



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-0196/2
MED&TJD:wlj&kjf

2019 BILL

1 **AN ACT to repeal** 15.407 (2), 50.01 (4p), 252.01 (5), 448.01 (6), 448.03 (1) (b),
2 448.03 (3) (e), 448.04 (1) (f), 448.05 (5), 448.20, 448.21, 448.40 (2) (f), 448.695 (4)
3 and 450.01 (15r); **to renumber** 448.038; **to amend** 15.08 (1m) (b), 16.417 (1)
4 (e) 3m., 46.03 (44), 48.981 (2m) (b) 1., 49.45 (9r) (a) 7. a., 50.08 (2), 50.39 (3),
5 50.60 (1), 55.14 (8) (b), 69.01 (6g), 70.47 (8) (intro.), 97.67 (5m) (a) 3., 118.2925
6 (1) (f), 146.38 (1) (b) 1., 146.81 (1) (d), 146.81 (1) (i), 146.81 (1) (j), 146.82 (3) (a),
7 146.89 (1) (r) 1., 146.997 (1) (d) 5., 155.01 (7), 252.15 (1) (am), 252.15 (1) (ar) 1.,
8 255.07 (1) (d), 255.07 (7), 257.01 (5) (a), 257.01 (5) (b), 343.16 (5) (a), 440.035
9 (2m) (b), 440.035 (2m) (c) 1. (intro.), 448.015 (4) (am) 2., 448.02 (1), 448.03 (2)
10 (a), 448.03 (2) (e), 448.03 (2) (k), 448.03 (5) (b), 448.035 (2) to (4), 448.037 (2) (a)
11 (intro.) and (b) and (3), 448.62 (7), 450.01 (16) (hm) 3., 450.10 (3) (a) 5., 450.11
12 (1), 450.11 (1g) (b), 450.11 (1i) (a) 1., 450.11 (1i) (b) 2. c., 450.11 (1i) (c) 2., 450.11
13 (8) (b), 462.02 (2) (e), 462.04, 895.48 (1m) (a) (intro.), 961.01 (19) (a) and 971.14
14 (4) (a); and **to create** 15.405 (4), 49.45 (9r) (a) 7. am., 69.18 (1) (ck), 146.81 (1)

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1 (hr), 146.997 (1) (d) 13m., 180.1901 (1m) (h), 450.10 (3) (a) 12., 450.11 (1i) (b) 2.
2 cm., 450.11 (8) (f), chapter 461 and 990.01 (27s) of the statutes; **relating to:**
3 regulation of physician assistants, creating a Physician Assistant Examining
4 Board, extending the time limit for emergency rule procedures, providing an
5 exemption from emergency rule procedures, granting rule-making authority,
6 and providing a penalty.

Analysis by the Legislative Reference Bureau

This bill makes changes with respect to the licensure, regulation, and practice of physician assistants (PAs).

Under current law, PAs are defined as individuals who are licensed to provide medical care with physician supervision and direction. The Medical Examining Board licenses and regulates PAs as well as physicians and certain other professions. The Medical Examining Board is composed of ten physicians and three public members and is authorized to promulgate rules establishing licensing and practice standards for PAs.

This bill transfers licensure and regulation of PAs to the newly created Physician Assistant Examining Board. The new board is composed of seven PAs, one member who may be either a physician or a PA, and one public member. In addition, the bill makes various changes to the licensure, regulation, and practice of PAs, including all of the following:

1. Instead of requiring that a PA practice under the supervision and direction of a physician, requires, subject to certain exceptions, that a PA who provides care to patients maintain and provide to the board upon request either 1) evidence that, pursuant to the physician assistant's employment, there is a physician who is primarily responsible for the overall direction and management of the physician assistant's professional activities and for assuring that the services provided by the physician assistant are medically appropriate or 2) a written collaborative agreement with a physician or, if the physician assistant's practice is limited to the practice of podiatry, a podiatrist, which must describe the PA's scope of practice and include other information as required by the board. However, the bill provides that a PA is individually and independently responsible for the quality of the care he or she renders.

2. Defines a PA's practice similarly to the definition of the practice of medicine and surgery. The bill also explicitly provides that a PA may prescribe, dispense, and administer drugs and may serve as a primary or specialty care provider. The bill requires a PA to limit his or her practice to the scope of his or her experience, education, and training, and retains a number of limitations on the practice of PAs.

3. Includes a number of additional provisions with respect to the obligations of PAs. These include a requirement that a PA have in effect malpractice liability

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insurance coverage when practicing, subject to certain exceptions and other provisions.

4. Establishes licensure requirements for PAs, which differ in a number of respects from the requirements under current law, including that PAs submit additional information, including an employment history, with a licensure application. Under the bill, the board must require continuing education for PAs. Currently, PAs are not required to complete continuing education.

5. Specifies various grounds for professional discipline of a PA by the board and allows the board to impose professional discipline consistent with other professions.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report.

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.** 15.08 (1m) (b) of the statutes is amended to read:
2 15.08 (**1m**) (b) The public members of the chiropractic examining board, the
3 dentistry examining board, the hearing and speech examining board, the medical
4 examining board, the physical therapy examining board, the perfusionists
5 examining council, the respiratory care practitioners examining council ~~and council~~
6 ~~on,~~ the physician assistants assistant examining board, the board of nursing, the
7 nursing home administrator examining board, the veterinary examining board, the
8 optometry examining board, the pharmacy examining board, the marriage and
9 family therapy, professional counseling, and social work examining board, the
10 psychology examining board, and the radiography examining board shall not be
11 engaged in any profession or occupation concerned with the delivery of physical or
12 mental health care.

13 **SECTION 2.** 15.405 (4) of the statutes is created to read:

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1 15.405 (4) PHYSICIAN ASSISTANT EXAMINING BOARD. (a) There is created in the
2 department of safety and professional services a physician assistant examining
3 board consisting of the following members appointed for staggered 4-year terms:

4 1. Seven physician assistants licensed under ch. 461.

5 2. One individual who is either a physician licensed under subch. II of ch. 448
6 or a physician assistant licensed under ch. 461.

7 3. One public member.

8 (b) The governor may appoint a physician assistant to the physician assistant
9 examining board under par. (a) 2. only if the governor has determined that there is
10 no suitable physician who is willing to serve on the board.

11 **SECTION 3.** 15.407 (2) of the statutes is repealed.

12 **SECTION 4.** 16.417 (1) (e) 3m. of the statutes is amended to read:

13 16.417 (1) (e) 3m. A physician assistant who is licensed under s. 448.04 (1) (f)
14 461.07.

15 **SECTION 5.** 46.03 (44) of the statutes is amended to read:

16 46.03 (44) SEXUALLY TRANSMITTED DISEASE TREATMENT INFORMATION. Prepare and
17 keep current an information sheet to be distributed to a patient by a physician,
18 physician assistant, or certified advanced practice nurse prescriber providing
19 expedited partner therapy to that patient under s. 448.035 or 461.035. The
20 information sheet shall include information about sexually transmitted diseases and
21 their treatment and about the risk of drug allergies. The information sheet shall also
22 include a statement advising a person with questions about the information to
23 contact his or her physician, pharmacist, or local health department, as defined in
24 s. 250.01 (4).

25 **SECTION 6.** 48.981 (2m) (b) 1. of the statutes is amended to read:

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1 48.981 **(2m)** (b) 1. “Health care provider” means a physician, as defined under
2 s. 448.01 (5), a physician assistant, as defined under s. 448.01 ~~(6)~~ 461.01 (3), or a
3 nurse holding a license under s. 441.06 (1) or a license under s. 441.10.

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

5 49.45 **(9r)** (a) 7. a. A physician ~~or physician assistant~~ licensed under subch. II
6 of ch. 448.

7 **SECTION 8.** 49.45 (9r) (a) 7. am. of the statutes is created to read:

8 49.45 **(9r)** (a) 7. am. A physician assistant licensed under ch. 461.

9 **SECTION 9.** 50.01 (4p) of the statutes is repealed.

10 **SECTION 10.** 50.08 (2) of the statutes is amended to read:

11 50.08 **(2)** A physician, an advanced practice nurse prescriber certified under
12 s. 441.16 (2), or a physician assistant licensed under ~~ch. 448~~, who prescribes a
13 psychotropic medication to a nursing home resident who has degenerative brain
14 disorder shall notify the nursing home if the prescribed medication has a boxed
15 warning under 21 CFR 201.57.

16 **SECTION 11.** 50.39 (3) of the statutes is amended to read:

17 50.39 **(3)** Facilities governed by ss. 45.50, 48.62, 49.70, 49.72, 50.02, 51.09, and
18 252.10, juvenile correctional facilities as defined in s. 938.02 (10p), correctional
19 institutions governed by the department of corrections under s. 301.02, and the
20 offices and clinics of persons licensed to treat the sick under chs. 446, 447, and 448
21 are exempt from ss. 50.32 to 50.39. Sections 50.32 to 50.39 do not abridge the rights
22 of the medical examining board, physician assistant examining board, physical
23 therapy examining board, podiatry affiliated credentialing board, dentistry
24 examining board, pharmacy examining board, chiropractic examining board, and
25 board of nursing in carrying out their statutory duties and responsibilities.

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1 **SECTION 12.** 50.60 (1) of the statutes is amended to read:

2 50.60 (1) “Health care provider” has the meaning given in s. 146.81 (1) (a) to
3 ~~(hp)~~ (hr).

4 **SECTION 13.** 55.14 (8) (b) of the statutes is amended to read:

5 55.14 (8) (b) Order the individual to comply with the treatment plan under par.
6 (a). The order shall provide that if the individual fails to comply with provisions of
7 the treatment plan that require the individual to take psychotropic medications, the
8 medications may be administered involuntarily with consent of the guardian. The
9 order shall specify the methods of involuntary administration of psychotropic
10 medication to which the guardian may consent. An order authorizing the forcible
11 restraint of an individual shall specify that a person licensed under s. 441.06, 441.10,
12 ~~or 448.05 (2) or (5),~~ or 461.07 shall be present at all times that psychotropic
13 medication is administered in this manner and shall require the person or facility
14 using forcible restraint to maintain records stating the date of each administration,
15 the medication administered, and the method of forcible restraint utilized.

16 **SECTION 14.** 69.01 (6g) of the statutes is amended to read:

17 69.01 (6g) “Date of death” means the date that a person is pronounced dead by
18 a physician, coroner, deputy coroner, medical examiner, deputy medical examiner,
19 physician assistant, or hospice nurse.

20 **SECTION 15.** 69.18 (1) (ck) of the statutes is created to read:

21 69.18 (1) (ck) For purposes of preparation of the certificate of death and in
22 accordance with accepted medical standards, a physician assistant who is directly
23 involved with the care of a patient who dies may pronounce the date, time, and place
24 of the patient’s death.

25 **SECTION 16.** 70.47 (8) (intro.) of the statutes is amended to read:

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1 70.47 (8) HEARING. (intro.) The board shall hear upon oath all persons who
2 appear before it in relation to the assessment. Instead of appearing in person at the
3 hearing, the board may allow the property owner, or the property owner's
4 representative, at the request of either person, to appear before the board, under
5 oath, by telephone or to submit written statements, under oath, to the board. The
6 board shall hear upon oath, by telephone, all ill or disabled persons who present to
7 the board a letter from a physician, osteopath, physician assistant, as defined in s.
8 448.01 (6), or advanced practice nurse prescriber certified under s. 441.16 (2) that
9 confirms their illness or disability. At the request of the property owner or the
10 property owner's representative, the board may postpone and reschedule a hearing
11 under this subsection, but may not postpone and reschedule a hearing more than
12 once during the same session for the same property. The board at such hearing shall
13 proceed as follows:

14 **SECTION 17.** 97.67 (5m) (a) 3. of the statutes is amended to read:

15 97.67 (5m) (a) 3. A physician assistant licensed under subch. II of ch. 448 461.

16 **SECTION 18.** 118.2925 (1) (f) of the statutes is amended to read:

17 118.2925 (1) (f) "Physician assistant" means a person licensed under s. 448.04
18 (1) (f) 461.07.

19 **SECTION 19.** 146.38 (1) (b) 1. of the statutes is amended to read:

20 146.38 (1) (b) 1. A person specified in s. 146.81 (1) (a) to ~~(hp)~~ (hr), (r), or (s).

21 **SECTION 20.** 146.81 (1) (d) of the statutes is amended to read:

22 146.81 (1) (d) A physician, ~~physician assistant~~, perfusionist, or respiratory care
23 practitioner licensed or certified under subch. II of ch. 448.

24 **SECTION 21.** 146.81 (1) (hr) of the statutes is created to read:

25 146.81 (1) (hr) A physician assistant licensed under ch. 461.

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1 **SECTION 22.** 146.81 (1) (i) of the statutes is amended to read:

2 146.81 (1) (i) A partnership of any providers specified under pars. (a) to ~~(hp)~~
3 ~~(hr)~~.

4 **SECTION 23.** 146.81 (1) (j) of the statutes is amended to read:

5 146.81 (1) (j) A corporation or limited liability company of any providers
6 specified under pars. (a) to ~~(hp)~~ (hr) that provides health care services.

7 **SECTION 24.** 146.82 (3) (a) of the statutes is amended to read:

8 146.82 (3) (a) Notwithstanding sub. (1), a physician, physician assistant, as
9 defined in s. 448.01 (6), or advanced practice nurse prescriber certified under s.
10 441.16 (2) who treats a patient whose physical or mental condition in the physician's,
11 physician assistant's, or advanced practice nurse prescriber's judgment affects the
12 patient's ability to exercise reasonable and ordinary control over a motor vehicle may
13 report the patient's name and other information relevant to the condition to the
14 department of transportation without the informed consent of the patient.

15 **SECTION 25.** 146.89 (1) (r) 1. of the statutes is amended to read:

16 146.89 (1) (r) 1. Licensed as a physician under ch. 448, a dentist or dental
17 hygienist under ch. 447, a registered nurse, practical nurse, or nurse-midwife under
18 ch. 441, an optometrist under ch. 449, a physician assistant under ch. 448 461, a
19 pharmacist under ch. 450, a chiropractor under ch. 446, a podiatrist under subch. IV
20 of ch. 448, or a physical therapist under subch. III of ch. 448.

21 **SECTION 26.** 146.997 (1) (d) 5. of the statutes is amended to read:

22 146.997 (1) (d) 5. An occupational therapist, occupational therapy assistant,
23 ~~physician assistant~~ or respiratory care practitioner licensed or certified under ch.
24 448.

25 **SECTION 27.** 146.997 (1) (d) 13m. of the statutes is created to read:

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1 146.997 (1) (d) 13m. A physician assistant licensed under ch. 461.

2 **SECTION 28.** 155.01 (7) of the statutes is amended to read:

3 155.01 (7) “Health care provider” means a nurse licensed or permitted under
4 ch. 441, a chiropractor licensed under ch. 446, a dentist licensed under ch. 447, a
5 physician, ~~physician assistant~~, perfusionist, podiatrist, physical therapist, physical
6 therapist assistant, occupational therapist, or occupational therapy assistant
7 licensed under ch. 448, a person practicing Christian Science treatment, an
8 optometrist licensed under ch. 449, a psychologist licensed under ch. 455, a physician
9 assistant licensed under ch. 461, a partnership thereof, a corporation or limited
10 liability company thereof that provides health care services, a cooperative health
11 care association organized under s. 185.981 that directly provides services through
12 salaried employees in its own facility, or a home health agency, as defined in s. 50.49
13 (1) (a).

14 **SECTION 29.** 180.1901 (1m) (h) of the statutes is created to read:

15 180.1901 (1m) (h) Physician assistant examining board under ch. 461.

16 **SECTION 30.** 252.01 (5) of the statutes is repealed.

17 **SECTION 31.** 252.15 (1) (am) of the statutes is amended to read:

18 252.15 (1) (am) “Health care professional” means a physician ~~or physician~~
19 ~~assistant who is licensed under ch. 448 or~~, a registered nurse or licensed practical
20 nurse ~~who is licensed under ch. 441~~, or a physician assistant licensed under ch. 461.

21 **SECTION 32.** 252.15 (1) (ar) 1. of the statutes is amended to read:

22 252.15 (1) (ar) 1. A person or entity that is specified in s. 146.81 (1) (a) to (hm),
23 (hr), and (i) to (p).

24 **SECTION 33.** 255.07 (1) (d) of the statutes is amended to read:

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1 255.07 (1) (d) “Health care practitioner” means a physician, a physician
2 assistant ~~licensed under s. 448.04 (1) (f)~~, or an advanced practice nurse who is
3 certified to issue prescription orders under s. 441.16.

4 **SECTION 34.** 255.07 (7) of the statutes is amended to read:

5 255.07 (7) HEALTH CARE PROVIDERS. Nothing in this section prohibits a health
6 care provider, as defined in s. 146.81 (1) (a) to ~~(hp)~~ (hr) and (q) to (s), from acting
7 within the scope of practice of the health care provider’s license, certificate, permit,
8 or registration.

9 **SECTION 35.** 257.01 (5) (a) of the statutes is amended to read:

10 257.01 (5) (a) An individual who is licensed as a physician, ~~a physician~~
11 assistant, or a podiatrist under ch. 448, licensed as a registered nurse, licensed
12 practical nurse, or nurse-midwife under ch. 441, licensed as a dentist under ch. 447,
13 licensed as a pharmacist under ch. 450, licensed as a physician assistant under ch.
14 461, licensed as a veterinarian or certified as a veterinary technician under ch. 89,
15 or certified as a respiratory care practitioner under ch. 448.

16 **SECTION 36.** 257.01 (5) (b) of the statutes is amended to read:

17 257.01 (5) (b) An individual who was at any time within the previous 10 years,
18 but is not currently, licensed as a physician, ~~a physician assistant~~, or a podiatrist
19 under ch. 448, licensed as a registered nurse, licensed practical nurse or
20 nurse-midwife, under ch. 441, licensed as a dentist under ch. 447, licensed as a
21 pharmacist under ch. 450, licensed as a physician assistant under ch. 461 or as a
22 physician assistant under ch. 448, 2017 stats., licensed as a veterinarian or certified
23 as a veterinary technician under ch. 89, or certified as a respiratory care practitioner
24 under ch. 448, if the individual’s license or certification was never revoked, limited,
25 suspended, or denied renewal.

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1 **SECTION 37.** 343.16 (5) (a) of the statutes is amended to read:

2 343.16 **(5)** (a) The secretary may require any applicant for a license or any
3 licensed operator to submit to a special examination by such persons or agencies as
4 the secretary may direct to determine incompetency, physical or mental disability,
5 disease, or any other condition that might prevent such applicant or licensed person
6 from exercising reasonable and ordinary control over a motor vehicle. If the
7 department requires the applicant to submit to an examination, the applicant shall
8 pay for the examination. If the department receives an application for a renewal or
9 duplicate license after voluntary surrender under s. 343.265 or receives a report from
10 a physician, physician assistant, ~~as defined in s. 448.01 (6)~~, advanced practice nurse
11 prescriber certified under s. 441.16 (2), or optometrist under s. 146.82 (3), or if the
12 department has a report of 2 or more arrests within a one-year period for any
13 combination of violations of s. 346.63 (1) or (5) or a local ordinance in conformity with
14 s. 346.63 (1) or (5) or a law of a federally recognized American Indian tribe or band
15 in this state in conformity with s. 346.63 (1) or (5), or s. 346.63 (1m), 1985 stats., or
16 s. 346.63 (2) or (6) or 940.25, or s. 940.09 where the offense involved the use of a
17 vehicle, the department shall determine, by interview or otherwise, whether the
18 operator should submit to an examination under this section. The examination may
19 consist of an assessment. If the examination indicates that education or treatment
20 for a disability, disease or condition concerning the use of alcohol, a controlled
21 substance or a controlled substance analog is appropriate, the department may order
22 a driver safety plan in accordance with s. 343.30 (1q). If there is noncompliance with
23 assessment or the driver safety plan, the department shall revoke the person's
24 operating privilege in the manner specified in s. 343.30 (1q) (d).

25 **SECTION 38.** 440.035 (2m) (b) of the statutes is amended to read:

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1 440.035 **(2m)** (b) The medical examining board, the physician assistant
2 examining board, the podiatry affiliated credentialing board, the board of nursing,
3 the dentistry examining board, or the optometry examining board may issue
4 guidelines regarding best practices in prescribing controlled substances for persons
5 credentialed by that board who are authorized to prescribe controlled substances.

6 **SECTION 39.** 440.035 (2m) (c) 1. (intro.) of the statutes is amended to read:

7 440.035 **(2m)** (c) 1. (intro.) The medical examining board, the physician
8 assistant examining board, the podiatry affiliated credentialing board, the board of
9 nursing, the dentistry examining board, and the optometry examining board shall,
10 by November 1, 2018, ~~and annually thereafter~~ of each year, submit a report to the
11 persons specified in subd. 2. that does all of the following:

12 **SECTION 40.** 448.01 (6) of the statutes is repealed.

13 **SECTION 41.** 448.015 (4) (am) 2. of the statutes is amended to read:

14 448.015 **(4)** (am) 2. Any act by a physician ~~or physician assistant~~ in violation
15 of ch. 450 or 961.

16 **SECTION 42.** 448.02 (1) of the statutes is amended to read:

17 448.02 **(1)** LICENSE. The board may grant licenses, including various classes
18 of temporary licenses, to practice medicine and surgery, to practice as an
19 administrative physician, to practice perfusion, and to practice as an
20 anesthesiologist assistant, ~~and to practice as a physician assistant.~~

21 **SECTION 43.** 448.03 (1) (b) of the statutes is repealed.

22 **SECTION 44.** 448.03 (2) (a) of the statutes is amended to read:

23 448.03 **(2)** (a) Any person lawfully practicing within the scope of a license,
24 permit, registration, certificate or certification granted to practice midwifery under
25 subch. XIII of ch. 440, to practice professional or practical nursing or

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1 nurse-midwifery under ch. 441, to practice chiropractic under ch. 446, to practice
2 dentistry or dental hygiene under ch. 447, to practice optometry under ch. 449, to
3 practice acupuncture under ch. 451 or under any other statutory provision, to
4 practice as a physician assistant under ch. 461, or as otherwise provided by statute.

5 **SECTION 45.** 448.03 (2) (e) of the statutes is amended to read:

6 448.03 (2) (e) Any person other than ~~a physician assistant~~ or an
7 anesthesiologist assistant who is providing patient services as directed, supervised
8 and inspected by a physician who has the power to direct, decide and oversee the
9 implementation of the patient services rendered.

10 **SECTION 46.** 448.03 (2) (k) of the statutes is amended to read:

11 448.03 (2) (k) Any persons, other than ~~physician assistants~~, anesthesiologist
12 assistants, or perfusionists, who assist physicians.

13 **SECTION 47.** 448.03 (3) (e) of the statutes is repealed.

14 **SECTION 48.** 448.03 (5) (b) of the statutes is amended to read:

15 448.03 (5) (b) No physician ~~or physician assistant~~ shall be liable for any civil
16 damages for either of the following:

17 1. Reporting in good faith to the department of transportation under s. 146.82
18 (3) a patient's name and other information relevant to a physical or mental condition
19 of the patient which in the physician's ~~or physician assistant's~~ judgment impairs the
20 patient's ability to exercise reasonable and ordinary control over a motor vehicle.

21 2. In good faith, not reporting to the department of transportation under s.
22 146.82 (3) a patient's name and other information relevant to a physical or mental
23 condition of the patient which in the physician's ~~or physician assistant's~~ judgment
24 does not impair the patient's ability to exercise reasonable and ordinary control over
25 a motor vehicle.

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1 **SECTION 49.** 448.035 (2) to (4) of the statutes are amended to read:

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

16 **(3)** The physician, ~~physician assistant~~, or certified advanced practice nurse
17 prescriber shall provide the patient with a copy of the information sheet prepared by
18 the department of health services under s. 46.03 (44) and shall request that the
19 patient give the information sheet to the person with whom the patient had sexual
20 contact.

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

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

5 **SECTION 50.** 448.037 (2) (a) (intro.) and (b) and (3) of the statutes are amended
6 to read:

7 448.037 (2) (a) (intro.) A physician ~~or physician assistant~~ may do any of the
8 following:

9 (b) A physician ~~or physician assistant~~ who prescribes or delivers an opioid
10 antagonist under par. (a) 1. shall ensure that the person to whom the opioid
11 antagonist is prescribed has or has the capacity to provide the knowledge and
12 training necessary to safely administer the opioid antagonist to an individual
13 undergoing an opioid-related overdose and that the person demonstrates the
14 capacity to ensure that any individual to whom the person further delivers the opioid
15 antagonist has or receives that knowledge and training.

16 (3) A physician ~~or physician assistant~~ who, acting in good faith, prescribes or
17 delivers an opioid antagonist in accordance with sub. (2), or who, acting in good faith,
18 otherwise lawfully prescribes or dispenses an opioid antagonist, shall be immune
19 from criminal or civil liability and may not be subject to professional discipline under
20 s. 448.02 for any outcomes resulting from prescribing, delivering, or dispensing the
21 opioid antagonist.

22 **SECTION 51.** 448.038 of the statutes is renumbered 461.038.

23 **SECTION 52.** 448.04 (1) (f) of the statutes is repealed.

24 **SECTION 53.** 448.05 (5) of the statutes is repealed.

25 **SECTION 54.** 448.20 of the statutes is repealed.

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1 **SECTION 55.** 448.21 of the statutes is repealed.

2 **SECTION 56.** 448.40 (2) (f) of the statutes is repealed.

3 **SECTION 57.** 448.62 (7) of the statutes is amended to read:

4 448.62 (7) A physician assistant who is acting ~~under the supervision and~~
5 ~~direction of~~ in collaboration with a podiatrist, ~~subject to s. 448.21 (4) as described in~~
6 s. 461.10 (2) (a) 1. c. or an individual to whom the physician assistant delegates a task
7 or order under s. 461.10 (4).

8 **SECTION 58.** 448.695 (4) of the statutes is repealed.

9 **SECTION 59.** 450.01 (15r) of the statutes is repealed.

10 **SECTION 60.** 450.01 (16) (hm) 3. of the statutes is amended to read:

11 450.01 (16) (hm) 3. The patient's physician assistant, ~~if the physician assistant~~
12 ~~is under the supervision of the patient's personal attending physician.~~

13 **SECTION 61.** 450.10 (3) (a) 5. of the statutes is amended to read:

14 450.10 (3) (a) 5. A physician, ~~physician assistant,~~ podiatrist, physical
15 therapist, physical therapist assistant, occupational therapist, or occupational
16 therapy assistant licensed under ch. 448.

17 **SECTION 62.** 450.10 (3) (a) 12. of the statutes is created to read:

18 450.10 (3) (a) 12. A physician assistant licensed under ch. 461.

19 **SECTION 63.** 450.11 (1) of the statutes is amended to read:

20 450.11 (1) DISPENSING. Except as provided in sub. (1i) (b) 2., no person may
21 dispense any prescribed drug or device except upon the prescription order of a
22 practitioner. All prescription orders shall, except as provided in sub. (1a), specify the
23 date of issue, the name and address of the practitioner, the name and quantity of the
24 drug product or device prescribed, directions for the use of the drug product or device,
25 the symptom or purpose for which the drug is being prescribed if required under sub.

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1 (4) (a) 8., and, if the order is written by the practitioner, the signature of the
2 practitioner. Except as provided in ss. 118.2925 (3), 255.07 (2), 441.18 (2) (a) 1.,
3 448.035 (2), and 448.037 (2) (a) 1., 461.035 (2), and 461.037 (2) (a) 1. and except for
4 standing orders issued under s. 441.18 (2) (a) 2. ~~or, 448.037 (2) (a) 2., or 461.037 (2)~~
5 (a) 2., all prescription orders shall also specify the name and address of the patient.
6 A prescription order issued under s. 118.2925 (3) shall specify the name and address
7 of the school. A prescription order issued under s. 255.07 (2) shall specify the name
8 and address of the authorized entity or authorized individual. Any oral prescription
9 order shall be immediately reduced to writing by the pharmacist and filed according
10 to sub. (2).

11 **SECTION 64.** 450.11 (1g) (b) of the statutes is amended to read:

12 450.11 (1g) (b) A pharmacist may, upon the prescription order of a practitioner
13 providing expedited partner therapy, as specified in s. 448.035 or 461.035, that
14 complies with the requirements of sub. (1), dispense an antimicrobial drug as a
15 course of therapy for treatment of chlamydial infections, gonorrhea, or
16 trichomoniasis to the practitioner's patient or a person with whom the patient has
17 had sexual contact for use by the person with whom the patient has had sexual
18 contact. The pharmacist shall provide a consultation in accordance with rules
19 promulgated by the board for the dispensing of a prescription to the person to whom
20 the antimicrobial drug is dispensed. A pharmacist providing a consultation under
21 this paragraph shall ask whether the person for whom the antimicrobial drug has
22 been prescribed is allergic to the antimicrobial drug and advise that the person for
23 whom the antimicrobial drug has been prescribed must discontinue use of the
24 antimicrobial drug if the person is allergic to or develops signs of an allergic reaction
25 to the antimicrobial drug.

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1 **SECTION 65.** 450.11 (1i) (a) 1. of the statutes is amended to read:

2 450.11 **(1i)** (a) 1. A pharmacist may, upon and in accordance with the
3 prescription order of an advanced practice nurse prescriber under s. 441.18 (2) (a) 1.,
4 ~~or of a physician or physician assistant under s. 448.037 (2) (a) 1., or of a physician~~
5 assistant under s. 461.037 (2) (a) 1. that complies with the requirements of sub. (1),
6 deliver an opioid antagonist to a person specified in the prescription order and may,
7 upon and in accordance with the standing order of an advanced practice nurse
8 prescriber under s. 441.18 (2) (a) 2., ~~or of a physician or physician assistant under~~
9 s. 448.037 (2) (a) 2., or of a physician assistant under s. 461.037 (2) (a) 2. that complies
10 with the requirements of sub. (1), deliver an opioid antagonist to an individual in
11 accordance with the order. The pharmacist shall provide a consultation in
12 accordance with rules promulgated by the board for the delivery of a prescription to
13 the person to whom the opioid antagonist is delivered.

14 **SECTION 66.** 450.11 (1i) (b) 2. c. of the statutes is amended to read:

15 450.11 **(1i)** (b) 2. c. A physician ~~or physician assistant~~ may only deliver or
16 dispense an opioid antagonist in accordance with s. 448.037 (2) or in accordance with
17 his or her other legal authority to dispense prescription drugs.

18 **SECTION 67.** 450.11 (1i) (b) 2. cm. of the statutes is created to read:

19 450.11 **(1i)** (b) 2. cm. A physician assistant may only deliver or dispense an
20 opioid antagonist in accordance with s. 461.037 (2) or in accordance with his or her
21 other legal authority to dispense prescription drugs.

22 **SECTION 68.** 450.11 (1i) (c) 2. of the statutes is amended to read:

23 450.11 **(1i)** (c) 2. Subject to par. (a) 2. and ss. 441.18 (3) ~~and~~, 448.037 (3), and
24 461.037 (3), any person who, acting in good faith, delivers or dispenses an opioid

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1 antagonist to another person shall be immune from civil or criminal liability for any
2 outcomes resulting from delivering or dispensing the opioid antagonist.

3 **SECTION 69.** 450.11 (8) (b) of the statutes is amended to read:

4 450.11 (8) (b) The medical examining board, insofar as this section applies to
5 physicians and ~~physician assistants~~.

6 **SECTION 70.** 450.11 (8) (f) of the statutes is created to read:

7 450.11 (8) (f) The physician assistant examining board, insofar as this section
8 applies to physician assistants.

9 **SECTION 71.** Chapter 461 of the statutes is created to read:

10 **CHAPTER 461**

11 **PHYSICIAN ASSISTANTS**

12 **461.01 Definitions.** In this chapter, unless the context requires otherwise:

13 (1) "Board" means the physician assistant examining board.

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

17 (3) "Physician assistant" means a person licensed under this chapter.

18 (4) "Podiatrist" has the meaning given in s. 448.60 (3).

19 (5) "Podiatry" has the meaning given in s. 448.60 (4).

20 (6) "Practice of medicine and surgery" has the meaning given in s. 448.01 (9).

21 **461.03 License required; exceptions.** (1) Except as provided in subs. (2)
22 and (3), no person may represent himself or herself as a "PA," "physician assistant,"
23 "physician associate," or "associate physician," use or assume the title "PA,"
24 "physician assistant," "physician associate," or "associate physician," or append to
25 the person's name the words or letters "physician assistant," "physician associate,"

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1 “associate physician,” “PA,” “PA-C,” or any other titles, letters, or designation that
2 represents or may tend to represent the person as a physician assistant, unless he
3 or she is licensed by the board under this chapter.

4 (2) Subsection (1) does not apply with respect to any of the following:

5 (a) An individual employed and duly credentialed as a physician assistant or
6 physician associate by the federal government while performing duties incident to
7 that employment, unless a license under this chapter is required by the federal
8 government.

9 (b) A person who satisfies the requirement under s. 461.07 (1) (a) 3. but who
10 is not licensed under this chapter. This paragraph does not allow such a person to
11 practice medicine and surgery in violation of s. 448.03 (1) (a) or to practice podiatry
12 in violation of s. 448.61.

13 (3) A student who is enrolled in an accredited physician assistant educational
14 program may use the title “physician assistant student,” “PA student,” or “PA-S.”

15 **461.035 Expedited partner therapy. (1)** In this section:

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

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

18 (2) Notwithstanding the requirements of s. 461.40, a physician assistant may
19 provide expedited partner therapy if a patient is diagnosed as infected with a
20 chlamydial infection, gonorrhea, or trichomoniasis and the patient has had sexual
21 contact with a sexual partner during which the chlamydial infection, gonorrhea, or
22 trichomoniasis may have been transmitted to or from the sexual partner. The
23 physician assistant shall attempt to obtain the name of the patient’s sexual partner.
24 A prescription order for an antimicrobial drug prepared under this subsection shall
25 include the name and address of the patient’s sexual partner, if known. If the

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1 physician assistant is unable to obtain the name of the patient's sexual partner, the
2 prescription order shall include, in ordinary, bold-faced capital letters, the words,
3 "expedited partner therapy" or the letters "EPT."

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

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

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

15 **461.037 Prescriptions for and delivery of opioid antagonists.** (1) In this
16 section:

17 (a) "Administer" has the meaning given in s. 450.01 (1).

18 (b) "Deliver" has the meaning given in s. 450.01 (5).

19 (c) "Dispense" has the meaning given in s. 450.01 (7).

20 (d) "Opioid antagonist" has the meaning given in s. 450.01 (13v).

21 (e) "Opioid-related drug overdose" has the meaning given in s. 256.40 (1) (d).

22 (f) "Standing order" has the meaning given in s. 450.01 (21p).

23 (2) (a) A physician assistant may do any of the following:

24 1. Prescribe an opioid antagonist to a person in a position to assist an individual
25 at risk of undergoing an opioid-related drug overdose and may deliver the opioid

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1 antagonist to that person. A prescription order under this subdivision need not
2 specify the name and address of the individual to whom the opioid antagonist will
3 be administered, but shall instead specify the name of the person to whom the opioid
4 antagonist is prescribed.

5 2. Issue a standing order to one or more persons authorizing the dispensing of
6 an opioid antagonist.

7 (b) A physician assistant who prescribes or delivers an opioid antagonist under
8 par. (a) 1. shall ensure that the person to whom the opioid antagonist is prescribed
9 has or has the capacity to provide the knowledge and training necessary to safely
10 administer the opioid antagonist to an individual undergoing an opioid-related
11 overdose and that the person demonstrates the capacity to ensure that any
12 individual to whom the person further delivers the opioid antagonist has or receives
13 that knowledge and training.

14 (3) A physician assistant who, acting in good faith, prescribes or delivers an
15 opioid antagonist in accordance with sub. (2) or who, acting in good faith, otherwise
16 lawfully prescribes or dispenses an opioid antagonist shall be immune from criminal
17 or civil liability and may not be subject to professional discipline under s. 461.30 for
18 any outcomes resulting from prescribing, delivering, or dispensing the opioid
19 antagonist.

20 **461.05 Powers and duties of board.** (1) (a) The board shall promulgate
21 rules implementing s. 461.40.

22 (b) The board shall promulgate rules establishing continuing education
23 requirements for physician assistants.

24 (c) The board may promulgate other rules to carry out the purposes of this
25 chapter, including any of the following:

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1 1. Rules defining what constitutes unprofessional conduct for physician
2 assistants for purposes of s. 461.30 (2) (d).

3 2. Rules under s. 461.12 (2).

4 **(2)** The board shall include in the register the board maintains under s. 440.035
5 (1m) (d) the names of all persons whose licenses issued under this chapter were
6 suspended or revoked within the past 2 years. The register shall be available for
7 purchase at cost.

8 **461.07 License; renewal.** **(1)** (a) Except as provided in par. (b), the board
9 shall grant an initial license to practice as a physician assistant to any applicant who
10 is found qualified by three-fourths of the members of the board and satisfies all of
11 the following requirements, as determined by the board:

12 1. The applicant submits an application on a form provided by the department
13 and pays the initial credential fee determined by the department under s. 440.03 (9)
14 (a).

15 2. The applicant is at least 18 years of age.

16 3. The applicant provides evidence of one of the following:

17 a. That the applicant has successfully completed an educational program for
18 physician assistants or physician associates that is accredited by the Accreditation
19 Review Commission on Education for the Physician Assistant or its successor or,
20 prior to 2001, by the Committee on Allied Health Education and Accreditation or the
21 Commission on Accreditation of Allied Health Education Programs.

22 b. If the applicant does not satisfy subd. 3. a., that the applicant, prior to
23 January 1, 1986, successfully passed the Physician Assistant National Certifying
24 Examination administered by the National Commission on Certification of
25 Physician Assistants.

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1 4. The applicant passes the National Commission on Certification of Physician
2 Assistants examination or an equivalent national examination adopted by the board.

3 5. The applicant provides a listing with all employers, practice settings,
4 internships, residencies, fellowships, and other employment for the past 7 years.

5 6. Subject to ss. 111.321, 111.322, and 111.335, the applicant does not have an
6 arrest or conviction record.

7 (b) Paragraph (a) 3. does not apply to an applicant if the applicant provides
8 evidence that he or she is licensed as a physician assistant or physician associate in
9 another state, the District of Columbia, Puerto Rico, the United States Virgin
10 Islands, or any territory or insular possession subject to the jurisdiction of the United
11 States and the board determines that the requirements for obtaining the license in
12 that state or territory are substantially equivalent to the requirements under par.
13 (a).

14 **(2)** (a) The renewal date for a license issued under this chapter is specified
15 under s. 440.08 (2) (a), and the renewal fees for such licenses are determined by the
16 department under s. 440.03 (9) (a). Renewal of a license is subject to par. (b).

17 (b) An applicant for the renewal of a license under this chapter shall submit
18 with his or her application for renewal proof of having satisfied the continuing
19 education requirements imposed by the board under s. 461.05 (1) (b). This paragraph
20 does not apply to an applicant for renewal of a license that expires on the first
21 renewal date after the date on which the board initially granted the license.

22 **(3)** Notwithstanding sub. (1), an individual who, on the effective date of this
23 subsection [LRB inserts date], was licensed by the medical examining board as
24 a physician assistant under subch. II of ch. 448, 2017 stats., shall be considered to
25 have been licensed under sub. (1) for purposes of this chapter.

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1 **461.10 Practice and employment.** (1) (a) Subject to the limitations and
2 requirements under sub. (2); the physician assistant's experience, education, and
3 training; and any rules promulgated under sub. (5), a physician assistant may do any
4 of the following:

5 1. Examine into the fact, condition, or cause of human health or disease, or
6 treat, operate, prescribe, or advise for the same, by any means or instrumentality.

7 2. Apply principles or techniques of medical sciences in the diagnosis or
8 prevention of any of the conditions described in subd. 1. and in s. 461.01 (2).

9 3. Penetrate, pierce, or sever the tissues of a human being.

10 4. Offer, undertake, attempt, or hold oneself out in any manner as able to do
11 any of the acts described in this paragraph.

12 (b) Subject to any rules promulgated by the board and consistent with his or
13 her experience, education, and training, a physician assistant may order, prescribe,
14 procure, dispense, and administer prescription drugs, medical devices, services, and
15 supplies.

16 (c) A physician assistant may practice in ambulatory care, acute care,
17 long-term care, home care, or other settings as a primary, specialty, or surgical care
18 provider who may serve as a patient's primary care provider or specialty care
19 provider.

20 **(2)** (a) 1. Except as provided in subd. 3. and sub. (5) (a) or (b), a physician
21 assistant who provides care to patients shall maintain and provide to the board upon
22 request one of the following:

23 a. Evidence that, pursuant to the physician assistant's employment, there is
24 a physician who is primarily responsible for the overall direction and management
25 of the physician assistant's professional activities and for assuring that the services

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1 provided by the physician assistant are medically appropriate. In this subd. 1. a.,
2 “employment” includes an arrangement between the physician assistant and a 3rd
3 party in which the 3rd party receives payment for services provided by the physician
4 assistant.

5 b. A written collaborative agreement with a physician that describes the
6 physician assistant’s individual scope of practice and that includes other information
7 as required by the board.

8 c. If the physician assistant’s practice is limited to the practice of podiatry, a
9 written collaborative agreement with a podiatrist or physician that describes the
10 physician assistant’s individual scope of podiatry practice and that includes other
11 information as required by the board.

12 2. Subdivision 1. does not require the physical presence of a physician or
13 podiatrist at the time and place a physician assistant renders a service.

14 3. Subdivision 1. does not apply with respect to a physician assistant who is
15 employed by the federal government as a civilian or member of the uniformed
16 services while performing duties incident to that employment or service.

17 (b) A physician assistant shall limit his or her practice to the scope of his or her
18 experience, education, and training.

19 (c) No physician assistant may provide medical care, except routine screening
20 and emergency care, in any of the following:

- 21 1. The practice of dentistry or dental hygiene within the meaning of ch. 447.
- 22 2. The practice of optometry within the meaning of ch. 449.
- 23 3. The practice of chiropractic within the meaning of ch. 446.
- 24 4. The practice of acupuncture within the meaning of ch. 451.

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1 **(3)** (a) It shall be the obligation of a physician assistant to ensure all of the
2 following:

3 1. That the scope of the practice of a physician assistant is identified and is
4 appropriate with respect to his or her experience, education, and training.

5 2. For purposes of sub. (2) (a) 1. b. and c., that the relationship with and access
6 to a collaborating physician or podiatrist by the physician assistant is defined.

7 3. That the requirements and standards of licensure under this chapter are
8 complied with.

9 4. That consultation with and referral to other licensed health care providers
10 with a scope of practice appropriate for a patient's care needs occurs when the
11 patient's care needs exceed the physician assistant's experience, education, or
12 training. A physician assistant shall ensure that he or she has awareness of options
13 for the management of situations that are beyond the physician assistant's expertise.

14 (b) A physician assistant is individually and independently responsible for the
15 quality of the care he or she renders.

16 **(4)** A physician assistant may delegate a care task or order to another clinically
17 trained health care worker if the physician assistant is competent to perform the
18 delegated task or order and has reasonable evidence that the clinically trained
19 health care worker is minimally competent to perform the task or issue the order
20 under the circumstances.

21 **(5)** The board shall promulgate any rules necessary to implement this section,
22 including rules to do any of the following:

23 (a) Allow for temporary practice, specifically defined and actively monitored by
24 the board, in the event of an interruption of a collaborative relationship under sub.

25 (2) (a) 1. b. or c.

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1 (b) Allow a physician assistant, in the absence of an employment or
2 collaborative relationship under sub. (2) (a) 1., to provide medical care at the scene
3 of an emergency, during a declared state of emergency or other disaster, or when
4 volunteering at sporting events or at camps.

5 (6) The practice permissions provided in this section are permissions granted
6 by the state authorizing the licensed practice of physician assistants. Nothing in this
7 section prohibits an employer, hospital, health plan, or other similar entity
8 employing or with a relationship with a licensed physician assistant from
9 establishing additional requirements for a licensed physician assistant as a
10 condition of employment or relationship.

11 **461.11 Civil liability.** No physician assistant shall be liable for any civil
12 damages for either of the following:

13 (1) Reporting in good faith to the department of transportation under s. 146.82
14 (3) a patient's name and other information relevant to a physical or mental condition
15 of the patient that in the physician assistant's judgment impairs the patient's ability
16 to exercise reasonable and ordinary control over a motor vehicle.

17 (2) In good faith, not reporting to the department of transportation under s.
18 146.82 (3) a patient's name and other information relevant to a physical or mental
19 condition of the patient that in the physician assistant's judgment does not impair
20 the patient's ability to exercise reasonable and ordinary control over a motor vehicle.

21 **461.12 Malpractice liability insurance.** (1) Except as provided in subs. (2)
22 and (3), no physician assistant may practice as authorized under s. 461.10 unless he
23 or she has in effect malpractice liability insurance coverage evidenced by one of the
24 following:

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1 (a) Personal liability coverage in the amounts specified for health care
2 providers under s. 655.23 (4).

3 (b) Coverage under a group liability policy providing individual coverage for the
4 physician assistant in the amounts under s. 655.23 (4).

5 (2) The board may promulgate rules requiring a practicing physician assistant
6 to have in effect malpractice liability insurance coverage in amounts greater than
7 those specified in sub. (1) (a) or (b) or (4). If the board promulgates rules under this
8 subsection, no physician assistant may practice as authorized under s. 461.10 unless
9 he or she has in effect malpractice liability insurance coverage as required under
10 those rules, except as provided in sub. (3).

11 (3) A physician assistant who is a state, county, or municipal employee, or
12 federal employee or contractor covered under the federal tort claims act, as amended,
13 and who is acting within the scope of his or her employment or contractual duties is
14 not required to maintain in effect malpractice insurance coverage.

15 (4) Except as provided in subs. (2) and (3), a physician assistant may comply
16 with sub. (1) if the physician assistant's employer has in effect malpractice liability
17 insurance that is at least the minimum amount specified under s. 655.23 (4) and that
18 provides coverage for claims against the physician assistant.

19 **461.30 Professional discipline.** (1) Subject to the rules promulgated under
20 s. 440.03 (1), the board may conduct investigations and hearings to determine
21 whether a person has violated this chapter or a rule promulgated under this chapter.

22 (2) Subject to the rules promulgated under s. 440.03 (1), if a person who applies
23 for or holds a license issued under s. 461.07 does any of the following, the board may
24 reprimand the person or deny, limit, suspend, or revoke the person's license:

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1 (a) Makes a material misstatement in an application for a license or an
2 application for renewal of a license under s. 461.07.

3 (b) Violates any law of this state or federal law that substantially relates to the
4 practice of a physician assistant, violates this chapter, or violates a rule promulgated
5 under this chapter.

6 (c) Advertises, practices, or attempts to practice under another person's name.

7 (d) Engages in unprofessional conduct. In this paragraph, "unprofessional
8 conduct" does not include any of the following:

9 1. Providing expedited partner therapy as described in s. 461.035.

10 2. Prescribing or delivering an opioid antagonist in accordance with s. 461.037

11 (2).

12 (e) Subject to ss. 111.321, 111.322, and 111.335, is arrested for or convicted of
13 a felony.

14 (f) Subject to ss. 111.321, 111.322, and 111.34, practices as a physician assistant
15 while his or her ability is impaired by alcohol or other drugs.

16 (g) Engages in fraud or deceit in obtaining or using his or her license.

17 (h) Is adjudicated mentally incompetent by a court.

18 (i) Demonstrates gross negligence, incompetence, or misconduct in practice.

19 (j) Knowingly, recklessly, or negligently divulges a privileged communication
20 or other confidential patient health care information except as required or permitted
21 by state or federal law.

22 (k) Fails to cooperate with the board, or fails to timely respond to a request for
23 information by the board, in connection with an investigation under this section.

24 (L) Prescribes, sells, administers, distributes, orders, or provides a controlled
25 substance for a purpose other than a medical purpose.

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1 (m) Demonstrates a lack of physical or mental ability to safely practice as a
2 physician assistant.

3 (n) Engages in any practice that is outside the scope of his or her experience,
4 education, or training.

5 (o) Is disciplined or has been disciplined by another state or jurisdiction based
6 upon acts or conduct similar to acts or conduct prohibited under pars. (a) to (n).

7 **461.40 Informed consent.** Any physician assistant who treats a patient shall
8 inform the patient about the availability of reasonable alternate medical modes of
9 treatment and about the benefits and risks of these treatments. The reasonable
10 physician assistant standard is the standard for informing a patient under this
11 section. The reasonable physician assistant standard requires disclosure only of
12 information that a reasonable physician assistant in the same or a similar medical
13 specialty would know and disclose under the circumstances. The physician
14 assistant's duty to inform the patient under this section does not require disclosure
15 of any of the following:

16 (1) Detailed technical information that in all probability a patient would not
17 understand.

18 (2) Risks apparent or known to the patient.

19 (3) Extremely remote possibilities that might falsely or detrimentally alarm
20 the patient.

21 (4) Information in emergencies where failure to provide treatment would be
22 more harmful to the patient than treatment.

23 (5) Information in cases where the patient is incapable of consenting.

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1 **(6)** Information about alternate medical modes of treatment for any condition
2 the physician assistant has not included in his or her diagnosis at the time the
3 physician informs the patient.

4 **461.50 Penalties.** Any person who violates this chapter is subject to a fine not
5 to exceed \$10,000 or imprisonment not to exceed 9 months, or both.

6 **461.51 Injunction.** If it appears upon complaint to the board by any person
7 or if it is known to the board that any person is violating this subchapter, or rules
8 adopted by the board under this subchapter, the board or the attorney general may
9 investigate and may, in addition to any other remedies, bring action in the name and
10 on behalf of the state against any such person to enjoin such person from such
11 violation. The attorney general shall represent the board in all proceedings.

12 **461.52 Duty to report. (1)** A physician assistant who has reason to believe
13 any of the following about another physician assistant shall promptly submit a
14 written report to the board that includes facts relating to the conduct of the other
15 physician assistant:

16 (a) The other physician assistant is engaging or has engaged in acts that
17 constitute a pattern of unprofessional conduct.

18 (b) The other physician assistant is engaging or has engaged in an act that
19 creates an immediate or continuing danger to one or more patients or to the public.

20 (c) The other physician assistant is or may be medically incompetent.

21 (d) The other physician assistant is or may be mentally or physically unable
22 safely to engage in the practice of a physician assistant.

23 **(2)** No physician assistant who reports to the board under sub. (1) may be held
24 civilly or criminally liable or be found guilty of unprofessional conduct for reporting
25 in good faith.

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1 **SECTION 72.** 462.02 (2) (e) of the statutes is amended to read:

2 462.02 (2) (e) A physician assistant licensed under s. 448.04 (1) (f) 461.07.

3 **SECTION 73.** 462.04 of the statutes is amended to read:

4 **462.04 Prescription or order required.** A person who holds a license or
5 limited X-ray machine operator permit under this chapter may not use diagnostic
6 X-ray equipment on humans for diagnostic purposes unless authorized to do so by
7 prescription or order of a physician licensed under s. 448.04 (1) (a), a dentist licensed
8 under s. 447.04 (1), a podiatrist licensed under s. 448.63, a chiropractor licensed
9 under s. 446.02, an advanced practice nurse certified under s. 441.16 (2), a physician
10 assistant licensed under s. ~~448.04 (1) (f)~~ 461.07, or, subject to s. 448.56 (7) (a), a
11 physical therapist licensed under s. 448.53.

12 **SECTION 74.** 895.48 (1m) (a) (intro.) of the statutes is amended to read:

13 895.48 (1m) (a) (intro.) Except as provided in par. (b), any physician, ~~physician~~
14 ~~assistant~~, podiatrist, or athletic trainer licensed under ch. 448, chiropractor licensed
15 under ch. 446, dentist licensed under ch. 447, physician assistant licensed under ch.
16 461, emergency medical services practitioner licensed under s. 256.15, emergency
17 medical responder certified under s. 256.15 (8), registered nurse licensed under ch.
18 441, or a massage therapist or bodywork therapist licensed under ch. 460 who
19 renders voluntary health care to a participant in an athletic event or contest
20 sponsored by a nonprofit corporation, as defined in s. 66.0129 (6) (b), a private school,
21 as defined in s. 115.001 (3r), a tribal school, as defined in s. 115.001 (15m), a public
22 agency, as defined in s. 46.856 (1) (b), or a school, as defined in s. 609.655 (1) (c), is
23 immune from civil liability for his or her acts or omissions in rendering that care if
24 all of the following conditions exist:

25 **SECTION 75.** 961.01 (19) (a) of the statutes is amended to read:

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1 961.01 (19) (a) A physician, advanced practice nurse, dentist, veterinarian,
2 podiatrist, optometrist, scientific investigator ~~or, subject to s. 448.21 (3), a~~, physician
3 assistant, or other person licensed, registered, certified or otherwise permitted to
4 distribute, dispense, conduct research with respect to, administer, or use in teaching
5 or chemical analysis a controlled substance in the course of professional practice or
6 research in this state.

7 **SECTION 76.** 971.14 (4) (a) of the statutes is amended to read:

8 971.14 (4) (a) The court shall cause copies of the report to be delivered forthwith
9 to the district attorney and the defense counsel, or the defendant personally if not
10 represented by counsel. Upon the request of the sheriff or jailer charged with care
11 and control of the jail in which the defendant is being held pending or during a trial
12 or sentencing proceeding, the court shall cause a copy of the report to be delivered
13 to the sheriff or jailer. The sheriff or jailer may provide a copy of the report to the
14 person who is responsible for maintaining medical records for inmates of the jail, or
15 to a nurse licensed under ch. 441, to a physician assistant licensed under ch. 461, or
16 to a physician ~~or physician assistant~~ licensed under subch. II of ch. 448 who is a
17 health care provider for the defendant or who is responsible for providing health care
18 services to inmates of the jail. The report shall not be otherwise disclosed prior to
19 the hearing under this subsection.

20 **SECTION 77.** 990.01 (27s) of the statutes is created to read:

21 990.01 (27s) PHYSICIAN ASSISTANT OR PHYSICIAN ASSOCIATE. “Physician assistant”
22 or “physician associate” means a person licensed as a physician assistant under ch.
23 461.

24 **SECTION 78.** Chapter Med 8 of the administrative code is repealed.

25 **SECTION 79. Nonstatutory provisions.**

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1 (1) BOARD; APPOINTMENTS.

2 (a) Notwithstanding the length of terms specified for the members of the
3 physician assistant examining board under s. 15.405 (4), 3 of the initial members
4 under s. 15.405 (4) (a) 1. and the initial member under s. 15.405 (4) (a) 2. shall be
5 appointed for terms expiring on July 1, 2021; 3 of the initial members under s. 15.405
6 (4) (a) 1. and the initial member under s. 15.405 (4) (a) 3. shall be appointed for terms
7 expiring on July 1, 2022; and the remaining initial member under s. 15.405 (4) (a)
8 1. shall be appointed for a term expiring on July 1, 2023.

9 (b) Notwithstanding s. 15.08 (1), the governor may provisionally appoint initial
10 members of the physician assistant examining board under s. 15.405 (4). Those
11 provisional appointments remain in force until withdrawn by the governor or acted
12 upon by the senate and if confirmed by the senate, shall continue for the remainder
13 of the unexpired term, if any, of the member and until a successor is chosen and
14 qualifies. A provisional appointee may exercise all the powers and duties of board
15 membership to which the person is appointed during the time in which the appointee
16 qualifies.

17 (c) Notwithstanding s. 15.405 (4) (a) 1. and 2., for purposes of an initial
18 appointment to the physician assistant examining board made before the date
19 specified in SECTION 80 (intro.) of this act, including any provisional appointment
20 made under par. (b), the governor may appoint physician assistants licensed under
21 subch. II of ch. 448 to the positions on the board specified under s. 15.405 (4) (a) 1.
22 and 2.

23 (2) EMERGENCY RULES.

24 (a) Using the procedure under s. 227.24, the physician assistant examining
25 board may promulgate initial rules under ss. 461.05 (1) and 461.10 (5) as emergency

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1 rules under s. 227.24 to allow for the licensure, discipline, and practice of physician
2 assistants. The authority granted under this subsection applies only to rules
3 described in this paragraph, and any other emergency rules promulgated by the
4 board shall be as provided in, and subject to, s. 227.24.

5 (b) Notwithstanding s. 227.24 (1) (a) and (3), the physician assistant examining
6 board is not required to provide evidence that promulgating a rule under this
7 subsection as an emergency rule is necessary for the preservation of the public peace,
8 health, safety, or welfare and is not required to provide a finding of emergency for a
9 rule promulgated under this subsection.

10 (c) Emergency rules promulgated under this subsection may not take effect
11 prior to the date specified in SECTION 80 (intro.) of this act.

12 (d) Notwithstanding s. 227.24 (1) (c), emergency rules promulgated under this
13 subsection remain in effect for one year, subject to extension under par. (e), or until
14 the date on which permanent rules take effect, whichever is sooner.

15 (e) Notwithstanding s. 227.24 (2) (a), the joint committee for review of
16 administrative rules may, at any time prior to the expiration date of the emergency
17 rule promulgated under this subsection, extend the effective period of the emergency
18 rule at the request of the physician assistant examining board for a period specified
19 by the committee not to exceed 180 days. Any number of extensions may be granted
20 under this paragraph, but the total period for all extensions may not extend beyond
21 the expiration date of the emergency rule's statement of scope under s. 227.135 (5).
22 Notwithstanding s. 227.24 (2) (b) 1., the physician assistant examining board is not
23 required to provide evidence that there is a threat to the public peace, health, safety,
24 or welfare that can be avoided only by extension of the emergency rule when making

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1 a request for an extension under this subsection, but s. 227.24 (2) (am) to (c) shall
2 otherwise apply to extensions under this paragraph.

3 (f) If the physician assistant examining board promulgates emergency rules
4 under this subsection, the board shall submit a single statement of scope for both
5 permanent emergency rules.

6 (3) BOARD; TRANSFERS.

7 (a) *Tangible personal property.* On the effective date of this paragraph, all
8 tangible personal property, including records, of the medical examining board that
9 the secretary of safety and professional services determines to be primarily related
10 to the regulation of physician assistants is transferred to the physician assistant
11 examining board.

12 (b) *Pending matters.* Any matter pending with the medical examining board
13 on the effective date of this paragraph that is primarily related to the regulation of
14 physician assistants, as determined by the secretary of safety and professional
15 services, is transferred to the physician assistant examining board. All materials
16 submitted to or actions taken by the medical examining board with respect to the
17 pending matter are considered as having been submitted to or taken by the physician
18 assistant examining board.

19 (c) *Contracts.* All contracts entered into by the medical examining board in
20 effect on the effective date of this paragraph that are primarily related to the
21 regulation of physician assistants, as determined by the secretary of safety and
22 professional services, remain in effect and are transferred to the physician assistant
23 examining board. The physician assistant examining board shall carry out any
24 obligations under such a contract until the contract is modified or rescinded by the
25 physician assistant examining board to the extent allowed under the contract.

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1 (d) *Assets and liabilities.* On the effective date of this paragraph, the assets and
2 liabilities of the medical examining board that are primarily related to the regulation
3 of physician assistants, as determined by the secretary of safety and professional
4 services, become the assets and liabilities of the physician assistant examining
5 board.

6 (e) *Orders.* All orders issued by the medical examining board in effect on the
7 effective date of this paragraph that are primarily related to the regulation of
8 physician assistants remain in effect until their specified expiration dates or until
9 modified or rescinded by the physician assistant examining board.

10 **SECTION 80. Effective dates.** This act takes effect on the first day of the 13th
11 month beginning after publication, except as follows:

12 (1) The treatment of s. 15.405 (4) and SECTION 79 (1) and (2) of this act take effect
13 on the day after publication.

14 (2) Notwithstanding s. 227.265, the treatment of ch. Med 8 of the
15 administrative code takes effect on the first day of the 13th month beginning after
16 publication.

17 (END)