21 physician assistant, advanced practice registered nurse ~~prescriber~~, or vocational
22 expert who is present at any examination under par. (a) or (am) may be required to
23 testify as to the results of the examination.

24 2. Any physician, chiropractor, psychologist, dentist, physician assistant,
25 advanced practice registered nurse ~~prescriber~~, or podiatrist who attended a worker's

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1 compensation claimant for any condition or complaint reasonably related to the
2 condition for which the claimant claims compensation may be required to testify
3 before the division when the division so directs.

4 3. Notwithstanding any statutory provisions except par. (e), any physician,
5 chiropractor, psychologist, dentist, physician assistant, advanced practice registered
6 nurse ~~prescriber~~, or podiatrist attending a worker's compensation claimant for any
7 condition or complaint reasonably related to the condition for which the claimant
8 claims compensation may furnish to the employee, employer, worker's compensation
9 insurer, department, or division information and reports relative to a compensation
10 claim.

11 4. The testimony of any physician, chiropractor, psychologist, dentist,
12 physician assistant, advanced practice registered nurse ~~prescriber~~, or podiatrist who
13 is licensed to practice where he or she resides or practices in any state and the
14 testimony of any vocational expert may be received in evidence in compensation
15 proceedings.

16 **SECTION 29.** 102.13 (2) (a) of the statutes, as affected by 2021 Wisconsin Act 29,
17 is amended to read:

18 102.13 (2) (a) An employee who reports an injury alleged to be work-related
19 or files an application for hearing waives any physician-patient,
20 psychologist-patient, or chiropractor-patient privilege with respect to any condition
21 or complaint reasonably related to the condition for which the employee claims
22 compensation. Notwithstanding ss. 51.30 and 146.82 and any other law, any
23 physician, chiropractor, psychologist, dentist, podiatrist, physician assistant,
24 advanced practice registered nurse ~~prescriber~~, hospital, or health care provider
25 shall, within a reasonable time after written request by the employee, employer,

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1 worker's compensation insurer, department, or division, or its representative,
2 provide that person with any information or written material reasonably related to
3 any injury for which the employee claims compensation. If the request is by a
4 representative of a worker's compensation insurer for a billing statement, the
5 physician, chiropractor, psychologist, dentist, podiatrist, physician assistant,
6 advanced practice registered nurse ~~prescriber~~, hospital, or health care provider
7 shall, within 30 days after receiving the request, provide that person with a complete
8 copy of an itemized billing statement or a billing statement in a standard billing
9 format recognized by the federal government.

10 **SECTION 30.** 102.13 (2) (b) of the statutes is amended to read:

11 102.13 (2) (b) A physician, chiropractor, podiatrist, psychologist, dentist,
12 physician assistant, advanced practice registered nurse ~~prescriber~~, hospital, or
13 health service provider shall furnish a legible, certified duplicate of the written
14 material requested under par. (a) in paper format upon payment of the actual costs
15 of preparing the certified duplicate, not to exceed the greater of 45 cents per page or
16 \$7.50 per request, plus the actual costs of postage, or shall furnish a legible, certified
17 duplicate of that material in electronic format upon payment of \$26 per request. Any
18 person who refuses to provide certified duplicates of written material in the person's
19 custody that is requested under par. (a) shall be liable for reasonable and necessary
20 costs and, notwithstanding s. 814.04 (1), reasonable attorney fees incurred in
21 enforcing the requester's right to the duplicates under par. (a).

22 **SECTION 31.** 102.17 (1) (d) 1. and 2. of the statutes are amended to read:

23 102.17 (1) (d) 1. The contents of certified medical and surgical reports by
24 physicians, podiatrists, surgeons, dentists, psychologists, physician assistants,
25 advanced practice ~~nurse prescribers~~ registered nurses, and chiropractors licensed in

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1 and practicing in this state, and of certified reports by experts concerning loss of
2 earning capacity under s. 102.44 (2) and (3), presented by a party for compensation
3 constitute prima facie evidence as to the matter contained in those reports, subject
4 to any rules and limitations the division prescribes. Certified reports of physicians,
5 podiatrists, surgeons, dentists, psychologists, physician assistants, advanced
6 practice nurse ~~prescribers~~ registered nurses, and chiropractors, wherever licensed
7 and practicing, who have examined or treated the claimant, and of experts, if the
8 practitioner or expert consents to being subjected to cross-examination, also
9 constitute prima facie evidence as to the matter contained in those reports. Certified
10 reports of physicians, podiatrists, surgeons, psychologists, and chiropractors are
11 admissible as evidence of the diagnosis, necessity of the treatment, and cause and
12 extent of the disability. Certified reports by doctors of dentistry, physician
13 assistants, and advanced practice nurse ~~prescribers~~ registered nurses are
14 admissible as evidence of the diagnosis and necessity of treatment but not of the
15 cause and extent of disability. Any physician, podiatrist, surgeon, dentist,
16 psychologist, chiropractor, physician assistant, advanced practice registered nurse
17 ~~prescriber~~, or expert who knowingly makes a false statement of fact or opinion in a
18 certified report may be fined or imprisoned, or both, under s. 943.395.

19 2. The record of a hospital or sanatorium in this state that is satisfactory to the
20 division, established by certificate, affidavit, or testimony of the supervising officer
21 of the hospital or sanatorium, any other person having charge of the record, or a
22 physician, podiatrist, surgeon, dentist, psychologist, physician assistant, advanced
23 practice registered nurse ~~prescriber~~, or chiropractor to be the record of the patient
24 in question, and made in the regular course of examination or treatment of the

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1 patient, constitutes prima facie evidence as to the matter contained in the record, to
2 the extent that the record is otherwise competent and relevant.

3 **SECTION 32.** 102.29 (3) of the statutes is amended to read:

4 102.29 (3) Nothing in this chapter shall prevent an employee from taking the
5 compensation that the employee may be entitled to under this chapter and also
6 maintaining a civil action against any physician, chiropractor, psychologist, dentist,
7 physician assistant, advanced practice registered nurse ~~prescriber~~, or podiatrist for
8 malpractice.

9 **SECTION 33.** 102.42 (2) (a) of the statutes is amended to read:

10 102.42 (2) (a) When the employer has notice of an injury and its relationship
11 to the employment, the employer shall offer to the injured employee his or her choice
12 of any physician, chiropractor, psychologist, dentist, physician assistant, advanced
13 practice registered nurse ~~prescriber~~, or podiatrist licensed to practice and practicing
14 in this state for treatment of the injury. By mutual agreement, the employee may
15 have the choice of any qualified practitioner not licensed in this state. In case of
16 emergency, the employer may arrange for treatment without tendering a choice.
17 After the emergency has passed the employee shall be given his or her choice of
18 attending practitioner at the earliest opportunity. The employee has the right to a
19 2nd choice of attending practitioner on notice to the employer or its insurance carrier.
20 Any further choice shall be by mutual agreement. Partners and clinics are
21 considered to be one practitioner. Treatment by a practitioner on referral from
22 another practitioner is considered to be treatment by one practitioner.

23 **SECTION 34.** 106.30 (1) of the statutes is amended to read:

24 106.30 (1) DEFINITION. In this section, “nurse” means a registered nurse
25 licensed under s. 441.06 or permitted under s. 441.08, a licensed practical nurse

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1 licensed or permitted under s. 441.10, or an advanced practice registered nurse
2 ~~prescriber certified under s. 441.16 (2), or a nurse-midwife licensed under s. 441.15~~
3 441.09.

4 **SECTION 35.** 118.15 (3) (a) of the statutes is amended to read:

5 118.15 (3) (a) Any child who is excused by the school board because the child
6 is temporarily not in proper physical or mental condition to attend a school program
7 but who can be expected to return to a school program upon termination or
8 abatement of the illness or condition. The school attendance officer may request the
9 parent or guardian of the child to obtain a written statement from a licensed
10 physician, dentist, chiropractor, optometrist, psychologist, physician assistant, or
11 ~~nurse practitioner, as defined in s. 255.06 (1) (d), or certified advanced practice~~
12 registered nurse prescriber or Christian Science practitioner living and residing in
13 this state, who is listed in the Christian Science Journal, as sufficient proof of the
14 physical or mental condition of the child. An excuse under this paragraph shall be
15 in writing and shall state the time period for which it is valid, not to exceed 30 days.

16 **SECTION 36.** 118.25 (1) (a) of the statutes is amended to read:

17 118.25 (1) (a) "Practitioner" means a person licensed as a physician or as a
18 physician assistant in any state or licensed as an advanced practice registered nurse
19 or certified as an advanced practice registered nurse prescriber in any state. In this
20 paragraph, "physician" has the meaning given in s. 448.01 (5).

21 **SECTION 37.** 118.29 (1) (e) of the statutes is amended to read:

22 118.29 (1) (e) "Practitioner" means any physician, dentist, optometrist,
23 physician assistant, advanced practice registered nurse ~~prescriber~~ with prescribing
24 authority, or podiatrist licensed in any state.

25 **SECTION 38.** 118.2925 (1) (b) of the statutes is repealed.

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1 **SECTION 39.** 118.2925 (3) of the statutes is amended to read:

2 118.2925 (3) PRESCRIPTIONS FOR SCHOOLS. A physician, an advanced practice
3 registered nurse prescriber who may issue prescription orders under s. 441.09 (2),
4 or a physician assistant may prescribe epinephrine auto-injectors in the name of a
5 school that has adopted a plan under sub. (2) (a), to be maintained by the school for
6 use under sub. (4).

7 **SECTION 40.** 118.2925 (4) (c) of the statutes is amended to read:

8 118.2925 (4) (c) Administer an epinephrine auto-injector to a pupil or other
9 person who the school nurse or designated school personnel in good faith believes is
10 experiencing anaphylaxis in accordance with a standing protocol from a physician,
11 an advanced practice registered nurse prescriber who may issue prescription orders
12 under s. 441.09 (2), or a physician assistant, regardless of whether the pupil or other
13 person has a prescription for an epinephrine auto-injector. If the pupil or other
14 person does not have a prescription for an epinephrine auto-injector, or the person
15 who administers the epinephrine auto-injector does not know whether the pupil or
16 other person has a prescription for an epinephrine auto-injector, the person who
17 administers the epinephrine auto-injector shall, as soon as practicable, report the
18 administration by dialing the telephone number “911” or, in an area in which the
19 telephone number “911” is not available, the telephone number for an emergency
20 medical service provider.

21 **SECTION 41.** 118.2925 (5) of the statutes is amended to read:

22 118.2925 (5) IMMUNITY FROM CIVIL LIABILITY; EXEMPTION FROM PRACTICE OF
23 MEDICINE. A school and its designated school personnel, and a physician, an advanced
24 practice registered nurse prescriber who may issue prescription orders under s.
25 441.09 (2), or a physician assistant who provides a prescription or standing protocol

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1 for school epinephrine auto-injectors, are not liable for any injury that results from
2 the administration or self-administration of an epinephrine auto-injector under
3 this section, regardless of whether authorization was given by the pupil's parent or
4 guardian or by the pupil's physician, physician assistant, or advanced practice
5 registered nurse prescriber, unless the injury is the result of an act or omission that
6 constitutes gross negligence or willful or wanton misconduct. The immunity from
7 liability provided under this subsection is in addition to and not in lieu of that
8 provided under s. 895.48.

9 **SECTION 42.** 146.343 (1) (c) of the statutes is amended to read:

10 146.343 (1) (c) "Nurse-midwife" means an individual who is licensed to engage
11 ~~in the practice of nurse-midwifery under s. 441.15 (3) (a)~~ as an advanced practice
12 registered nurse and possesses a certified nurse-midwife specialty designation
13 under s. 441.09.

14 **SECTION 43.** 146.82 (3) (a) of the statutes is amended to read:

15 146.82 (3) (a) Notwithstanding sub. (1), a physician, physician assistant, as
16 defined in s. 448.01 (6), or advanced practice registered nurse ~~prescriber~~ ~~certified~~
17 ~~under s. 441.16 (2)~~ licensed under s. 441.09 who treats a patient whose physical or
18 mental condition in the physician's, physician assistant's, or advanced practice nurse
19 ~~prescriber's~~ registered nurse's judgment affects the patient's ability to exercise
20 reasonable and ordinary control over a motor vehicle may report the patient's name
21 and other information relevant to the condition to the department of transportation
22 without the informed consent of the patient.

23 **SECTION 44.** 146.82 (3) (a) of the statutes, as affected by 2021 Wisconsin Acts
24 23 and (this act), is repealed and recreated to read:

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1 146.82 (3) (a) Notwithstanding sub. (1), a physician, a physician assistant, or
2 an advanced practice registered nurse licensed under s. 441.09 who treats a patient
3 whose physical or mental condition in the physician's, physician assistant's, or
4 advanced practice registered nurse's judgment affects the patient's ability to exercise
5 reasonable and ordinary control over a motor vehicle may report the patient's name
6 and other information relevant to the condition to the department of transportation
7 without the informed consent of the patient.

8 **SECTION 45.** 146.89 (1) (r) 1. of the statutes is amended to read:

9 146.89 (1) (r) 1. Licensed as a physician under ch. 448, a dentist or dental
10 hygienist under ch. 447, a registered nurse, practical nurse, or nurse-midwife
11 advanced practice registered nurse under ch. 441, an optometrist under ch. 449, a
12 physician assistant under ch. 448, a pharmacist under ch. 450, a chiropractor under
13 ch. 446, a podiatrist under subch. IV of ch. 448, or a physical therapist under subch.
14 III of ch. 448.

15 **SECTION 46.** 146.89 (1) (r) 1. of the statutes, as affected by 2021 Wisconsin Acts
16 23 and (this act), is repealed and recreated to read:

17 146.89 (1) (r) 1. Licensed as a physician under ch. 448, a dentist or dental
18 hygienist under ch. 447, a registered nurse, practical nurse, or advanced practice
19 registered nurse under ch. 441, an optometrist under ch. 449, a physician assistant
20 under ch. subch. VIII of 448, a pharmacist under ch. 450, a chiropractor under ch.
21 446, a podiatrist under subch. IV of ch. 448, or a physical therapist under subch. III
22 of ch. 448.

23 **SECTION 47.** 146.89 (1) (r) 3. of the statutes is repealed.

24 **SECTION 48.** 146.89 (1) (r) 8. of the statutes is amended to read:

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1 146.89 (1) (r) 8. An advanced practice registered nurse who ~~has a certificate to~~
2 may issue prescription orders under s. ~~441.16~~ 441.09 (2).

3 **SECTION 49.** 146.89 (6) of the statutes is amended to read:

4 146.89 (6) (a) While serving as a volunteer health care provider under this
5 section, an advanced practice registered nurse who ~~has a certificate to~~ may issue
6 prescription orders under s. ~~441.16~~ 441.09 (2) is considered to meet the requirements
7 of s. 655.23, if required to comply with s. 655.23.

8 (b) While serving as a volunteer health care provider under this section, an
9 advanced practice registered nurse who ~~has a certificate to~~ may issue prescription
10 orders under s. ~~441.16~~ 441.09 (2) is not required to maintain in effect malpractice
11 insurance.

12 **SECTION 50.** 154.01 (1g) of the statutes is amended to read:

13 154.01 (1g) “Advanced practice registered nurse” means ~~a nurse~~ an individual
14 licensed under eh. 441 who is ~~currently certified by a national certifying body~~
15 approved by the board of nursing as a nurse practitioner, certified nurse-midwife,
16 certified registered nurse anesthetist, or clinical nurse specialist s. 441.09.

17 **SECTION 51.** 155.01 (1g) (b) of the statutes is repealed and recreated to read:

18 155.01 (1g) (b) An individual who is licensed as an advanced practice registered
19 nurse and possesses a nurse practitioner specialty designation under s. 441.09.

20 **SECTION 52.** 252.01 (1c) of the statutes is repealed.

21 **SECTION 53.** 252.07 (8) (a) 2. of the statutes is amended to read:

22 252.07 (8) (a) 2. The department or local health officer provides to the court a
23 written statement from a physician, physician assistant, or advanced practice
24 registered nurse ~~prescriber~~ that the individual has infectious tuberculosis or suspect
25 tuberculosis.

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1 **SECTION 54.** 252.07 (9) (c) of the statutes is amended to read:

2 252.07 (9) (c) If the court orders confinement of an individual under this
3 subsection, the individual shall remain confined until the department or local health
4 officer, with the concurrence of a treating physician, physician assistant, or advanced
5 practice registered nurse ~~prescriber~~, determines that treatment is complete or that
6 the individual is no longer a substantial threat to himself or herself or to the public
7 health. If the individual is to be confined for more than 6 months, the court shall
8 review the confinement every 6 months.

9 **SECTION 55.** 252.10 (7) of the statutes is amended to read:

10 252.10 (7) Drugs necessary for the treatment of mycobacterium tuberculosis
11 shall be purchased by the department from the appropriation account under s.
12 20.435 (1) (e) and dispensed to patients through the public health dispensaries, local
13 health departments, physicians, or advanced practice nurse ~~prescribers~~ registered
14 nurses who may issue prescription orders under s. 441.09 (2).

15 **SECTION 56.** 252.11 (2), (4), (5), (7) and (10) of the statutes are amended to read:

16 252.11 (2) An officer of the department or a local health officer having
17 knowledge of any reported or reasonably suspected case or contact of a sexually
18 transmitted disease for which no appropriate treatment is being administered, or of
19 an actual contact of a reported case or potential contact of a reasonably suspected
20 case, shall investigate or cause the case or contact to be investigated as necessary.
21 If, following a request of an officer of the department or a local health officer, a person
22 reasonably suspected of being infected with a sexually transmitted disease refuses
23 or neglects examination by a physician, physician assistant, or advanced practice
24 registered nurse ~~prescriber~~ or treatment, an officer of the department or a local

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1 health officer may proceed to have the person committed under sub. (5) to an
2 institution or system of care for examination, treatment, or observation.

3 (4) If a person infected with a sexually transmitted disease ceases or refuses
4 treatment before reaching what in a physician's, physician assistant's, or advanced
5 practice nurse prescriber's registered nurse's opinion is the noncommunicable stage,
6 the physician, physician assistant, or advanced practice registered nurse prescriber
7 shall notify the department. The department shall without delay take the necessary
8 steps to have the person committed for treatment or observation under sub. (5), or
9 shall notify the local health officer to take these steps.

10 (5) Any court of record may commit a person infected with a sexually
11 transmitted disease to any institution or may require the person to undergo a system
12 of care for examination, treatment, or observation if the person ceases or refuses
13 examination, treatment, or observation under the supervision of a physician,
14 physician assistant, or advanced practice registered nurse prescriber. The court
15 shall summon the person to appear on a date at least 48 hours, but not more than
16 96 hours, after service if an officer of the department or a local health officer petitions
17 the court and states the facts authorizing commitment. If the person fails to appear
18 or fails to accept commitment without reasonable cause, the court may cite the
19 person for contempt. The court may issue a warrant and may direct the sheriff, any
20 constable, or any police officer of the county immediately to arrest the person and
21 bring the person to court if the court finds that a summons will be ineffectual. The
22 court shall hear the matter of commitment summarily. Commitment under this
23 subsection continues until the disease is no longer communicable or until other
24 provisions are made for treatment that satisfy the department. The certificate of the

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1 petitioning officer is prima facie evidence that the disease is no longer communicable
2 or that satisfactory provisions for treatment have been made.

3 (7) Reports, examinations and inspections, and all records concerning sexually
4 transmitted diseases are confidential and not open to public inspection, and may not
5 be divulged except as may be necessary for the preservation of the public health, in
6 the course of commitment proceedings under sub. (5), or as provided under s. 938.296
7 (4) or 968.38 (4). If a physician, physician assistant, or advanced practice registered
8 nurse ~~prescriber~~ has reported a case of sexually transmitted disease to the
9 department under sub. (4), information regarding the presence of the disease and
10 treatment is not privileged when the patient, physician, physician assistant, or
11 advanced practice registered nurse ~~prescriber~~ is called upon to testify to the facts
12 before any court of record.

13 (10) The state laboratory of hygiene shall examine specimens for the diagnosis
14 of sexually transmitted diseases for any physician, physician assistant, advanced
15 practice registered nurse ~~prescriber~~, or local health officer in the state, and shall
16 report the positive results of the examinations to the local health officer and to the
17 department. All laboratories performing tests for sexually transmitted diseases
18 shall report all positive results to the local health officer and to the department, with
19 the name of the physician, physician assistant, or advanced practice registered nurse
20 ~~prescriber~~ to whom reported.

21 **SECTION 57.** 252.15 (3m) (d) 11. b. and 13., (5g) (c), (5m) (d) 2. and (e) 2. and 3.
22 and (7m) (intro.) and (b) of the statutes are amended to read:

23 252.15 (3m) (d) 11. b. The coroner, medical examiner, or appointed assistant
24 is investigating the cause of death of the subject of the HIV test and has contact with
25 the body fluid of the subject of the HIV test that constitutes a significant exposure,

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1 if a physician, physician assistant, or advanced practice registered nurse ~~prescriber~~,
2 based on information provided to the physician, physician assistant, or advanced
3 practice registered nurse ~~prescriber~~, determines and certifies in writing that the
4 coroner, medical examiner, or appointed assistant has had a contact that constitutes
5 a significant exposure and if the certification accompanies the request for disclosure.

6 13. If the subject of the HIV test has a positive HIV test result and is deceased,
7 by the subject's attending physician, physician assistant, or advanced practice
8 registered nurse ~~prescriber~~, to persons, if known to the physician, physician
9 assistant, or advanced practice registered nurse ~~prescriber~~, with whom the subject
10 had sexual contact or shared intravenous drug use paraphernalia.

11 **(5g)** (c) A physician, physician assistant, or advanced practice registered nurse
12 ~~prescriber~~, based on information provided to the physician, physician assistant, or
13 advanced practice registered nurse ~~prescriber~~, determines and certifies in writing
14 that the person has had contact that constitutes a significant exposure. The
15 certification shall accompany the request for HIV testing and disclosure. If the
16 person is a physician, physician assistant, or advanced practice registered nurse
17 ~~prescriber~~, he or she may not make this determination or certification. The
18 information that is provided to a physician, physician assistant, or advanced practice
19 registered nurse ~~prescriber~~ to document the occurrence of the contact that
20 constitutes a significant exposure and the physician's, physician assistant's, or
21 advanced practice nurse ~~prescriber's~~ registered nurse's certification that the person
22 has had contact that constitutes a significant exposure, shall be provided on a report
23 form that is developed by the department of safety and professional services under
24 s. 101.02 (19) (a) or on a report form that the department of safety and professional

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1 services determines, under s. 101.02 (19) (b), is substantially equivalent to the report
2 form that is developed under s. 101.02 (19) (a).

3 **(5m)** (d) 2. A physician, physician assistant, or advanced practice registered
4 nurse ~~prescriber~~, based on information provided to the physician, physician
5 assistant, or advanced practice registered nurse ~~prescriber~~, determines and certifies
6 in writing that the contact under subd. 1. constitutes a significant exposure. A health
7 care provider who has a contact under subd. 1. c. may not make the certification
8 under this subdivision for himself or herself.

9 (e) 2. If the contact occurs as provided under par. (d) 1. b., the attending
10 physician, physician assistant, or advanced practice registered nurse ~~prescriber~~ of
11 the funeral director, coroner, medical examiner, or appointed assistant.

12 3. If the contact occurs as provided under par. (d) 1. c., the physician, physician
13 assistant, or advanced practice registered nurse ~~prescriber~~ who makes the
14 certification under par. (d) 2.

15 **(7m)** REPORTING OF PERSONS SIGNIFICANTLY EXPOSED. (intro.) If a positive,
16 validated HIV test result is obtained from a test subject, the test subject's physician,
17 physician assistant, or advanced practice registered nurse ~~prescriber~~ who maintains
18 a record of the HIV test result under sub. (4) (c) may report to the state epidemiologist
19 the name of any person known to the physician, physician assistant, or advanced
20 practice registered nurse ~~prescriber~~ to have had contact with body fluid of the test
21 subject that constitutes a significant exposure, only after the physician, physician
22 assistant, or advanced practice registered nurse ~~prescriber~~ has done all of the
23 following:

24 (b) Notified the HIV test subject that the name of any person known to the
25 physician, physician assistant, or advanced practice registered nurse ~~prescriber~~ to

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1 have had contact with body fluid of the test subject that constitutes a significant
2 exposure will be reported to the state epidemiologist.

3 **SECTION 58.** 252.16 (3) (c) (intro.) of the statutes is amended to read:

4 252.16 (3) (c) (intro.) Has submitted to the department a certification from a
5 physician, as defined in s. 448.01 (5), physician assistant, or advanced practice
6 registered nurse prescriber of all of the following:

7 **SECTION 59.** 252.17 (3) (c) (intro.) of the statutes is amended to read:

8 252.17 (3) (c) (intro.) Has submitted to the department a certification from a
9 physician, as defined in s. 448.01 (5), physician assistant, or advanced practice
10 registered nurse prescriber of all of the following:

11 **SECTION 60.** 253.07 (4) (d) of the statutes is amended to read:

12 253.07 (4) (d) In each fiscal year, \$31,500 as grants for employment in
13 communities of licensed registered nurses, licensed practical nurses, ~~certified~~
14 ~~nurse-midwives~~ licensed advanced practice registered nurses, or licensed physician
15 assistants who are members of a racial minority.

16 **SECTION 61.** 253.115 (1) (f) of the statutes is created to read:

17 253.115 (1) (f) "Nurse-midwife" means an individual who is licensed as an
18 advanced practice registered nurse and possesses a certified nurse-midwife
19 specialty designation under s. 441.09.

20 **SECTION 62.** 253.115 (4) of the statutes is amended to read:

21 253.115 (4) SCREENING REQUIRED. Except as provided in sub. (6), the physician,
22 nurse-midwife ~~licensed under s. 441.15~~, or certified professional midwife licensed
23 under s. 440.982 who attended the birth shall ensure that the infant is screened for
24 hearing loss before being discharged from a hospital, or within 30 days of birth if the
25 infant was not born in a hospital.

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1 **SECTION 63.** 253.115 (7) (a) (intro.) of the statutes is amended to read:

2 253.115 (7) (a) (intro.) The physician, nurse-midwife ~~licensed under s. 441.15,~~
3 or certified professional midwife licensed under s. 440.982 who is required to ensure
4 that the infant is screened for hearing loss under sub. (4) shall do all of the following:

5 **SECTION 64.** 253.13 (1) of the statutes is renumbered 253.13 (1) (b) and
6 amended to read:

7 253.13 (1) (b) The attending physician or ~~nurse licensed under s. 441.15~~
8 nurse-midwife shall cause every infant born in each hospital or maternity home,
9 prior to its discharge therefrom, to be subjected to tests for congenital and metabolic
10 disorders, as specified in rules promulgated by the department. If the infant is born
11 elsewhere than in a hospital or maternity home, the attending physician, ~~nurse~~
12 ~~licensed under s. 441.15~~ nurse-midwife, or birth attendant who attended the birth
13 shall cause the infant, within one week of birth, to be subjected to these tests.

14 **SECTION 65.** 253.13 (1) (a) of the statutes is created to read:

15 253.13 (1) (a) In this subsection, “nurse-midwife” means an individual who is
16 licensed as an advanced practice registered nurse and possesses a certified
17 nurse-midwife specialty designation under s. 441.09.

18 **SECTION 66.** 253.15 (1) (em) of the statutes is created to read:

19 253.15 (1) (em) “Nurse-midwife” means an individual who is licensed as an
20 advanced practice registered nurse and possesses a certified nurse-midwife
21 specialty designation under s. 441.09.

22 **SECTION 67.** 253.15 (2) of the statutes is amended to read:

23 253.15 (2) INFORMATIONAL MATERIALS. The board shall purchase or prepare or
24 arrange with a nonprofit organization to prepare printed and audiovisual materials
25 relating to shaken baby syndrome and impacted babies. The materials shall include

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1 information regarding the identification and prevention of shaken baby syndrome
2 and impacted babies, the grave effects of shaking or throwing on an infant or young
3 child, appropriate ways to manage crying, fussing, or other causes that can lead a
4 person to shake or throw an infant or young child, and a discussion of ways to reduce
5 the risks that can lead a person to shake or throw an infant or young child. The
6 materials shall be prepared in English, Spanish, and other languages spoken by a
7 significant number of state residents, as determined by the board. The board shall
8 make those written and audiovisual materials available to all hospitals, maternity
9 homes, and nurse-midwives licensed under s. 441.15 that are required to provide or
10 make available materials to parents under sub. (3) (a) 1., to the department and to
11 all county departments and nonprofit organizations that are required to provide the
12 materials to child care providers under sub. (4) (d), and to all school boards and
13 nonprofit organizations that are permitted to provide the materials to pupils in one
14 of grades 5 to 8 and in one of grades 10 to 12 under sub. (5). The board shall also make
15 those written materials available to all county departments and Indian tribes that
16 are providing home visitation services under s. 48.983 (4) (b) 1. and to all providers
17 of prenatal, postpartum, and young child care coordination services under s. 49.45
18 (44). The board may make available the materials required under this subsection
19 to be made available by making those materials available at no charge on the board's
20 Internet site.

21 **SECTION 68.** 255.06 (1) (d) of the statutes is renumbered 255.06 (1) (f) (intro.)
22 and amended to read:

23 255.06 (1) (f) (intro.) "Nurse practitioner" "Women's health nurse clinician"
24 means ~~a~~ any of the following:

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1 1. A registered nurse who is licensed under ch. 441 or who holds a multistate
2 license, as defined in s. 441.51 (2) (h), issued in a party state, as defined in s. 441.51
3 (2) (k), and whose practice of professional nursing under s. 441.001 (4) includes
4 performance of delegated medical services under the supervision of a physician,
5 dentist, ~~or podiatrist,~~ or advanced practice registered nurse.

6 **SECTION 69.** 255.06 (1) (f) 2. of the statutes is created to read:

7 255.06 (1) (f) 2. An advanced practice registered nurse.

8 **SECTION 70.** 255.06 (2) (d) of the statutes is amended to read:

9 255.06 (2) (d) *Specialized training for rural colposcopic examinations and*
10 *activities.* Provide not more than \$25,000 in each fiscal year as reimbursement for
11 the provision of specialized training of ~~nurse practitioners~~ women's health nurse
12 clinicians to perform, in rural areas, colposcopic examinations and follow-up
13 activities for the treatment of cervical cancer.

14 **SECTION 71.** 255.07 (1) (d) of the statutes is amended to read:

15 255.07 (1) (d) "Health care practitioner" means a physician, a physician
16 assistant licensed under s. 448.04 (1) (f), or an advanced practice registered nurse
17 who is ~~certified to~~ may issue prescription orders under s. ~~441.16~~ 441.09 (2).

18 **SECTION 72.** 255.07 (1) (d) of the statutes, as affected by 2021 Wisconsin Acts
19 23 and (this act), is repealed and recreated to read:

20 255.07 (1) (d) "Health care practitioner" means a physician, a physician
21 assistant, or an advanced practice registered nurse who may issue prescription
22 orders under s. 441.09 (2).

23 **SECTION 73.** 257.01 (5) (a) and (b) of the statutes are amended to read:

24 257.01 (5) (a) An individual who is licensed as a physician, a physician
25 assistant, or a podiatrist under ch. 448, licensed as a registered nurse, licensed

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1 practical nurse, or ~~nurse-midwife~~ advanced practice registered nurse under ch. 441,
2 licensed as a dentist under ch. 447, licensed as a pharmacist under ch. 450, licensed
3 as a veterinarian or certified as a veterinary technician under ch. 89, or certified as
4 a respiratory care practitioner under ch. 448.

5 (b) An individual who was at any time within the previous 10 years, but is not
6 currently, licensed as a physician, a physician assistant, or a podiatrist under ch. 448,
7 licensed as a registered nurse, licensed practical nurse, or ~~nurse-midwife~~, advanced
8 practice registered nurse under ch. 441, licensed as a nurse-midwife under ch. 441,
9 2019 stats., licensed as a dentist under ch. 447, licensed as a pharmacist under ch.
10 450, licensed as a veterinarian or certified as a veterinary technician under ch. 89,
11 or certified as a respiratory care practitioner under ch. 448, if the individual's license
12 or certification was never revoked, limited, suspended, or denied renewal.

13 **SECTION 74.** 341.14 (1a), (1e) (a), (1m) and (1q) of the statutes are amended to
14 read:

15 341.14 (1a) If any resident of this state, who is registering or has registered an
16 automobile, or a motor truck, dual purpose motor home or dual purpose farm truck
17 which has a gross weight of not more than 8,000 pounds, a farm truck which has a
18 gross weight of not more than 12,000 pounds or a motor home, submits a statement
19 once every 4 years, as determined by the department, from a physician licensed to
20 practice medicine in any state, from an advanced practice registered nurse licensed
21 to practice nursing in any state, from a public health nurse certified or licensed to
22 practice in any state, from a physician assistant licensed or certified to practice in
23 any state, from a podiatrist licensed to practice in any state, from a chiropractor
24 licensed to practice chiropractic in any state, or from a Christian Science practitioner
25 residing in this state and listed in the Christian Science journal certifying to the

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1 department that the resident is a person with a disability that limits or impairs the
2 ability to walk, the department shall procure, issue and deliver to the disabled
3 person plates of a special design in lieu of plates which ordinarily would be issued
4 for the vehicle, and shall renew the plates. The plates shall be so designed as to
5 readily apprise law enforcement officers of the fact that the vehicle is owned by a
6 nonveteran disabled person and is entitled to the parking privileges specified in s.
7 346.50 (2a). No charge in addition to the registration fee shall be made for the
8 issuance or renewal of such plates.

9 (1e) (a) If any resident of this state, who is registering or has registered a
10 motorcycle, submits a statement once every 4 years, as determined by the
11 department, from a physician licensed to practice medicine in any state, from an
12 advanced practice registered nurse licensed to practice nursing in any state, from a
13 public health nurse certified or licensed to practice in any state, from a physician
14 assistant licensed or certified to practice in any state, from a podiatrist licensed to
15 practice in any state, from a chiropractor licensed to practice chiropractic in any
16 state, from a Christian Science practitioner residing in this state and listed in the
17 Christian Science journal, or from the U.S. department of veterans affairs certifying
18 to the department that the resident is a person with a disability that limits or impairs
19 the ability to walk, the department shall procure, issue and deliver to the disabled
20 person a plate of a special design in lieu of the plate which ordinarily would be issued
21 for the motorcycle, and shall renew the plate. The statement shall state whether the
22 disability is permanent or temporary and, if temporary, the opinion of the physician,
23 advanced practice registered nurse, public health nurse, physician assistant,
24 podiatrist, chiropractor, practitioner, or U.S. department of veterans affairs as to the
25 duration of the disability. The plate shall be so designed as to readily apprise law

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1 enforcement officers of the fact that the motorcycle is owned by a disabled person and
2 is entitled to the parking privileges specified in s. 346.50 (2a). No charge in addition
3 to the registration fee may be made for the issuance or renewal of the plate.

4 **(1m)** If any licensed driver submits to the department a statement once every
5 4 years, as determined by the department, from a physician licensed to practice
6 medicine in any state, from a public health nurse certified or licensed to practice in
7 any state, from an advanced practice registered nurse licensed to practice nursing
8 in any state, from a physician assistant licensed or certified to practice in any state,
9 from a podiatrist licensed to practice in any state, from a chiropractor licensed to
10 practice chiropractic in any state, or from a Christian Science practitioner residing
11 in this state and listed in the Christian Science journal certifying that another
12 person who is regularly dependent on the licensed driver for transportation is a
13 person with a disability that limits or impairs the ability to walk, the department
14 shall issue and deliver to the licensed driver plates of a special design in lieu of the
15 plates which ordinarily would be issued for the automobile or motor truck, dual
16 purpose motor home or dual purpose farm truck having a gross weight of not more
17 than 8,000 pounds, farm truck having a gross weight of not more than 12,000 pounds
18 or motor home, and shall renew the plates. The plates shall be so designed as to
19 readily apprise law enforcement officers of the fact that the vehicle is operated by a
20 licensed driver on whom a disabled person is regularly dependent and is entitled to
21 the parking privileges specified in s. 346.50 (2a). No charge in addition to the
22 registration fee may be made for the issuance or renewal of the plates. The plates
23 shall conform to the plates required in sub. (1a).

24 **(1q)** If any employer who provides an automobile, or a motor truck, dual
25 purpose motor home or dual purpose farm truck which has a gross weight of not more

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1 than 8,000 pounds, a farm truck which has a gross weight of not more than 12,000
2 pounds or a motor home, for an employee's use submits to the department a
3 statement once every 4 years, as determined by the department, from a physician
4 licensed to practice medicine in any state, from an advanced practice registered
5 nurse licensed to practice nursing in any state, from a public health nurse certified
6 or licensed to practice in any state, from a physician assistant licensed or certified
7 to practice in any state, from a podiatrist licensed to practice in any state, from a
8 chiropractor licensed to practice chiropractic in any state, or from a Christian
9 Science practitioner residing in this state and listed in the Christian Science journal
10 certifying that the employee is a person with a disability that limits or impairs the
11 ability to walk, the department shall issue and deliver to such employer plates of a
12 special design in lieu of the plates which ordinarily would be issued for the vehicle,
13 and shall renew the plates. The plates shall be so designed as to readily apprise law
14 enforcement officers of the fact that the vehicle is operated by a disabled person and
15 is entitled to the parking privileges specified in s. 346.50 (2a). No charge in addition
16 to the registration fee may be made for the issuance or renewal of the plates. The
17 plates shall conform to the plates required in sub. (1a).

18 **SECTION 75.** 343.16 (5) (a) of the statutes is amended to read:

19 343.16 (5) (a) The secretary may require any applicant for a license or any
20 licensed operator to submit to a special examination by such persons or agencies as
21 the secretary may direct to determine incompetency, physical or mental disability,
22 disease, or any other condition that might prevent such applicant or licensed person
23 from exercising reasonable and ordinary control over a motor vehicle. If the
24 department requires the applicant to submit to an examination, the applicant shall
25 pay for the examination. If the department receives an application for a renewal or

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1 duplicate license after voluntary surrender under s. 343.265 or receives a report from
2 a physician, physician assistant, as defined in s. 448.01 (6), advanced practice
3 registered nurse prescriber certified under s. 441.16 (2) licensed under s. 441.09, or
4 optometrist under s. 146.82 (3), or if the department has a report of 2 or more arrests
5 within a one-year period for any combination of violations of s. 346.63 (1) or (5) or
6 a local ordinance in conformity with s. 346.63 (1) or (5) or a law of a federally
7 recognized American Indian tribe or band in this state in conformity with s. 346.63
8 (1) or (5), or s. 346.63 (1m), 1985 stats., or s. 346.63 (2) or (6) or 940.25, or s. 940.09
9 where the offense involved the use of a vehicle, the department shall determine, by
10 interview or otherwise, whether the operator should submit to an examination under
11 this section. The examination may consist of an assessment. If the examination
12 indicates that education or treatment for a disability, disease or condition concerning
13 the use of alcohol, a controlled substance or a controlled substance analog is
14 appropriate, the department may order a driver safety plan in accordance with s.
15 343.30 (1q). If there is noncompliance with assessment or the driver safety plan, the
16 department shall revoke the person's operating privilege in the manner specified in
17 s. 343.30 (1q) (d).

18 **SECTION 76.** 343.16 (5) (a) of the statutes, as affected by 2021 Wisconsin Acts
19 23 and (this act), is repealed and recreated to read:

20 343.16 (5) (a) The secretary may require any applicant for a license or any
21 licensed operator to submit to a special examination by such persons or agencies as
22 the secretary may direct to determine incompetency, physical or mental disability,
23 disease, or any other condition that might prevent such applicant or licensed person
24 from exercising reasonable and ordinary control over a motor vehicle. If the
25 department requires the applicant to submit to an examination, the applicant shall

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1 pay for the examination. If the department receives an application for a renewal or
2 duplicate license after voluntary surrender under s. 343.265 or receives a report from
3 a physician, physician assistant, advanced practice registered nurse licensed under
4 s. 441.09, or optometrist under s. 146.82 (3), or if the department has a report of 2
5 or more arrests within a one-year period for any combination of violations of s.
6 346.63 (1) or (5) or a local ordinance in conformity with s. 346.63 (1) or (5) or a law
7 of a federally recognized American Indian tribe or band in this state in conformity
8 with s. 346.63 (1) or (5), or s. 346.63 (1m), 1985 stats., or s. 346.63 (2) or (6) or 940.25,
9 or s. 940.09 where the offense involved the use of a vehicle, the department shall
10 determine, by interview or otherwise, whether the operator should submit to an
11 examination under this section. The examination may consist of an assessment. If
12 the examination indicates that education or treatment for a disability, disease or
13 condition concerning the use of alcohol, a controlled substance or a controlled
14 substance analog is appropriate, the department may order a driver safety plan in
15 accordance with s. 343.30 (1q). If there is noncompliance with assessment or the
16 driver safety plan, the department shall revoke the person's operating privilege in
17 the manner specified in s. 343.30 (1q) (d).

18 **SECTION 77.** 343.51 (1) of the statutes is amended to read:

19 343.51 (1) Any person who qualifies for registration plates of a special design
20 under s. 341.14 (1), (1a), (1m), or (1q) or any other person with a disability that limits
21 or impairs the ability to walk may request from the department a special
22 identification card that will entitle any motor vehicle parked by, or under the
23 direction of, the person, or a motor vehicle operated by or on behalf of the
24 organization when used to transport such a person, to parking privileges under s.
25 346.50 (2), (2a), and (3). The department shall issue the card at a fee to be determined

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1 by the department, upon submission by the applicant, if the applicant is an
2 individual rather than an organization, of a statement from a physician licensed to
3 practice medicine in any state, from an advanced practice registered nurse licensed
4 to practice nursing in any state, from a public health nurse certified or licensed to
5 practice in any state, from a physician assistant licensed or certified to practice in
6 any state, from a podiatrist licensed to practice in any state, from a chiropractor
7 licensed to practice chiropractic in any state, or from a Christian Science practitioner
8 residing in this state and listed in the Christian Science journal that the person is
9 a person with a disability that limits or impairs the ability to walk. The statement
10 shall state whether the disability is permanent or temporary and, if temporary, the
11 opinion of the physician, advanced practice registered nurse, public health nurse,
12 physician assistant, podiatrist, chiropractor, or practitioner as to the duration of the
13 disability. The department shall issue the card upon application by an organization
14 on a form prescribed by the department if the department believes that the
15 organization meets the requirements under this subsection.

16 **SECTION 78.** 343.62 (4) (a) 4. of the statutes is amended to read:

17 343.62 (4) (a) 4. The applicant submits with the application a statement
18 completed within the immediately preceding 24 months, except as provided by rule,
19 by a physician licensed to practice medicine in any state, from an advanced practice
20 registered nurse licensed to practice nursing in any state, from a physician assistant
21 licensed or certified to practice in any state, from a podiatrist licensed to practice in
22 any state, from a chiropractor licensed to practice chiropractic in any state, or from
23 a Christian Science practitioner residing in this state, and listed in the Christian
24 Science journal certifying that, in the medical care provider's judgment, the
25 applicant is physically fit to teach driving.

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1 **SECTION 79.** 440.03 (13) (b) 3. of the statutes is repealed.

2 **SECTION 80.** 440.03 (13) (b) 39m. of the statutes is created to read:

3 440.03 **(13)** (b) 39m. Nurse, advanced practice registered.

4 **SECTION 81.** 440.03 (13) (b) 42. of the statutes is repealed.

5 **SECTION 82.** 440.08 (2) (a) 4m. of the statutes is repealed.

6 **SECTION 83.** 440.08 (2) (a) 47. of the statutes is created to read:

7 440.08 **(2)** (a) 47. Nurse, advanced practice registered: March 1 of each
8 even-numbered year.

9 **SECTION 84.** 440.08 (2) (a) 50. of the statutes is repealed.

10 **SECTION 85.** 440.094 (1) (c) 1. of the statutes, as created by 2021 Wisconsin Act
11 10, is amended to read:

12 440.094 **(1)** (c) 1. A registered nurse, licensed practical nurse, or nurse-midwife
13 ~~licensed under ch. 441, or an advanced practice registered nurse prescriber-certified~~
14 licensed under ch. 441.

15 **SECTION 86.** 440.094 (2) (a) (intro.) of the statutes, as created by 2021 Wisconsin
16 Act 10, is amended to read:

17 440.094 **(2)** (a) (intro.) Notwithstanding ss. 441.06 (4), ~~441.15 (2), 441.16,~~
18 ~~441.09 (3) (b),~~ 446.02 (1), 447.03 (1) and (2), 448.03 (1) (a), (b), and (c) and (1m), 448.51
19 (1), 448.61, 448.76, 448.961 (1) and (2), 449.02 (1), 450.03 (1), 451.04 (1), 455.02 (1m),
20 457.04 (4), (5), (6), and (7), 459.02 (1), 459.24 (1), and 460.02, a health care provider
21 may provide services within the scope of the credential that the health care provider
22 holds and the department shall grant the health care provider a temporary
23 credential to practice under this section if all of the following apply:

24 **SECTION 87.** 440.981 (1) of the statutes is amended to read:

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1 440.981 (1) No person may use the title “licensed midwife,” describe or imply
2 that he or she is a licensed midwife, or represent himself or herself as a licensed
3 midwife unless the person is granted a license under this subchapter or is licensed
4 as ~~a nurse-midwife under s. 441.15~~ an advanced practice registered nurse and
5 possesses a certified nurse-midwife specialty designation under s. 441.09.

6 **SECTION 88.** 440.982 (1) of the statutes is amended to read:

7 440.982 (1) No person may engage in the practice of midwifery unless the
8 person is granted a license under this subchapter, is granted a temporary permit
9 pursuant to a rule promulgated under s. 440.984 (2m), or is licensed as ~~a~~
10 ~~nurse-midwife under s. 441.15~~ an advanced practice registered nurse and possesses
11 a certified nurse-midwife specialty designation under s. 441.09.

12 **SECTION 89.** 440.987 (2) of the statutes is amended to read:

13 440.987 (2) One member who is licensed as ~~a nurse-midwife under s. 441.15~~
14 an advanced practice registered nurse and possesses a certified nurse-midwife
15 specialty designation under s. 441.09 and who practices in an out-of-hospital
16 setting.

17 **SECTION 90.** 441.001 (1c) of the statutes is created to read:

18 441.001 (1c) ADVANCED PRACTICE REGISTERED NURSING. “Advanced practice
19 registered nursing” means the advanced practice of nursing in one of the 4 recognized
20 roles based on advanced clinical knowledge and skills focusing on direct care of
21 individuals, greater responsibility, autonomy, and accountability for the provision of
22 care, health promotion and maintenance, including prescribing pharmacological
23 agents and therapeutics, and management of patient conditions.

24 **SECTION 91.** 441.001 (1m) of the statutes is created to read:

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1 441.001 **(1m)** CLINICAL PHARMACOLOGY OR THERAPEUTICS. “Clinical
2 pharmacology or therapeutics” means the identification of individual and classes of
3 drugs, their indications and contraindications, their efficacy, their side effects, and
4 their interactions, as well as clinical judgment skills and decision-making based on
5 thorough interviewing, history taking, physical assessment, test selection and
6 interpretation, pathophysiology, epidemiology, diagnostic reasoning, differentiation
7 of conditions, treatment decisions, case evaluation, and nonpharmacological
8 interventions.

9 **SECTION 92.** 441.001 (3c) of the statutes is created to read:

10 441.001 **(3c)** PRACTICE OF A CERTIFIED NURSE-MIDWIFE. “Practice of a certified
11 nurse-midwife” means practice in the management of women’s health care,
12 pregnancy, childbirth, postpartum care for newborns, family planning, and
13 gynecological services consistent with the standards of practice of the American
14 College of Nurse-Midwives or its successor.

15 **SECTION 93.** 441.001 (3g) of the statutes is created to read:

16 441.001 **(3g)** PRACTICE OF A CERTIFIED REGISTERED NURSE ANESTHETIST. “Practice
17 of a certified registered nurse anesthetist” means providing anesthesia care, pain
18 management care, and care related to anesthesia and pain management for persons
19 across their lifespan, whose health status may range from healthy through all levels
20 of acuity, including persons with immediate, severe, or life-threatening illness or
21 injury, in diverse settings, including hospitals, ambulatory surgery centers,
22 outpatient clinics, medical offices, and home health care settings.

23 **SECTION 94.** 441.001 (3n) of the statutes is created to read:

24 441.001 **(3n)** PRACTICE OF A CLINICAL NURSE SPECIALIST. “Practice of a clinical
25 nurse specialist” means providing advanced nursing care, primarily in health care

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1 facilities, including the diagnosis and treatment of illness for identified specific
2 populations based on a specialty.

3 **SECTION 95.** 441.001 (3r) of the statutes is created to read:

4 441.001 (3r) PRACTICE OF A NURSE PRACTITIONER. "Practice of a nurse
5 practitioner" means practice in ambulatory, acute, and long-term care settings as a
6 primary and specialty care provider who assesses, diagnoses, treats, and manages
7 acute, episodic, and chronic illnesses.

8 **SECTION 96.** 441.001 (3w) of the statutes is created to read:

9 441.001 (3w) PRESCRIPTION ORDER. "Prescription order" has the meaning given
10 in s. 450.01 (21).

11 **SECTION 97.** 441.001 (5) of the statutes is created to read:

12 441.001 (5) RECOGNIZED ROLE. "Recognized role" means one of the following
13 roles:

14 (a) Certified nurse-midwife.

15 (b) Certified registered nurse anesthetist.

16 (c) Clinical nurse specialist.

17 (d) Nurse practitioner.

18 **SECTION 98.** 441.01 (3) of the statutes is amended to read:

19 441.01 (3) The board may promulgate rules to establish minimum standards
20 for schools for professional nurses ~~and~~, schools for licensed practical nurses, and
21 schools for advanced practice registered nurses, including all related clinical units
22 and facilities, and make and provide periodic surveys and consultations to such
23 schools. ~~It~~ The board may also ~~establish~~ promulgate rules to prevent unauthorized
24 persons from practicing professional nursing. ~~It shall approve all rules for the~~
25 ~~administration of this chapter in accordance with ch. 227.~~

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1 **SECTION 99.** 441.01 (4) of the statutes is amended to read:

2 441.01 (4) The board shall direct that those schools that qualify be placed on
3 a list of schools the board has approved for professional nurses ~~or~~, of schools the board
4 has approved for licensed practical nurses, or of schools the board has approved for
5 advanced practice registered nurses on application and proof of qualifications; and
6 the board shall make a study of nursing education and ~~initiate~~ promulgate rules and
7 policies to improve it.

8 **SECTION 100.** 441.01 (7) (a) (intro.) of the statutes is amended to read:

9 441.01 (7) (a) (intro.) The board shall require each applicant for the renewal
10 of a registered nurse ~~or~~, licensed practical nurse, or advanced practice registered
11 nurse license issued under this chapter to do all of the following as a condition for
12 renewing the license:

13 **SECTION 101.** 441.01 (7) (b) of the statutes is amended to read:

14 441.01 (7) (b) The board may not renew a registered nurse ~~or~~, licensed practical
15 nurse, or advanced practice registered nurse license under this chapter unless the
16 renewal applicant has completed the nursing workforce survey to the satisfaction of
17 the board. The board shall establish standards to determine whether the survey has
18 been completed. The board shall, by no later than June 30 of each odd-numbered
19 year, submit all completed nursing workforce survey forms to the department of
20 workforce development.

21 **SECTION 102.** 441.01 (7) (c) of the statutes is created to read:

22 441.01 (7) (c) An applicant who is renewing both a registered nurse and
23 advanced practice registered nurse license under s. 441.09 (1) (c) is only required to
24 pay a single fee under par. (a) 2.

25 **SECTION 103.** 441.06 (title) of the statutes is repealed and recreated to read:

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1 **441.06** (title) **Registered nurses; civil liability exemption.**

2 **SECTION 104.** 441.06 (3) of the statutes is amended to read:

3 441.06 (3) ~~A~~ Except as provided in s. 441.09 (1) (c), a registered nurse
4 practicing for compensation shall, on or before the applicable renewal date specified
5 under s. 440.08 (2) (a), submit to the board on furnished forms a statement giving
6 name, residence, and other facts that the board requires, with the nursing workforce
7 survey and fee required under s. 441.01 (7) and the applicable renewal fee
8 determined by the department under s. 440.03 (9) (a).

9 **SECTION 105.** 441.06 (4) of the statutes is amended to read:

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

19 **SECTION 106.** 441.06 (7) of the statutes is renumbered 441.09 (7) and amended
20 to read:

21 441.09 (7) CIVIL LIABILITY. No person ~~certified~~ licensed as an advanced practice
22 registered nurse ~~prescriber~~ under s. 441.16 (2) this section is liable for civil damages
23 for any of the following:

24 (a) Reporting in good faith to the department of transportation under s. 146.82
25 (3) a patient's name and other information relevant to a physical or mental condition

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1 of the patient that in the advanced practice ~~nurse prescriber's~~ registered nurse's
2 judgment impairs the patient's ability to exercise reasonable and ordinary control
3 over a motor vehicle.

4 (b) In good faith, not reporting to the department of transportation under s.
5 146.82 (3) a patient's name and other information relevant to a physical or mental
6 condition of the patient that in the advanced practice ~~nurse prescriber's~~ registered
7 nurse's judgment does not impair the patient's ability to exercise reasonable and
8 ordinary control over a motor vehicle.

9 **SECTION 107.** 441.07 (1g) (intro.), (a), (c) and (e) of the statutes are amended
10 to read:

11 441.07 (**1g**) (intro.) Subject to the rules promulgated under s. 440.03 (1), the
12 board may deny an initial license or revoke, limit, suspend, or deny the renewal of
13 a license of a registered nurse, ~~nurse-midwife~~ advanced practice registered nurse,
14 or licensed practical nurse; ~~deny an initial certificate or revoke, limit, suspend, or~~
15 ~~deny the renewal of a certificate to prescribe drugs or devices granted under s.~~
16 441.16; or reprimand a registered nurse, ~~nurse-midwife~~ advanced practice
17 registered nurse, or licensed practical nurse, if the board finds that the applicant or
18 licensee committed any of the following:

19 (a) Fraud in the procuring or renewal of the ~~certificate or~~ license.

20 (c) Acts ~~which~~ that show the registered nurse, ~~nurse-midwife~~ advanced
21 practice registered nurse, or licensed practical nurse to be unfit or incompetent by
22 reason of negligence, abuse of alcohol or other drugs, or mental incompetency.

23 (e) A violation of any state or federal law that regulates prescribing or
24 dispensing drugs or devices, if the person ~~has a certificate to prescribe drugs or~~
25 ~~devices under s. 441.16~~ may issue prescription orders under s. 441.09 (2).

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1 **SECTION 108.** 441.09 of the statutes is created to read:

2 **441.09 Advanced practice registered nurses; civil liability exemption.**

3 **(1) LICENSE.** (a) An applicant who satisfies all of the following requirements may
4 apply to the board for initial licensure by the board as an advanced practice
5 registered nurse:

6 1. The applicant satisfies one of the following criteria:

7 a. The applicant holds a valid license to practice as a registered nurse issued
8 under s. 441.06 (1), (1c), or (1m).

9 b. The applicant applies concurrently for a license under s. 441.06 (1), (1c), or
10 (1m) with the application for a license under this paragraph.

11 c. The applicant is a registered nurse who holds a multistate license, as defined
12 in s. 441.51 (2) (h), issued by a jurisdiction, other than this state, that has adopted
13 the nurse licensure compact.

14 2. The applicant provides evidence satisfactory to the board that he or she
15 satisfies one of the following criteria:

16 a. The applicant has completed a graduate-level or postgraduate-level
17 education program that is approved by the board and that prepares the applicant for
18 the practice of advanced practice registered nursing in one of the 4 recognized roles,
19 and the applicant holds a current certification by a national certifying body approved
20 by the board.

21 b. On January 1, 2019, the applicant was licensed as a registered nurse in this
22 state and was practicing in a recognized role, and the applicant satisfies additional
23 criteria established by the board by rule under sub. (6) (c) relating to practice,
24 education, or certification.

25 3. The applicant pays the fee specified under s. 440.05 (1).

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1 4. The applicant provides evidence of any malpractice liability insurance
2 coverage required under sub. (5).

3 5. If the applicant is applying to receive a certified nurse-midwife specialty
4 designation under par. (b) 1., the applicant provides evidence satisfactory to the
5 board that the applicant is currently certified by the American Midwifery
6 Certification Board or its successor.

7 6. The applicant does not have an arrest or conviction record, subject to ss.
8 111.321, 111.322, and 111.335.

9 7. The applicant meets any other criteria established by the board by rule under
10 sub. (6) (c) relating to the education, training, or experience required for each
11 recognized role.

12 (b) 1. a. Subject to subd. 3. and s. 441.07 (1g), the board shall grant an advanced
13 practice registered nurse license to an applicant the board determines meets the
14 requirements under par. (a). The board shall also grant a person who is granted a
15 license under this subd. 1. a. one or more specialty designations corresponding to the
16 recognized roles for which the board determines that the person qualifies based on
17 the person's qualifications under par. (a).

18 b. The board shall grant an advanced practice registered nurse license to each
19 individual who, on the day before the effective date of this subd. 1. b. [LRB inserts
20 date], was certified to issue prescription orders under s. 441.16, 2019 stats. The
21 board shall also grant a person who is granted a license under this subd. 1. b. one or
22 more specialty designations corresponding to the recognized roles for which the
23 board determines that the person qualifies based on the person's qualifications.

24 c. The board shall grant an advanced practice registered nurse license to each
25 individual who, on the day before the effective date of this subd. 1. c. [LRB inserts

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1 date], was licensed as a nurse-midwife under s. 441.15, 2019 stats. The board shall
2 also grant a person who is granted a license under this subd. 1. c. a nurse-midwife
3 specialty designation.

4 2. Each specialty designation granted under subd. 1. shall appear on the
5 person's advanced practice registered nurse license.

6 3. The board may not grant an advanced practice registered nurse license to
7 a person applying concurrently for a license under s. 441.06 (1), (1c), or (1m), unless
8 the board also grants the person the license under s. 441.06 (1), (1c), or (1m).

9 4. The board may place specific limitations on a person licensed as an advanced
10 practice registered nurse as a condition of licensure.

11 5. If all of the following apply to a person, a notation indicating that the person
12 may not issue prescription orders shall appear on the person's advanced practice
13 registered nurse license:

14 a. The person is granted an advanced practice registered nurse license under
15 subd. 1. a. and satisfies only par. (a) 2. b. but not par. (a) 2. a., or the person is granted
16 an advanced practice registered nurse license under subd. 1. c.

17 b. On January 1, 2019, the person did not hold a certificate under s. 441.16 (2),
18 2019 Stats.

19 (c) On or before the applicable renewal date specified under s. 440.08 (2) (a),
20 an advanced practice registered nurse shall submit to the board on a form furnished
21 by the board a statement giving his or her name and residence, the nursing workforce
22 survey and fee required under s. 441.01 (7), evidence of having satisfied the
23 continuing education requirements under sub. (4), evidence of any malpractice
24 liability insurance coverage required under sub. (5), current evidence that the person
25 satisfies each of the requirements under par. (a) 1., 2., 5., and 7. that apply with

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1 respect to the person, and any other information that the board requires by rule, with
2 the applicable renewal fee determined by the department under s. 440.03 (9) (a). The
3 board shall grant to a person who satisfies the requirements under this paragraph
4 the renewal of his or her advanced practice registered nurse license and specialty
5 designations granted under par. (b) 1. and shall, if the person holds a license under
6 s. 441.06 (1), (1c), or (1m), also grant the renewal of that license.

7 **(2) PRESCRIBING AUTHORITY.** (a) Except as provided in par. (b), an advanced
8 practice registered nurse may issue prescription orders, subject to the rules
9 promulgated under sub. (6) (a) and (d), and may provide expedited partner therapy
10 in the manner described in s. 441.092.

11 (b) An advanced practice registered nurse may not issue prescription orders if
12 a notation under sub. (1) (b) 5. indicating that the advanced practice registered nurse
13 may not issue prescription orders appears on the advanced practice registered
14 nurse's license.

15 **(3) PRACTICE; TITLES.** (a) 1. The holder of a license issued under this section is
16 an "advanced practice registered nurse," may append to his or her name the title
17 "A.P.R.N.," and is authorized to practice advanced practice registered nursing.

18 2. The holder of a specialty designation for a recognized role granted under sub.
19 (1) (b) 1. may append to his or her name the title and an abbreviation corresponding
20 to that recognized role.

21 (b) 1. Except as provided in par. (d) and s. 257.03, no person may practice or
22 attempt to practice advanced practice registered nursing, nor use the title "advanced
23 practice registered nurse," the title "A.P.R.N.," or anything else to indicate that he
24 or she is an advanced practice registered nurse unless he or she is licensed under this
25 section.

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- 1 2. Except as provided in s. 257.03, no person may do any of the following:
- 2 a. Use the title “certified nurse-midwife,” the title “C.N.M.,” or anything else
- 3 to indicate that he or she is a certified nurse-midwife unless he or she has been
- 4 granted a certified nurse-midwife specialty designation under sub. (1) (b) 1.
- 5 b. Use the title “certified registered nurse anesthetist,” the title “C.R.N.A.,” or
- 6 anything else to indicate that he or she is a certified registered nurse anesthetist
- 7 unless he or she has been granted a certified registered nurse anesthetist specialty
- 8 designation under sub. (1) (b) 1.
- 9 c. Use the title “clinical nurse specialist,” the title “C.N.S.,” or anything else to
- 10 indicate that he or she is a clinical nurse specialist unless he or she has been granted
- 11 a clinical nurse specialist specialty designation under sub. (1) (b) 1.
- 12 d. Use the title “nurse practitioner,” the title “N.P.,” or anything else to indicate
- 13 that he or she is a nurse practitioner unless he or she has been granted a nurse
- 14 practitioner specialty designation under sub. (1) (b) 1.
- 15 (c) An advanced practice registered nurse shall adhere to professional
- 16 standards when managing situations that are beyond the advanced practice
- 17 registered nurse’s expertise. If a particular patient’s needs are beyond the advanced
- 18 practice registered nurse’s expertise, the advanced practice registered nurse shall
- 19 consult or collaborate with another health care provider or refer the patient to
- 20 another health care provider, as warranted by the patient’s needs.
- 21 (d) An advanced practice registered nurse licensed under this section may
- 22 delegate a task or order to another clinically trained health care worker if the task
- 23 or order is within the scope of the advanced practice registered nurse’s practice, the
- 24 advanced practice registered nurse is competent to perform the task or issue the
- 25 order, and the advanced practice registered nurse has reasonable evidence that the

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1 health care worker is minimally competent to perform the task or issue the order
2 under the circumstances.

3 (e) If an advanced practice registered nurse with a certified nurse-midwife
4 specialty designation under sub. (1) (b) 1. practices outside of a hospital setting, the
5 advanced practice registered nurse shall file and keep current with the department
6 a proactive plan for involving a hospital or a physician who has admitting privileges
7 at a hospital in the treatment of patients with higher acuity or emergency care needs
8 that exceed the advanced practice registered nurse's scope of practice.

9 (f) Nothing in this section prohibits an employer, hospital, or other entity with
10 a relationship with an advanced practice registered nurse from establishing
11 employment practice requirements on the advanced practice registered nurse as a
12 condition of employment.

13 (4) CONTINUING EDUCATION. Every advanced practice registered nurse shall
14 submit to the board evidence of having completed at least 16 contact hours per
15 biennium in clinical pharmacology or therapeutics relevant to the advanced practice
16 registered nurse's area of practice. The board may promulgate rules regarding the
17 continuing education requirements under this subsection.

18 (5) MALPRACTICE LIABILITY INSURANCE. Except for a person whose employer has
19 in effect malpractice liability insurance that provides coverage for the person in the
20 amounts specified under s. 655.23 (4), no person may practice advanced practice
21 registered nursing unless he or she at all times has in effect malpractice liability
22 insurance coverage in the minimum amounts required by the rules of the board. An
23 advanced practice registered nurse shall submit evidence of that coverage to the
24 board when applying for an initial license under this section or a renewal of a license

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1 under this section. An advanced practice registered nurse shall also submit such
2 evidence to the board upon request of the board.

3 **(5m) NURSE ANESTHETISTS.** (b) *Opt-out of federal certified registered nurse*
4 *anesthetist supervision requirement.* 1. The legislature finds that allowing certified
5 registered nurse anesthetists to administer anesthesia without supervision or
6 direction from an operating practitioner, physician, or anesthesiologist increases
7 access to quality anesthesia services throughout the state and is in the best interests
8 of the citizens of the state.

9 2. The state, including the governor, the board, and the medical examining
10 board, shall act to maintain an opt-out of the federal requirement for physician
11 supervision of certified registered nurse anesthetists pursuant to 42 CFR 482.52 (c).

12 **(6) RULES.** The board shall promulgate rules necessary to administer this
13 section, including rules for all of the following:

14 (a) Further defining the scope of practice of an advanced practice registered
15 nurse, practice of a certified nurse-midwife, practice of a certified registered nurse
16 anesthetist, practice of a nurse practitioner, and practice of a clinical nurse specialist
17 and defining the scope of practice within which an advanced practice registered
18 nurse may issue prescription orders under sub. (2).

19 (b) Determining acceptable national certification for purposes of sub. (1) (a) 2.
20 a.

21 (c) Establishing the appropriate education, training, or experience
22 requirements that a registered nurse must satisfy in order to be an advanced practice
23 registered nurse.

24 (d) Specifying the classes of drugs, individual drugs, or devices that may not
25 be prescribed by an advanced practice registered nurse under sub. (2).

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1 (e) Specifying the conditions to be met for registered nurses to do the following:

2 1. Administer a drug prescribed by an advanced practice registered nurse.

3 2. Administer a drug at the direction of an advanced practice registered nurse.

4 (f) Establishing the minimum amount of malpractice liability insurance
5 coverage that an advanced practice registered nurse must at all times have in effect
6 for purposes of sub. (5). The board shall promulgate rules under this paragraph in
7 consultation with the commissioner of insurance.

8 **SECTION 109.** 441.092 of the statutes is created to read:

9 **441.092 Expedited partner therapy. (1)** In this section:

10 (b) “Antimicrobial drug” has the meaning given in s. 448.035 (1) (b).

11 (c) “Expedited partner therapy” has the meaning given in s. 448.035 (1) (c).

12 **(2)** Notwithstanding the requirements of s. 448.9785, an advanced practice
13 registered nurse who may issue prescription orders under s. 441.09 (2) may provide
14 expedited partner therapy if a patient is diagnosed as infected with a chlamydial
15 infection, gonorrhea, or trichomoniasis and the patient has had sexual contact with
16 a sexual partner during which the chlamydial infection, gonorrhea, or
17 trichomoniasis may have been transmitted to or from the sexual partner. The
18 advanced practice registered nurse shall attempt to obtain the name of the patient’s
19 sexual partner. A prescription order for an antimicrobial drug prepared under this
20 subsection shall include the name and address of the patient’s sexual partner, if
21 known. If the advanced practice registered nurse is unable to obtain the name of the
22 patient’s sexual partner, the prescription order shall include, in ordinary, bold-faced
23 capital letters, the words, “expedited partner therapy” or the letters “EPT.”

24 **(3)** The advanced practice registered nurse shall provide the patient with a
25 copy of the information sheet prepared by the department of health services under

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1 s. 46.03 (44) and shall request that the patient give the information sheet to the
2 person with whom the patient had sexual contact.

3 (4) (a) Except as provided in par. (b), an advanced practice registered nurse is
4 immune from civil liability for injury to or the death of a person who takes any
5 antimicrobial drug if the antimicrobial drug is prescribed, dispensed, or furnished
6 under this section and if expedited partner therapy is provided as specified under
7 this section.

8 (b) The immunity under par. (a) does not extend to the donation, distribution,
9 furnishing, or dispensing of an antimicrobial drug by an advanced practice
10 registered nurse whose act or omission involves reckless, wanton, or intentional
11 misconduct.

12 **SECTION 110.** 441.10 (7) of the statutes is amended to read:

13 441.10 (7) No license is required for practical nursing, but, except as provided
14 in s. 257.03, no person without a license may hold himself or herself out as a licensed
15 practical nurse or licensed attendant, use the title or letters “Trained Practical
16 Nurse” or “T.P.N.”, “Licensed Practical Nurse” or “L.P.N.”, “Licensed Attendant” or
17 “L.A.”, “Trained Attendant” or “T.A.”, or otherwise seek to indicate that he or she is
18 a licensed practical nurse or licensed attendant. No licensed practical nurse or
19 licensed attendant may use the title, or otherwise seek to act as a registered, licensed,
20 graduate or professional nurse. Anyone violating this subsection shall be subject to
21 the penalties prescribed by s. 441.13. ~~The board shall grant without examination a~~
22 ~~license as a licensed practical nurse to any person who was on July 1, 1949, a licensed~~
23 ~~attendant.~~ This subsection does not apply to any licensed practical nurse who holds
24 a multistate license, as defined in s. 441.51 (2) (h), issued by a jurisdiction, other than
25 this state, that has adopted the enhanced nurse licensure compact under s. 441.51.

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1 **SECTION 111.** 441.11 (title) of the statutes is repealed.

2 **SECTION 112.** 441.11 (1) of the statutes is repealed.

3 **SECTION 113.** 441.11 (2) of the statutes is renumbered 441.09 (5m) (a) and
4 amended to read:

5 441.09 **(5m)** (a) Licensure exemption. The provisions of s. 448.04 (1) ~~(g)~~ 448.03
6 (1) (d) do not apply to ~~a~~ an advanced practice registered nurse licensed under this
7 section who possesses a certified registered nurse anesthetist specialty designation
8 under sub. (1) (b) 1. or to a person who engages in the practice of a nurse anesthetist
9 while performing official duties for the armed services or federal health services of
10 the United States.

11 **SECTION 114.** 441.11 (3) of the statutes is repealed.

12 **SECTION 115.** 441.15 of the statutes is repealed.

13 **SECTION 116.** 441.16 of the statutes is repealed.

14 **SECTION 117.** 441.18 (2) (a) (intro.) of the statutes is amended to read:

15 441.18 **(2)** (a) (intro.) An advanced practice registered nurse ~~certified to~~ who
16 may issue prescription orders under s. ~~441.16~~ 441.09 (2) may do any of the following:

17 **SECTION 118.** 441.18 (2) (b) of the statutes is amended to read:

18 441.18 **(2)** (b) An advanced practice registered nurse who prescribes or delivers
19 an opioid antagonist under par. (a) 1. shall ensure that the person to whom the opioid
20 antagonist is prescribed has or has the capacity to provide the knowledge and
21 training necessary to safely administer the opioid antagonist to an individual
22 undergoing an opioid-related overdose and that the person demonstrates the
23 capacity to ensure that any individual to whom the person further delivers the opioid
24 antagonist has or receives that knowledge and training.

25 **SECTION 119.** 441.18 (3) of the statutes is amended to read:

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1 448.03 (2) (a) Any person lawfully practicing within the scope of a license,
2 permit, registration, certificate or certification granted to practice midwifery under
3 subch. XIII of ch. 440, to practice professional, practical, or advanced practice
4 registered nursing under ch. 441, to practice chiropractic under ch. 446, to practice
5 dentistry or dental hygiene under ch. 447, to practice optometry under ch. 449, to
6 practice as a physician assistant under subch. VIII, to practice acupuncture under
7 ch. 451 or under any other statutory provision, or as otherwise provided by statute.

8 **SECTION 125.** 448.035 (1) (a) of the statutes is repealed.

9 **SECTION 126.** 448.035 (2), (3) and (4) of the statutes are amended to read:

10 448.035 (2) Notwithstanding the requirements of s. 448.30, a physician, or a
11 physician assistant, ~~or certified advanced practice nurse prescriber~~ may provide
12 expedited partner therapy if the patient is diagnosed as infected with a chlamydial
13 infection, gonorrhea, or trichomoniasis and the patient has had sexual contact with
14 a sexual partner during which the chlamydial infection, gonorrhea, or
15 trichomoniasis may have been transmitted to or from the sexual partner. The
16 physician, or physician assistant, ~~or certified advanced practice nurse prescriber~~
17 shall attempt to obtain the name of the patient's sexual partner. A prescription order
18 for an antimicrobial drug prepared under this subsection shall include the name and
19 address of the patient's sexual partner, if known. If the physician, or physician
20 assistant, ~~or certified advanced practice nurse prescriber~~ is unable to obtain the
21 name of the patient's sexual partner, the prescription order shall include, in ordinary
22 bold-faced capital letters, the words, "expedited partner therapy" or the letters
23 "EPT."

24 (3) The physician, or physician assistant, ~~or certified advanced practice nurse~~
25 prescriber shall provide the patient with a copy of the information sheet prepared by

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1 the department of health services under s. 46.03 (44) and shall request that the
2 patient give the information sheet to the person with whom the patient had sexual
3 contact.

4 (4) (a) Except as provided in par. (b), a physician, or physician assistant, ~~or~~
5 ~~certified advanced practice nurse prescriber~~ is immune from civil liability for injury
6 to or the death of a person who takes any antimicrobial drug if the antimicrobial drug
7 is prescribed, dispensed, or furnished under this section and if expedited partner
8 therapy is provided as specified under this section.

9 (b) The immunity under par. (a) does not extend to the donation, distribution,
10 furnishing, or dispensing of an antimicrobial drug by a physician, or physician
11 assistant, ~~or certified advanced practice nurse prescriber~~ whose act or omission
12 involves reckless, wanton, or intentional misconduct.

13 **SECTION 127.** 448.035 (2), (3) and (4) of the statutes, as affected by 2021
14 Wisconsin Acts 23 and (this act), are repealed and recreated to read:

15 448.035 (2) Notwithstanding the requirements of s. 448.30, a physician may
16 provide expedited partner therapy if the patient is diagnosed as infected with a
17 chlamydial infection, gonorrhea, or trichomoniasis and the patient has had sexual
18 contact with a sexual partner during which the chlamydial infection, gonorrhea, or
19 trichomoniasis may have been transmitted to or from the sexual partner. The
20 physician shall attempt to obtain the name of the patient's sexual partner. A
21 prescription order for an antimicrobial drug prepared under this subsection shall
22 include the name and address of the patient's sexual partner, if known. If the
23 physician is unable to obtain the name of the patient's sexual partner, the
24 prescription order shall include, in ordinary bold-faced capital letters, the words,
25 "expedited partner therapy" or the letters "EPT."

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1 **(3)** The physician shall provide the patient with a copy of the information sheet
2 prepared by the department of health services under s. 46.03 (44) and shall request
3 that the patient give the information sheet to the person with whom the patient had
4 sexual contact.

5 **(4)** (a) Except as provided in par. (b), a physician is immune from civil liability
6 for injury to or the death of a person who takes any antimicrobial drug if the
7 antimicrobial drug is prescribed, dispensed, or furnished under this section and if
8 expedited partner therapy is provided as specified under this section.

9 (b) The immunity under par. (a) does not extend to the donation, distribution,
10 furnishing, or dispensing of an antimicrobial drug by a physician whose act or
11 omission involves reckless, wanton, or intentional misconduct.

12 **SECTION 128.** 448.56 (1) and (1m) (b) of the statutes are amended to read:

13 448.56 **(1)** WRITTEN REFERRAL. Except as provided in this subsection and s.
14 448.52, a person may practice physical therapy only upon the written referral of a
15 physician, physician assistant, chiropractor, dentist, podiatrist, or advanced practice
16 registered nurse prescriber ~~certified under s. 441.16 (2)~~. Written referral is not
17 required if a physical therapist provides services in schools to children with
18 disabilities, as defined in s. 115.76 (5), pursuant to rules promulgated by the
19 department of public instruction; provides services as part of a home health care
20 agency; provides services to a patient in a nursing home pursuant to the patient's
21 plan of care; provides services related to athletic activities, conditioning, or injury
22 prevention; or provides services to an individual for a previously diagnosed medical
23 condition after informing the individual's physician, physician assistant,
24 chiropractor, dentist, podiatrist, or advanced practice registered nurse prescriber
25 ~~certified under s. 441.16 (2)~~ who made the diagnosis. The examining board may

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1 promulgate rules establishing additional services that are excepted from the written
2 referral requirements of this subsection.

3 **(1m)** (b) The examining board shall promulgate rules establishing the
4 requirements that a physical therapist must satisfy if a physician, physician
5 assistant, chiropractor, dentist, podiatrist, or advanced practice registered nurse
6 ~~prescriber~~ makes a written referral under sub. (1). The purpose of the rules shall be
7 to ensure continuity of care between the physical therapist and the health care
8 practitioner.

9 **SECTION 129.** 448.62 (2m) of the statutes is amended to read:

10 448.62 **(2m)** An advanced practice registered nurse ~~who is certified to issue~~
11 ~~prescription orders under s. 441.16~~ and who is providing nonsurgical patient services
12 as directed, supervised, and inspected by a podiatrist who has the power to direct,
13 decide, and oversee the implementation of the patient services rendered.

14 **SECTION 130.** 448.67 (2) of the statutes is amended to read:

15 448.67 **(2)** SEPARATE BILLING REQUIRED. Except as provided in sub. (4), a licensee
16 who renders any podiatric service or assistance, or gives any podiatric advice or any
17 similar advice or assistance, to any patient, podiatrist, physician, physician
18 assistant, advanced practice registered nurse ~~prescriber~~ ~~certified under s. 441.16 (2),~~
19 partnership, or corporation, or to any other institution or organization, including a
20 hospital, for which a charge is made to a patient, shall, except as authorized by
21 Title 18 or Title 19 of the federal Social Security Act, render an individual statement
22 or account of the charge directly to the patient, distinct and separate from any
23 statement or account by any other podiatrist, physician, physician assistant,
24 advanced practice registered nurse ~~prescriber~~, or other person.

25 **SECTION 131.** 448.956 (1m) of the statutes is amended to read:

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1 448.956 (1m) Subject to sub. (1) (a), a licensee may provide athletic training
2 to an individual without a referral, except that a licensee may not provide athletic
3 training as described under s. 448.95 (5) (d) or (e) in an outpatient rehabilitation
4 setting unless the licensee has obtained a written referral for the individual from a
5 practitioner licensed or certified under subch. II, III, IV, V, or VII of this chapter;
6 under ch. 446; or under s. 441.16 (2) 441.09 or from a practitioner who holds a
7 compact privilege under subch. IX of ch. 448.

8 **SECTION 132.** 448.956 (1m) of the statutes, as affected by 2021 Wisconsin Acts
9 23 and (this act), is repealed and recreated to read:

10 448.956 (1m) Subject to sub. (1) (a), a licensee may provide athletic training
11 to an individual without a referral, except that a licensee may not provide athletic
12 training as described under s. 448.95 (5) (d) or (e) in an outpatient rehabilitation
13 setting unless the licensee has obtained a written referral for the individual from a
14 practitioner licensed or certified under subch. II, III, IV, V, or VII of this chapter;
15 under ch. 446; or under s. 441.09 or from a practitioner who holds a compact privilege
16 under subch. X of ch. 448.

17 **SECTION 133.** 450.01 (1m) of the statutes is repealed.

18 **SECTION 134.** 450.01 (16) (h) 2. of the statutes is amended to read:

19 450.01 (16) (h) 2. The patient's advanced practice registered nurse ~~prescriber,~~
20 if the advanced practice registered nurse ~~prescriber has entered into a written~~
21 ~~agreement to collaborate with a physician~~ may issue prescription orders under s.
22 441.09 (2).

23 **SECTION 135.** 450.01 (16) (hr) 2. of the statutes is amended to read:

24 450.01 (16) (hr) 2. An advanced practice registered nurse ~~prescriber who may~~
25 issue prescription orders under s. 441.09 (2).

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1 **SECTION 136.** 450.03 (1) (e) of the statutes is amended to read:

2 450.03 (1) (e) Any person lawfully practicing within the scope of a license,
3 permit, registration, certificate, or certification granted to provide home medical
4 oxygen under s. 450.076, to practice professional ~~or~~ practical, or advanced practice
5 registered nursing ~~or nurse-midwifery~~ under ch. 441, to practice dentistry or dental
6 hygiene under ch. 447, to practice medicine and surgery under ch. 448, to practice
7 optometry under ch. 449 or to practice veterinary medicine under ch. 89, or as
8 otherwise provided by statute.

9 **SECTION 137.** 450.11 (1g) (b) of the statutes is amended to read:

10 450.11 (1g) (b) A pharmacist may, upon the prescription order of a practitioner
11 providing expedited partner therapy, as specified in s. 441.092 or 448.035, that
12 complies with the requirements of sub. (1), dispense an antimicrobial drug as a
13 course of therapy for treatment of chlamydial infections, gonorrhea, or
14 trichomoniasis to the practitioner's patient or a person with whom the patient has
15 had sexual contact for use by the person with whom the patient has had sexual
16 contact. The pharmacist shall provide a consultation in accordance with rules
17 promulgated by the board for the dispensing of a prescription to the person to whom
18 the antimicrobial drug is dispensed. A pharmacist providing a consultation under
19 this paragraph shall ask whether the person for whom the antimicrobial drug has
20 been prescribed is allergic to the antimicrobial drug and advise that the person for
21 whom the antimicrobial drug has been prescribed must discontinue use of the
22 antimicrobial drug if the person is allergic to or develops signs of an allergic reaction
23 to the antimicrobial drug.

24 **SECTION 138.** 450.11 (1g) (b) of the statutes, as affected by 2021 Wisconsin Acts
25 23 and (this act), is repealed and recreated to read:

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1 450.11 (1g) (b) A pharmacist may, upon the prescription order of a practitioner
2 providing expedited partner therapy, as specified in s. 441.092, 448.035, or 448.9725,
3 that complies with the requirements of sub. (1), dispense an antimicrobial drug as
4 a course of therapy for treatment of chlamydial infections, gonorrhea, or
5 trichomoniasis to the practitioner's patient or a person with whom the patient has
6 had sexual contact for use by the person with whom the patient has had sexual
7 contact. The pharmacist shall provide a consultation in accordance with rules
8 promulgated by the board for the dispensing of a prescription to the person to whom
9 the antimicrobial drug is dispensed. A pharmacist providing a consultation under
10 this paragraph shall ask whether the person for whom the antimicrobial drug has
11 been prescribed is allergic to the antimicrobial drug and advise that the person for
12 whom the antimicrobial drug has been prescribed must discontinue use of the
13 antimicrobial drug if the person is allergic to or develops signs of an allergic reaction
14 to the antimicrobial drug.

15 **SECTION 139.** 450.11 (1i) (a) 1. of the statutes is amended to read:

16 450.11 (1i) (a) 1. A pharmacist may, upon and in accordance with the
17 prescription order of an advanced practice registered nurse ~~prescriber~~ under s.
18 441.18 (2) (a) 1., or of a physician or physician assistant under s. 448.037 (2) (a) 1.,
19 that complies with the requirements of sub. (1), deliver an opioid antagonist to a
20 person specified in the prescription order and may, upon and in accordance with the
21 standing order of an advanced practice registered nurse ~~prescriber~~ under s. 441.18
22 (2) (a) 2., or of a physician or physician assistant under s. 448.037 (2) (a) 2., that
23 complies with the requirements of sub. (1), deliver an opioid antagonist to an
24 individual in accordance with the order. The pharmacist shall provide a consultation

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1 in accordance with rules promulgated by the board for the delivery of a prescription
2 to the person to whom the opioid antagonist is delivered.

3 **SECTION 140.** 450.11 (1i) (a) 1. of the statutes, as affected by 2021 Wisconsin
4 Acts 23 and (this act), is repealed and recreated to read:

5 450.11 (1i) (a) 1. A pharmacist may, upon and in accordance with the
6 prescription order of an advanced practice registered nurse under s. 441.18 (2) (a) 1.,
7 of a physician under s. 448.037 (2) (a) 1., or of a physician assistant under s. 448.9727
8 (2) (a) 1. that complies with the requirements of sub. (1), deliver an opioid antagonist
9 to a person specified in the prescription order and may, upon and in accordance with
10 the standing order of an advanced practice registered nurse under s. 441.18 (2) (a)
11 2., of a physician under s. 448.037 (2) (a) 2., or of a physician assistant under s.
12 448.9727 (2) (a) 2. that complies with the requirements of sub. (1), deliver an opioid
13 antagonist to an individual in accordance with the order. The pharmacist shall
14 provide a consultation in accordance with rules promulgated by the board for the
15 delivery of a prescription to the person to whom the opioid antagonist is delivered.

16 **SECTION 141.** 450.11 (1i) (b) 2. b. of the statutes is amended to read:

17 450.11 (1i) (b) 2. b. An advanced practice registered nurse ~~prescriber~~ may only
18 deliver or dispense an opioid antagonist in accordance with s. 441.18 (2) or in
19 accordance with his or her other legal authority to dispense prescription drugs.

20 **SECTION 142.** 450.11 (7) (b) of the statutes is amended to read:

21 450.11 (7) (b) Information communicated to a physician, physician assistant,
22 or advanced practice registered nurse ~~prescriber~~ in an effort to procure unlawfully
23 a prescription drug or the administration of a prescription drug is not a privileged
24 communication.

25 **SECTION 143.** 450.11 (8) (e) of the statutes is amended to read:

SENATE BILL 394**SECTION 143**

1 450.11 (8) (e) The board of nursing, insofar as this section applies to advanced
2 practice nurse prescribers registered nurses.

3 **SECTION 144.** 450.13 (5) (b) of the statutes is amended to read:

4 450.13 (5) (b) The patient's advanced practice registered nurse prescriber, if the
5 advanced practice registered nurse prescriber has entered into a written agreement
6 to collaborate with a physician may issue prescription orders under s. 441.09 (2).

7 **SECTION 145.** 450.135 (7) (b) of the statutes is amended to read:

8 450.135 (7) (b) The patient's advanced practice registered nurse prescriber, if
9 the advanced practice registered nurse prescriber has entered into a written
10 agreement to collaborate with a physician may issue prescription orders under s.
11 441.09 (2).

12 **SECTION 146.** 462.04 of the statutes is amended to read:

13 **462.04 Prescription or order required.** A person who holds a license or
14 limited X-ray machine operator permit under this chapter may not use diagnostic
15 X-ray equipment on humans for diagnostic purposes unless authorized to do so by
16 prescription or order of a physician licensed under s. 448.04 (1) (a), a dentist licensed
17 under s. 447.04 (1), a podiatrist licensed under s. 448.63, a chiropractor licensed
18 under s. 446.02, an advanced practice registered nurse certified licensed under s.
19 441.16 (2) 441.09, a physician assistant licensed under s. 448.04 (1) (f), or, subject to
20 s. 448.56 (7) (a), a physical therapist who is licensed under s. 448.53 or who holds a
21 compact privilege under subch. IX of ch. 448.

22 **SECTION 147.** 462.04 of the statutes, as affected by 2021 Wisconsin Acts 23 and
23 (this act), is repealed and recreated to read:

24 **462.04 Prescription or order required.** A person who holds a license or
25 limited X-ray machine operator permit under this chapter may not use diagnostic

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1 X-ray equipment on humans for diagnostic purposes unless authorized to do so by
2 prescription or order of a physician licensed under s. 448.04 (1) (a), a dentist licensed
3 under s. 447.04 (1), a podiatrist licensed under s. 448.63, a chiropractor licensed
4 under s. 446.02, an advanced practice registered nurse licensed under s. 441.09, a
5 physician assistant licensed under s. 448.974, or, subject to s. 448.56 (7) (a), a
6 physical therapist who is licensed under s. 448.53 or who holds a compact privilege
7 under subch. IX of ch. 448.

8 **SECTION 148.** 655.001 (7t) of the statutes is amended to read:

9 655.001 (7t) "Health care practitioner" means a health care professional, as
10 defined in s. 180.1901 (1m), who is an employee of a health care provider described
11 in s. 655.002 (1) (d), (e), (em), or (f) and who has the authority to provide health care
12 services that are not in collaboration with a physician under s. 441.15 (2) (b) or under
13 the direction and supervision of a physician or nurse anesthetist.

14 **SECTION 149.** 655.001 (9) of the statutes is amended to read:

15 655.001 (9) "Nurse anesthetist" means ~~a nurse~~ an individual who is licensed
16 ~~under ch. 441 or who holds a multistate license, as defined in s. 441.51 (2) (h), issued~~
17 ~~in a party state, as defined in s. 441.51 (2) (k), and who is certified as a nurse~~
18 ~~anesthetist by the American association of nurse anesthetists~~ as an advanced
19 practice registered nurse and possesses a certified registered nurse anesthetist
20 specialty designation under s. 441.09.

21 **SECTION 150.** 655.005 (2) (a) of the statutes is amended to read:

22 655.005 (2) (a) An employee of a health care provider if the employee is a
23 physician or a nurse anesthetist or is a health care practitioner who is providing
24 health care services that are not in collaboration with a physician under s. 441.15 (2)
25 (b) or under the direction and supervision of a physician or nurse anesthetist.

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1 **SECTION 151.** 961.01 (19) (a) of the statutes is amended to read:

2 961.01 (19) (a) A physician, advanced practice registered nurse, dentist,
3 veterinarian, podiatrist, optometrist, scientific investigator or, subject to s. 448.21
4 (3), a physician assistant, or other person licensed, registered, certified or otherwise
5 permitted to distribute, dispense, conduct research with respect to, administer or use
6 in teaching or chemical analysis a controlled substance in the course of professional
7 practice or research in this state.

8 **SECTION 152.** 961.01 (19) (a) of the statutes, as affected by 2021 Wisconsin Acts
9 23 and (this act), is repealed and recreated to read:

10 961.01 (19) (a) A physician, advanced practice registered nurse, dentist,
11 veterinarian, podiatrist, optometrist, scientific investigator or, subject to s. 448.975
12 (1) (b), a physician assistant, or other person licensed, registered, certified or
13 otherwise permitted to distribute, dispense, conduct research with respect to,
14 administer or use in teaching or chemical analysis a controlled substance in the
15 course of professional practice or research in this state.

16 **SECTION 153.** 961.395 of the statutes is amended to read:

17 **961.395 Limitation on advanced practice registered nurses.** (1) An
18 advanced practice registered nurse who is ~~certified~~ may issue prescription orders
19 under s. ~~441.16~~ 441.09 (2) may prescribe controlled substances only as permitted by
20 the rules promulgated under s. ~~441.16 (3)~~ 441.09 (6) (d).

21 (2) An advanced practice registered nurse ~~certified under s. 441.16~~ who may
22 issue prescription orders under s. 441.09 (2) shall include with each prescription
23 order the advanced practice nurse ~~prescriber certification~~ license number issued to
24 him or her by the board of nursing.

SENATE BILL 394

1 (3) An advanced practice registered nurse certified under s. 441.16 who may
2 issue prescription orders under s. 441.09 (2) may dispense a controlled substance
3 only by prescribing or administering the controlled substance or as otherwise
4 permitted by the rules promulgated under s. ~~441.16 (3)~~ 441.09 (6) (d).

SECTION 154. Nonstatutory provisions.

5 (1) Using the procedure under s. 227.24, the board of nursing may promulgate
6 rules under ch. 441 that are necessary to implement the changes in this act.
7 Notwithstanding s. 227.24 (1) (a) and (3), the board is not required to provide
8 evidence that promulgating a rule under this subsection as an emergency rule is
9 necessary for the preservation of the public peace, health, safety, or welfare and is
10 not required to provide a finding of emergency for a rule promulgated under this
11 subsection. Notwithstanding s. 227.24 (1) (c) and (2), a rule promulgated under this
12 subsection is effective for 2 years after its promulgation, or until permanent rules
13 take effect, whichever is sooner, and the effective period of a rule promulgated under
14 this subsection may not be further extended under s. 227.24 (2).

15 (2) (a) In this subsection, the definitions under s. 441.001 apply.

16 (b) Notwithstanding s. 441.09 (3), an individual who, on January 1, 2019, was
17 licensed as a registered nurse in this state and was practicing in a recognized role
18 may continue to practice advanced practice registered nursing and the
19 corresponding recognized role in which he or she was practicing and may continue
20 to use the titles corresponding to the recognized roles in which he or she was
21 practicing during the period before which the board takes final action on the person's
22 application under s. 441.09. This paragraph does not apply after March 1, 2023.

23 **SECTION 155. Effective dates.** This act takes effect on March 1, 2022, except
24 as follows:
25

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

AGENDA REQUEST FORM

| | | | |
|---|---|---|--|
| 1) Name and Title of Person Submitting the Request: Jameson Whitney, Board Counsel | | 2) Date When Request Submitted: 8/10/21 <small>Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting</small> | |
| 3) Name of Board, Committee, Council, Sections: Medical Examining Board | | | |
| 4) Meeting Date: 8/18/21 | 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 -Med 10, Unprofessional Conduct – adoption order -Med 13, CME Requirements – adoption order -AT 2, Reciprocal Credentials – preliminary rule draft -OT 2, Licensure Requirements – preliminary rule draft -Med 1, Licensure- implemented scope | |
| 7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session | 8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes (<u>Fill out Board Appearance Request</u>) <input checked="" type="checkbox"/> No | 9) Name of Case Advisor(s), if required: | |
| 10) Describe the issue and action that should be addressed: The Board should review, take necessary action, and give drafting instructions regarding the referenced administrative rule projects. | | | |
| 11) Signature of person making this request Jameson Whitney | Authorization | Date 8/10/21 | |
| Supervisor (if required) | | Date | |
| Executive Director signature (indicates approval to add post agenda deadline item to agenda) | | | |
| 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
MEDICAL EXAMINING BOARD

IN THE MATTER OF RULEMAKING : ORDER OF THE
PROCEEDINGS BEFORE THE : MEDICAL EXAMINING BOARD
MEDICAL EXAMINING BOARD : ADOPTING RULES
: (CLEARINGHOUSE RULE 21-030)

ORDER

An order of the Medical Examining Board to amend Med 10.03 (3) (h), relating to unprofessional conduct.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted:

Section 448.015 (4) (am) 1., Stats.

Statutory authority:

Section 15.08 (5) (b), Stats.

Explanation of agency authority:

Section 15.08 (5) (b), Stats., provides an examining board “shall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains. . .”

Related statute or rule:

Section SPS 4.09 sets forth provisions related to credential holder charges and convictions.

Plain language analysis:

The proposed rule revises the Board’s rules related to professional conduct. Specifically, s. Med 10.03 (3) (h) is revised to clarify a licensee is required to comply with the reporting requirement under s. SPS 4.09 (2).

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

None.

Comparison with rules in adjacent states:

Illinois: The Illinois Statutes authorize the Illinois Department of Financial Regulation to take disciplinary or non-disciplinary action against a physician’s license. Grounds for action include failure to report to the Department any adverse final action taken against a physician by any law enforcement agency or any court, for acts or conduct similar to acts or conduct that would constitute grounds for action against the physician’s license [225 ILCS 60/22 (A) (34)].

Iowa:

Rules of the Iowa Board of Medicine provide the Board with authority to impose disciplinary sanctions for certain acts and offenses (653 IAC 23.1). The rules do not specifically provide that a physician may be subject to a disciplinary sanction for failure to report a conviction.

Michigan:

The Michigan Public Health Code requires a licensee or registrant to notify the Michigan Department of Licensing and Regulatory Affairs of any criminal conviction within 30 days after the date of the conviction. Failure of a licensee or registrant to notify the Department under this subsection shall result in administrative action against the license or registration [MCL 333.16222 (3)].

Minnesota:

The Minnesota Statutes require a physician to self-report to the Minnesota Board of Medical Practice within 30 days of any judgment or other determination of a court of competent jurisdiction that adjudges or includes a finding that a physician is guilty of a felony or a violation of a federal or state narcotics law or controlled substances act (2020 Minnesota Statutes, Section 147.111).

Summary of factual data and analytical methodologies:

The proposed rules were developed by obtaining input and feedback from the Medical Examining Board.

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

The proposed rules were 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. No comments were received.

Fiscal Estimate and Economic Impact Analysis:

The Fiscal Estimate and Economic Impact Analysis document is attached.

Effect on small business:

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

Agency contact person:

Kassandra Walbrun, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, P.O. Box 8366, Madison, Wisconsin 53708-8366; telephone 608-261-4463; email at DSPSAdminRules@wisconsin.gov.

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

Comments may be submitted to Cassandra Walbrun, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, P.O. Box 8366, Madison, WI 53708-8366, or by email to DSPSAdminRules@wisconsin.gov. Comments must be received at or before the public hearing to be held at 8:00 a.m. on April 21, 2021, to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. Med 10.03 (3) (h) is amended to read:

Med 10.03 (3) (h) Failing, within 48 hours of the entry of judgment of conviction of any crime, to provide notice to the department of safety and professional services as required under s. SPS 4.09 (2), or failing, within 30 days of conviction of any crime, to provide the board with certified copies of the criminal complaint and judgment of conviction.

SECTION 2. 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)

Dated _____

Agency _____

Chairperson
Medical Examining Board

STATE OF WISCONSIN
MEDICAL EXAMINING BOARD

IN THE MATTER OF RULEMAKING : ORDER OF THE
PROCEEDINGS BEFORE THE : MEDICAL EXAMINING BOARD
MEDICAL EXAMINING BOARD : ADOPTING RULES
: (CLEARINGHOUSE RULE 21-017)

ORDER

An order of the Medical Examining Board to amend Med 13.02 (1g) and (1r) and 13.03 (3) (b) 2. and to create Med 13.02 (1v) and 13.03 (3) (b) 2m., relating to continuing medical education for physicians.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted:

Section 448.13, Stats.

Statutory authority:

Sections 15.08 (5) (b) and 448.40 (1), Stats.

Explanation of agency authority:

Section 15.08 (5) (b), Stats., provides an examining board “shall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains. . .”

Section 448.40 (1), Stats., provides the Medical Examining Board “may promulgate rules to carry out the purposes of this subchapter, including rules requiring the completion of continuing education, professional development, and maintenance of certification or performance improvement or continuing medical education programs for renewal of a license to practice medicine and surgery.”

Related statute or rule:

Section 440.035 (2m), Stats., allows the Medical Examining Board to issue guidelines regarding best practices in prescribing controlled substances. Section 440.08 (2) (a) 58. and 58m., Stats., provide the credential renewal date for physicians is November 1 of each odd numbered year.

Plain language analysis:

Current rules require a physician who holds a U.S. Drug Enforcement Administration number to complete 2 of the 30 required hours of continuing medical education from a Board-approved educational course or program related to opioid prescribing. As this requirement applies only to the renewal date occurring on November 1, 2021, the proposed rules establish a requirement for the completion of continuing education hours related to responsible prescribing of opioids and other controlled substances for the renewal date occurring on November 1, 2023.

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

None.

Comparison with rules in adjacent states:

Illinois:

Rules of the Illinois Department of Financial and Professional Regulation establish continuing medical education requirements for physicians licensed in Illinois [68 Ill. Adm. Code 1285.110]. The rules do not require continuing education related to prescribing opioids or other controlled substances.

Iowa:

Rules of the Iowa Board of Medicine establish continuing education requirements for physicians licensed in Iowa [653 IAC 11]. The rules require a licensee who has prescribed opioids to a patient during the previous license period to complete at least 2 hours of category 1 credit regarding the United States Centers for Disease Control and Prevention (CDC) guideline for prescribing opioids for chronic pain, including recommendations on limitations on dosages and the length of prescriptions, risk factors for abuse, and nonopioid and nonpharmacologic therapy options, every 5 years [653 IAC 11.4(1) d. (1)].

Michigan:

Rules of the Michigan Department of Licensing and Regulatory Affairs establish continuing medical education requirements for physicians licensed in Michigan [Mich Admin Code, R 338.2441 to R 338.2443]. The rules require a minimum of 3 hours of continuing education to be earned in pain and symptom management, including any of the following areas:

- Public health burden of pain.
- Ethics and health policy related to pain.
- Michigan pain and controlled substance laws.
- Pain definitions.
- Basic sciences related to pain including pharmacology.
- Clinical sciences related to pain.
- Specific pain conditions.
- Clinical physician communication related to pain.
- Management of pain, including evaluation and treatment and nonpharmacological and pharmacological management.
- Ensuring quality pain care.
- Michigan programs and resources relevant to pain.

Minnesota:

Rules of the Minnesota Board of Medical Practice establish continuing education requirements for physicians licensed in Minnesota [Minnesota Rules, chapter 5605]. The rules do not require continuing education related to prescribing opioids or other controlled substances.

Summary of factual data and analytical methodologies:

The proposed rules were developed by obtaining input and feedback from the Medical Examining Board.

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

The proposed rules were 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. No comments were received.

Fiscal Estimate and Economic Impact Analysis:

The Fiscal Estimate and Economic Impact Analysis document is attached.

Effect on small business:

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

Agency contact person:

Dale Kleven, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, P.O. Box 8366, Madison, Wisconsin 53708-8366; telephone 608-261-4472; email at DSPSAdminRules@wisconsin.gov.

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

Comments may be submitted to Dale Kleven, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, P.O. Box 8366, Madison, WI 53708-8366, or by email to DSPSAdminRules@wisconsin.gov. Comments must be received at or before the public hearing to be held at 8:00 a.m. on March 17, 2021, to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. Med 13.02 (1x) is created to read:

Med 13.02 (1x) (a) Except as provided under par. (b), for the renewal date occurring on November 1, 2023, a minimum of 2 of the 30 hours of continuing medical education required under sub. (1) shall be an educational course or program related to prescribing opioids and other controlled substances that is approved under s. Med 13.03 (3) at the time of the physician's attendance, and whose subject matter meets the requirements of s. Med 13.03 (3) (b) 2s.

(b) This subsection does not apply to a physician who, at the time of making application for a certificate of registration, does not hold a U.S. drug enforcement administration number to prescribe controlled substances.

SECTION 2. Med 13.03 (2) (b) (Note) and (3) (a) (intro.) are amended to read:

Med 13.03 (2) (b) (Note) Forms to apply for continuing medical education credit are available ~~upon request to the board office located at 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708~~ from the department of safety and professional services' website at <http://dsps.wi.gov>, by phone at (608) 266-2112, or by email at dsps@wisconsin.gov.

(3) (a) (intro.) Only educational courses and programs approved by the board may be used to satisfy the requirement under s. Med 13.02 (1g) (a), ~~and (1r) (a), (1v) (a), and (1x) (a).~~ To apply for approval of a continuing education course or program, a provider shall submit to the board an application on forms provided by the department. The application shall include all of the following concerning the course or program:

SECTION 3. Med 13.03 (3) (b) 2s. is created to read:

Med 13.03 (3) (b) 2s. The subject matter of a course under s. Med 13.02 (1x) (a) shall pertain to responsible prescribing of opioids and other controlled substances, with an emphasis on informed consent of all patients on opioid therapy and other controlled substances.

SECTION 4. 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)

Dated _____

Agency _____

Chairperson
Medical Examining Board

STATE OF WISCONSIN
ATHLETIC TRAINERS AFFILIATED CREDENTIALING BOARD

| | | |
|------------------------------|---|------------------------------|
| IN THE MATTER OF RULEMAKING | : | PROPOSED ORDER OF THE |
| PROCEEDINGS BEFORE THE | : | ATHLETIC TRAINERS AFFILIATED |
| ATHLETIC TRAINERS AFFILIATED | : | CREDENTIALING BOARD |
| CREDENTIALING BOARD | : | ADOPTING RULES |
| | : | (CLEARINGHOUSE RULE) |

PROPOSED ORDER

An order of the Athletic Trainers Affiliated Credentialing Board to amend AT 2.01 and 2.02 (intro.); and create AT 2.03, relating to reciprocal credentials for service members, former service members, and their spouses.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted:

Section 440.09, Stats.

Statutory authority:

Sections 15.085 (5) (b) and 440.09 (5), Stats.

Explanation of agency authority:

Section 15.085 (5) (b), Stats., provides an affiliated credentialing board “[s]hall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains. . .”

Section 440.09 (5), Stats., provides that “[t]he department or credentialing board, as appropriate, may promulgate rules necessary to implement this section.”

Related statute or rule:

Section 440.09, Stats., specifies the requirements for issuing reciprocal credentials to service members, former service members, and the spouses of service members and former service members.

Plain language analysis:

The proposed rule creates a provision to implement s. 440.09, Stats., as amended by 2019 Wisconsin Act 143. Section 440.09, Stats., specifies the requirements for issuing reciprocal credentials to service members, former service members, and the spouses of service members and former service members.

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

None.

Comparison with rules in adjacent states:

Illinois:

The Illinois Statutes provide for the expedited licensure of service members and their spouses (20 ILCS 5/5-715). “Service member” includes a person whose active duty service concluded within the 2 years preceding application for licensure. A license issued to a service member or the spouse of a service member may be renewed.

Iowa:

Rules of the Professional Licensure Division of the Iowa Department of Public Health provide for the expedited reciprocal licensure of a veteran or a spouse of an active duty service member (645 IAC 645.20.3). A reciprocal license issued to a veteran or a spouse of an active duty service member may be renewed.

Michigan:

The Michigan Statutes provide for temporary licensure of the spouse of an active duty service member (MCL 339.213). A temporary license is valid for 6 months and may be renewed for one additional 6-month term if it is determined the licensee continues to meet the requirements for temporary licensure and needs additional time to fulfill the requirements for initial licensure.

Minnesota:

The Minnesota Statutes provide for temporary licensure of an individual who is an active duty military member, the spouse of an active duty military member, or a veteran who has left service in the 2 years preceding the date of license application (2020 Minnesota Statutes, Section 197.4552). A temporary license allows a qualified individual to perform regulated professional services for a limited length of time as determined by the applicable licensing board. During the temporary license period, the individual must complete the full application procedure as required by applicable law.

Summary of factual data and analytical methodologies:

The proposed rules were developed by reviewing the provisions of s. 440.09, Stats., as amended by 2019 Wisconsin Act 143, and obtaining input and feedback from the Athletic Trainers Affiliated Credentialing Board.

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

The proposed rules 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.

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 Daniel.Hereth@wisconsin.gov, or by calling (608) 267-2435.

Agency contact person:

Dale Kleven, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, P.O. Box 8366, Madison, Wisconsin 53708-8366; telephone 608-261-4472; email at DSPSAdminRules@wisconsin.gov.

TEXT OF RULE

SECTION 1. AT 2.01 is amended to read:

AT 2.01 Applications. An applicant for a license shall file an application and must pay the fee specified in s. 440.05 (~~1~~), Stats. An applicant for a license who does not comply with a request for information related to the application within one year from the date of the request shall file a new application and pay the fee specified in s. 440.05 (~~1~~), Stats.

SECTION 2. AT 2.02 (intro.) is amended to read:

AT 2.02 (intro.) ~~In addition to satisfying the requirement of s. 448.953, Stats.,~~ Except as provided under s. AT 2.03, an application for licensure shall satisfy the requirements of s. 448.953, Stats., and include all of the following:

SECTION 3. AT 2.03 is created to read:

AT 2.03 Reciprocal credentials for service members, former service members, and their spouses. A reciprocal athletic trainer license shall be granted to a service member, former service member, or the spouse of a service member or former service member who the board determines meets all of the requirements under s. 440.09 (2), Stats. Subject to s. 440.09 (2m), Stats., the board may request verification necessary to make a determination under this section.

Note: Applications for reciprocal licensure may be obtained from the department of safety and professional services at (608) 266-2112 or from the department's website at <http://dps.wi.gov>.

SECTION 4. 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)

STATE OF WISCONSIN
OCCUPATIONAL THERAPISTS
AFFILIATED CREDENTIALING BOARD

IN THE MATTER OF RULE-MAKING : 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 2.02 (1) (b), relating to licensure requirements.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted:

Section 448.963, Stats.

Statutory authority:

Sections 15.085 (5) (b) and 227.11 (2) (a), Stats.

Explanation of agency authority:

Section 15.085 (5) (b), Stats., provides that an affiliated credentialing board, such as the Occupational Therapists 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 227.11 (2) (a), Stats., sets forth the parameters of an agency’s rule-making authority, stating an agency “may promulgate rules interpreting provisions of any statute enforced or administered by the agency. . .but a rule is not valid if the rule exceeds the bounds of correct interpretation.”

Related statute or rule:

Section 448.963, Stats., sets forth the licensure requirements for occupational therapists and occupational therapy assistants.

Plain language analysis:

Section OT 2.02 (1) (b) requires an applicant to provide evidence that the applicant is certified as an occupational therapist or occupational therapy assistant by the National Board for Certification in Occupational Therapy (NBCOT). This requirement conflicts with the licensure provisions of s. 448.963, Stats., which require initial certification from NBCOT but do not require the certification be current. The proposed rules update s. OT 2.02 (1) (b) to reflect the requirements for licensure under s. 448.963, Stats.

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

None.

Comparison with rules in adjacent states:

Illinois: Rules of the Illinois Department of Financial and Professional Regulation set forth the licensure requirements for occupational therapists and occupational therapy assistants (68 Ill. Admin. Code 1315.110). The requirements do not include certification by the National Board for Certification in Occupational Therapy (NBCOT).

Iowa: Rules of the Iowa Board of Physical and Occupational Therapy set forth the licensure requirements for occupational therapists and occupational therapy assistants (645 IAC 206). The requirements do not include certification by the National Board for Certification in Occupational Therapy (NBCOT).

Michigan: Rules of the Michigan Board of Occupational Therapists set forth the licensure requirements for occupational therapists (Mich Admin Code, R 338.1223) and occupational therapy assistants (Mich Admin Code, R 338.1233). The requirements do not include certification by the National Board for Certification in Occupational Therapy (NBCOT).

Minnesota: The Minnesota Statutes provide the licensure qualifications for occupational therapists (Minnesota Statutes 2020, section 148.6408) and occupational therapy assistants (Minnesota Statutes 2020, section 148.6410). The qualifications do not include certification by the National Board for Certification in Occupational Therapy (NBCOT).

Summary of factual data and analytical methodologies:

The proposed rules were developed by comparing the provisions of s. OT 2.02 with the requirements for licensure under s. 448.963, Stats.

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

The proposed rules 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.

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 Daniel.Hereth@wisconsin.gov, or by calling (608) 267-2435.

Agency contact person:

Dale Kleven, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, P.O. Box 8366, Madison, Wisconsin 53708-8366; telephone 608-261-4472; email at DSPSAdminRules@wisconsin.gov.

TEXT OF RULE

SECTION 1. OT 2.02 (1) (b) is amended to read:

OT 2.02 (1) (b) Evidence ~~that the applicant is certified of initial certification~~ as an occupational therapist or occupational therapy assistant ~~by from the national board for certification in occupational therapy~~ National Board for Certification in Occupational Therapy; and that the applicant has completed an occupational therapist educational program, or an occupational therapy assistant educational program.

SECTION 2. 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)

STATEMENT OF SCOPE

Medical Examining Board

Rule No.: Med 1

Relating to: Licenses to Practice Medicine and Surgery

Rule Type: Permanent

1. Finding/nature of emergency (Emergency Rule only):

N/A

2. Detailed description of the objective of the proposed rule:

The Medical Examining Board will conduct a comprehensive evaluation and update of ch. Med 1 to ensure the rules are consistent with current professional, academic, examination, and licensing practices, and applicable Wisconsin statutes. Updates to other chapters of the Board's rules may also be necessary to reflect updates to ch. Med 1.

3. Description of the existing policies relevant to the rule, new policies proposed to be included in the rule, and an analysis of policy alternatives:

Chapter Med 1 currently contains the rules of the Medical Examining Board governing application and examination for a license to practice medicine and surgery under s. 448.04 (1) (a), Stats. The Board has identified the need for a comprehensive evaluation and update of these rules to ensure they are consistent with current professional, academic, examination, and licensing practices, and applicable Wisconsin statutes.

The alternative of not conducting this evaluation and update would be to leave the rules unchanged, which may be less beneficial for individuals applying for a license to practice medicine and surgery under s. 448.04 (1) (a), Stats.

4. Detailed explanation of statutory authority for the rule (including the statutory citation and language):

Section 15.08 (5) (b), Stats., provides each examining board "[s]hall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains. . ."

Section 448.05 (2) (a) 3., Stats., requires an applicant for any class of license to practice medicine and surgery to supply evidence satisfactory to the board "[t]hat the applicant satisfies any other requirement established by the board by rule for issuing the license."

Section 448.40 (1), Stats., provides that "[t]he board may promulgate rules to carry out the purposes of this subchapter, including rules requiring the completion of continuing education, professional development, and maintenance of certification or performance improvement or continuing medical education programs for renewal of a license to practice medicine and surgery."

5. Estimate of amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule:

70 hours

6. List with description of all entities that may be affected by the proposed rule:

Applicants for a license to practice medicine and surgery under s. 448.04 (1) (a), Stats.

7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule:

None.

8. Anticipated economic impact of implementing the rule (note if the rule is likely to have a significant economic impact on small businesses):

The proposed rule will have minimal to no economic impact on small businesses and the state's economy as a whole.

Contact Person: Jameson Whitney, Board Legal Counsel, DSAdminRules@wisconsin.gov, (608) 266-8098.

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

AGENDA REQUEST FORM

| | | | |
|--|---|---|--|
| 1) Name and title of person submitting the request: Kevyn Radcliffe, Administrative Rules Coordinator | | 2) Date when request submitted: June 4, 2021 <small>Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting</small> | |
| 3) Name of Board, Committee, Council, Sections: Medical Examining Board | | | |
| 4) Meeting Date: June 16, 2021 | 5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | 6) How should the item be titled on the agenda page? Administrative Rules Matters – Discussion and Consideration 1. Cos 2, 3, 5, & 8 related to scope of practice, mobile practice, and distance learning – Preliminary Rule Draft 2. Pending Rule Matters | |
| 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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No | 9) Name of Case Advisor(s), if required: | |
| 10) Describe the issue and action that should be addressed: <p>The Cosmetology Examining Board is considering a Preliminary Draft rule, Cos 2, 3, 5, & 8 related to scope of practice, mobile practice, and distance learning, that would include microblading, dermaplaning, and microdermabrasion under the practice of aesthetics, without any additional conditions or training. Microdermabrasion is currently considered a medical procedure that must be supervised, with exceptions laid out in Cos 2.025 (2r). The proposed rule removes microdermabrasion as a delegated medical procedure and provides that the scope of practice for aesthetics includes dermaplaning, microblading, and microdermabrasion.</p> <p>The Medical Examining Board has specifically exempted tattoo and body piercing, when done for the purposes of personal adornment, from the practice of medicine and surgery in Med 15.02. The Medical Examining Board may wish to consider a future rule project to specifically exempt dermaplaning, microblading, and microdermabrasion from the practice of medicine and surgery by adding the three procedures to Med 15.</p> <p>Cos 2, 3, 5, & 8 is being presented to the Medical Examining Board for discussion and feedback. No action is required.</p> | | | |
| 11) Authorization | | | |
| <i>Kevyn Radcliffe</i> | | June 4, 2021 | |
| Signature of person making this request | | Date | |
| Supervisor (if required) | | Date | |
| Executive Director signature (indicates approval to add post agenda deadline item to agenda) | | Date | |
| Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting. | | | |

STATE OF WISCONSIN
COSMETOLOGY EXAMINING BOARD

IN THE MATTER OF RULE-MAKING : PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE : COSMETOLOGY EXAMINING
COSMETOLOGY EXAMINING BOARD : BOARD ADOPTING RULES
: (CLEARINGHOUSE RULE)

PROPOSED ORDER

An order of the Cosmetology Examining Board to repeal Cos 2.025 (2) (b) and (2r); to renumber Cos 1.01 (11g) and (11n); to renumber and amend Cos 1.01 (2m); to amend Cos 1.01 (6e), 2.03 (8), 2.05 (2); to repeal and recreate Cos 5.01; and to create Cos 1.01 (2g), (4m), (11n), and 2.015.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted: Sections 454.02, 454.04, and 440.62 (5) (b) 1., Stats.

Statutory authority: Sections 15.08 (5) (b), 227.11 (2) (a), and 440.62 (5) (b) 1., Stats.

Explanation of board authority:

Section 15.08 (5) (b), Stats., provides that an examining board, “shall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains. . .”

Section 227.11 (2) (a), Stats., states that an agency, “may promulgate rules interpreting the provisions of any statute enforced or administered by the agency, if the agency considers it necessary to effectuate the purpose of the statute, but a rule is not valid if the rule exceeds the bounds of correct interpretation.” This section allows an agency to promulgate administrative rules which interpret the statutes it enforces or administers if the proposed rule does not exceed proper interpretation of the statute.

Section 440.62 (5) (b) 1., Stats., states that “[t]he cosmetology examining board shall promulgate rules prescribing the subjects required to be included in courses of instruction at schools of cosmetology and specialty schools and establishing minimum standards for courses of instruction and instructional materials and equipment at schools of cosmetology and specialty schools.”

Section 454.01 (2), Stats., defines “aesthetics” as ... caring for or beautifying the skin of the human body, including but not limited to cleaning, applying cosmetics, oils, lotions, clay, creams, antiseptics, powders or tonics to or massaging, stimulating, wrapping or exercising the skin of the human body.

Related statute or rule:

Microdermabrasion is currently considered a delegated medical procedure that must be supervised, with exceptions laid out in Cos 2.025 (2r).

Plain language analysis:

Microdermabrasion is currently considered a medical procedure that must be supervised, with exceptions laid out in Cos 2.025 (2r). The proposed rule removes microdermabrasion as a delegated medical procedure and provides that the scope of practice for aesthetics includes dermaplaning, microblading, and microdermabrasion. The proposed rule also clarifies that courses may be offered to students remotely as deemed appropriate by the school. Schools may use simulated patrons for practical training upon prior written approval from the Board. The proposed rule makes other changes to definitions consistent with industry practice.

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

There are no existing or proposed federal requirements.

Comparison with rules in adjacent states:

Illinois:

Cosmetologists are prohibited from using any technique, product, or practice intended to affect the living layers of the skin. Estheticians are prohibited from using techniques, products, and practices intended to affect the living layers of the skin.

Iowa:

Iowa code prohibits cosmetologists/estheticians from administering any procedure in which the human tissue is cut, shaped, vaporized, or otherwise structurally altered. The code specifically prohibits dermaplaning.

Michigan:

Under Michigan law, the practice of microdermabrasion is limited to the direct supervision and control of a licensed physician. Microblading is considered a body art procedure that must be performed at a licensed body art facility.

Minnesota:

Minnesota allows cosmetologists to perform dermaplaning and microdermabrasion unsupervised if they have additional training and an advanced practice esthetician license. Minnesota requires a tattoo license to perform microblading, and does not allow cosmetologists/estheticians/advanced practice estheticians to perform it unless under supervision of a physician.

Summary of factual data and analytical methodologies:

The Cosmology Examining Board reviewed their rules to ensure statutory compliance and that the rules are consistent with current practices.

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

The rule will be posted for 14 days on the department’s website to solicit economic impact comments from stakeholders.

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 Daniel.Hereth @wisconsin.gov, or by calling (608) 267-2435.

Agency contact person:

Kevyn Radcliffe, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, P.O. Box 8366, Madison, Wisconsin 53708; telephone 608-266-0797; email at DSPSAdminRules@wisconsin.gov.

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

Comments may be submitted to Kevyn Radcliffe, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, P.O. Box 8366, Madison, WI 53708-8366, or by email to DSPSAdminRules@wisconsin.gov. Comments must be received on or before the public hearing to be held at a time and place to be announced in the Administrative Register to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. Cos 1.01 (2g) is created to read:

Cos 1.01 (2g) “Chemical process” means the use of chemical reactions to change the texture, style, or length of hair, skin, or nails.

Section 2. Cos 1.01 (2m) is renumbered to Cos 1.01 (2r) and amended to read:

Cos 1.01 (2r) “Chemical waving" means a system of permanent waving ~~employing~~ catalyzed or executed by chemicals rather than heat.

SECTION 3. Cos 1.01 (4m) is created to read:

Cos 1.01 (4m) “Dermaplaning” means the removal of skin layers by use of a razor-edged instrument.

SECTION 4. Cos 1.01 (6e) is amended to read:

Cos 1.01 (6e) "Disinfection" means application of a disinfectant following thorough cleaning of the utensil or surface.

SECTION 5. Cos 1.01 (11g) and (11n) are renumbered Cos. 1.01 (11c) and (11g).

SECTION 6. Cos 1.01 (11n) is created to read:

Cos 1.01 (11n) "Microblading" means the insertion of semipermanent pigment under the skin in order to change its appearance.

SECTION 7. Cos 2.015 is created to read:

Cos 2.015 Scope of Practice The scope of practice of aesthetics under s. 454.01, Stats., includes dermaplaning, microblading, and microdermabrasion.

SECTION 8. Cos 2.025 (2) (b) and (2r) are repealed.

SECTION 9. Cos 2.03 (8) is amended to read:

Cos 2.03 (8) Licensees may not provide the following services unless both the licensee and the establishment are properly licensed by the department of ~~health services~~ safety and professional services:

SECTION 10. Cos 2.05 (2) is amended to read:

Cos 2.05 (2) An establishment shall either post a list of cost of services in a conspicuous place or display a sign which states: "All establishment patrons have the right to be informed of the cost of services ~~before the services are provided~~ prior to being serviced."

SECTION 11. Cos 5.01 is repealed and recreated to read:

Cos 5.01 General course requirements. (1) Schools which provide instruction to students for cosmetology practitioner, or specialty schools which provide instruction to students for aesthetician, electrologist, or manicurist licenses, shall develop curricula for instruction which are based on the applicable syllabus approved by the board in this chapter.

(2) A school or specialty school shall offer at a minimum the practical and theory hours listed for subjects in the appropriate syllabus included in this section chapter.

(3) Courses may be offered to students remotely as deemed appropriate by the school.

(4) Simulated patrons, such as mannequins, may be used for practical training as deemed appropriate by the board. Schools utilizing simulated patrons must obtain prior written approval from the board.

SECTION 12. 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)
