



State of Wisconsin
2019 - 2020 LEGISLATURE

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**SENATE SUBSTITUTE AMENDMENT 1,
TO SENATE BILL 515**

February 11, 2020 - Offered by Senator BERNIER.

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) and 450.01
3 (15r); *to renumber* 448.970, subchapter VIII of chapter 448 [precedes 448.980]
4 and subchapter IX of chapter 448 [precedes 448.985]; *to amend* 15.08 (1m) (b),
5 15.085 (1m) (b), 16.417 (1) (e) 3m., 46.03 (44), 48.981 (2m) (b) 1., 49.45 (9r) (a)
6 7. a., 50.08 (2), 50.39 (3), 55.14 (8) (b), 69.01 (6g), 70.47 (8) (intro.), 97.67 (5m)
7 (a) 3., 118.2925 (1) (f), 146.81 (1) (d), 146.82 (3) (a), 146.89 (1) (r) 1., 146.997 (1)
8 (d) 5., 255.07 (1) (d), 343.16 (5) (a), 440.035 (2m) (b), 440.035 (2m) (c) 1. (intro.),
9 448.015 (4) (am) 2., 448.02 (1), 448.03 (2) (a), 448.03 (2) (e), 448.03 (2) (k), 448.03
10 (5) (b), 448.035 (2) to (4), 448.037 (2) (a) (intro.) and (b) and (3), 448.62 (7),
11 448.695 (4) (a) and (b), 450.01 (16) (hm) 3., 450.11 (1), 450.11 (1g) (b), 450.11 (1i)
12 (a) 1., 450.11 (1i) (b) 2. c., 450.11 (1i) (c) 2., 450.11 (8) (b), 462.02 (2) (e), 462.04,
13 961.01 (19) (a) and 971.14 (4) (a); and *to create* 15.406 (7), 49.45 (9r) (a) 7. e.,

1 69.18 (1) (ck), 146.81 (1) (eu), subchapter VIII of chapter 448 [precedes 448.971],
2 450.11 (1i) (b) 2. cm., 450.11 (8) (f) and 990.01 (27s) of the statutes; **relating to:**
3 regulation of physician assistants, creating the Physician Assistant Affiliated
4 Credentialing Board, extending the time limit for emergency rule procedures,
5 providing an exemption from emergency rule procedures, granting
6 rule-making authority, and providing a penalty.

Analysis by the Legislative Reference Bureau

This substitute amendment differs from 2019 Senate Bill 515 in the following respects:

1. The substitute amendment creates the Physician Assistant Affiliated Credentialing Board attached to the Medical Examining Board, instead of creating the Physician Assistant Examining Board. As with other affiliated credentialing boards attached to the Medical Examining Board, the Physician Assistant Affiliated Credentialing Board must submit any proposed permanent administrative rules to the Medical Examining Board, consider any comments from the Medical Examining Board, and include in its final rules submitted to the legislature any comments on the proposed rule submitted by the Medical Examining Board.

2. The substitute amendment adds additional requirements and stipulations for written collaborative agreements between physician assistants and physicians.

3. The substitute amendment includes an express prohibition against the Physician Assistant Affiliated Credentialing Board promulgating any rules that would permit a broader scope of practice than that which may be exercised in accordance with the other provisions in the bill and requires the Physician Assistant Affiliated Credentialing Board to revise a proposed permanent rule that the Medical Examining Board determines would do so.

4. The substitute amendment requires that a physician assistant working with a podiatrist practice under the supervision and direction of the podiatrist, as under current law, instead of under the provisions in the bill. The substitute amendment retains authority for the Podiatry Affiliated Credentialing Board to establish practice standards for physician assistants practicing under podiatrists and requirements for podiatrists supervising physician assistants and retains a limitation that a physician assistant acting under the supervision and direction of a podiatrist be limited to providing nonsurgical patient services.

5. The substitute amendment deletes references to “physician associates” and “associate physicians” for purposes of a provision restricting the use of titles.

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 physician assistants~~, the board of nursing, the nursing home administrator
7 examining board, the veterinary examining board, the optometry examining board,
8 the pharmacy examining board, the marriage and family therapy, professional
9 counseling, and social work examining board, the psychology examining board, and
10 the radiography examining board shall not be engaged in any profession or
11 occupation concerned with the delivery of physical or mental health care.

12 **SECTION 2.** 15.085 (1m) (b) of the statutes is amended to read:

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

18 **SECTION 3.** 15.406 (7) of the statutes is created to read:

19 15.406 **(7)** PHYSICIAN ASSISTANT AFFILIATED CREDENTIALING BOARD. There is
20 created in the department of safety and professional services, attached to the medical

1 examining board, a physician assistant affiliated credentialing board consisting of
2 the following members appointed for staggered 4-year terms:

3 (a) Eight physician assistants licensed under subch. VIII of ch. 448.

4 (b) One public member.

5 **SECTION 4.** 15.407 (2) of the statutes is repealed.

6 **SECTION 5.** 16.417 (1) (e) 3m. of the statutes is amended to read:

7 16.417 (1) (e) 3m. A physician assistant who is licensed under s. 448.04 (1) (f)
8 448.974.

9 **SECTION 6.** 46.03 (44) of the statutes is amended to read:

10 46.03 (44) SEXUALLY TRANSMITTED DISEASE TREATMENT INFORMATION. Prepare and
11 keep current an information sheet to be distributed to a patient by a physician,
12 physician assistant, or certified advanced practice nurse prescriber providing
13 expedited partner therapy to that patient under s. 448.035 or 448.9725. The
14 information sheet shall include information about sexually transmitted diseases and
15 their treatment and about the risk of drug allergies. The information sheet shall also
16 include a statement advising a person with questions about the information to
17 contact his or her physician, pharmacist, or local health department, as defined in
18 s. 250.01 (4).

19 **SECTION 7.** 48.981 (2m) (b) 1. of the statutes is amended to read:

20 48.981 (2m) (b) 1. "Health care provider" means a physician, as defined under
21 s. 448.01 (5), a physician assistant, as defined under s. 448.01 (6) 448.971 (3), or a
22 nurse holding a license under s. 441.06 (1) or a license under s. 441.10.

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

24 49.45 (9r) (a) 7. a. A physician ~~or physician assistant~~ licensed under subch. II
25 of ch. 448.

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

2 49.45 **(9r)** (a) 7. e. A physician assistant licensed under subch. VIII of ch. 448.

3 **SECTION 10.** 50.01 (4p) of the statutes is repealed.

4 **SECTION 11.** 50.08 (2) of the statutes is amended to read:

5 50.08 **(2)** A physician, an advanced practice nurse prescriber certified under
6 s. 441.16 (2), or a physician assistant ~~licensed under ch. 448~~, who prescribes a
7 psychotropic medication to a nursing home resident who has degenerative brain
8 disorder shall notify the nursing home if the prescribed medication has a boxed
9 warning under 21 CFR 201.57.

10 **SECTION 12.** 50.39 (3) of the statutes is amended to read:

11 50.39 **(3)** Facilities governed by ss. 45.50, 48.62, 49.70, 49.72, 50.02, 51.09, and
12 252.10, juvenile correctional facilities as defined in s. 938.02 (10p), correctional
13 institutions governed by the department of corrections under s. 301.02, and the
14 offices and clinics of persons licensed to treat the sick under chs. 446, 447, and 448
15 are exempt from ss. 50.32 to 50.39. Sections 50.32 to 50.39 do not abridge the rights
16 of the medical examining board, physician assistant affiliated credentialing board,
17 physical therapy examining board, podiatry affiliated credentialing board, dentistry
18 examining board, pharmacy examining board, chiropractic examining board, and
19 board of nursing in carrying out their statutory duties and responsibilities.

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

21 55.14 **(8)** (b) Order the individual to comply with the treatment plan under par.
22 (a). The order shall provide that if the individual fails to comply with provisions of
23 the treatment plan that require the individual to take psychotropic medications, the
24 medications may be administered involuntarily with consent of the guardian. The
25 order shall specify the methods of involuntary administration of psychotropic

1 medication to which the guardian may consent. An order authorizing the forcible
2 restraint of an individual shall specify that a person licensed under s. 441.06, 441.10,
3 ~~or 448.05 (2) or (5), or 448.974~~ shall be present at all times that psychotropic
4 medication is administered in this manner and shall require the person or facility
5 using forcible restraint to maintain records stating the date of each administration,
6 the medication administered, and the method of forcible restraint utilized.

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

8 69.01 (6g) "Date of death" means the date that a person is pronounced dead by
9 a physician, coroner, deputy coroner, medical examiner, deputy medical examiner,
10 physician assistant, or hospice nurse.

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

12 69.18 (1) (ck) For purposes of preparation of the certificate of death and in
13 accordance with accepted medical standards, a physician assistant who is directly
14 involved with the care of a patient who dies may pronounce the date, time, and place
15 of the patient's death.

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

17 70.47 (8) HEARING. (intro.) The board shall hear upon oath all persons who
18 appear before it in relation to the assessment. Instead of appearing in person at the
19 hearing, the board may allow the property owner, or the property owner's
20 representative, at the request of either person, to appear before the board, under
21 oath, by telephone or to submit written statements, under oath, to the board. The
22 board shall hear upon oath, by telephone, all ill or disabled persons who present to
23 the board a letter from a physician, ~~osteopath~~, physician assistant, ~~as defined in s.~~
24 ~~448.01 (6)~~, or advanced practice nurse prescriber certified under s. 441.16 (2) that
25 confirms their illness or disability. At the request of the property owner or the

1 property owner's representative, the board may postpone and reschedule a hearing
2 under this subsection, but may not postpone and reschedule a hearing more than
3 once during the same session for the same property. The board at such hearing shall
4 proceed as follows:

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

6 97.67 (5m) (a) 3. A physician assistant licensed under subch. ~~II~~ VIII of ch. 448.

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

8 118.2925 (1) (f) "Physician assistant" means a person licensed under s. 448.04
9 ~~(1)-(f)~~ 448.974.

10 **SECTION 19.** 146.81 (1) (d) of the statutes is amended to read:

11 146.81 (1) (d) A physician, ~~physician assistant~~, perfusionist, or respiratory care
12 practitioner licensed or certified under subch. II of ch. 448.

13 **SECTION 20.** 146.81 (1) (eu) of the statutes is created to read:

14 146.81 (1) (eu) A physician assistant licensed under subch. VIII of ch. 448.

15 **SECTION 21.** 146.82 (3) (a) of the statutes is amended to read:

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

23 **SECTION 22.** 146.89 (1) (r) 1. of the statutes is amended to read:

24 146.89 (1) (r) 1. Licensed as a physician under ch. 448, a dentist or dental
25 hygienist under ch. 447, a registered nurse, practical nurse, or nurse-midwife under

1 ch. 441, an optometrist under ch. 449, a physician assistant under subch. VIII of ch.
2 448, a pharmacist under ch. 450, a chiropractor under ch. 446, a podiatrist under
3 subch. IV of ch. 448, or a physical therapist under subch. III of ch. 448.

4 **SECTION 23.** 146.997 (1) (d) 5. of the statutes is amended to read:

5 146.997 (1) (d) 5. An occupational therapist, occupational therapy assistant,
6 physician assistant or respiratory care practitioner licensed or certified under ch.
7 448.

8 **SECTION 24.** 252.01 (5) of the statutes is repealed.

9 **SECTION 25.** 255.07 (1) (d) of the statutes is amended to read:

10 255.07 (1) (d) "Health care practitioner" means a physician, a physician
11 assistant ~~licensed under s. 448.04 (1) (f)~~, or an advanced practice nurse who is
12 certified to issue prescription orders under s. 441.16.

13 **SECTION 26.** 343.16 (5) (a) of the statutes is amended to read:

14 343.16 (5) (a) The secretary may require any applicant for a license or any
15 licensed operator to submit to a special examination by such persons or agencies as
16 the secretary may direct to determine incompetency, physical or mental disability,
17 disease, or any other condition that might prevent such applicant or licensed person
18 from exercising reasonable and ordinary control over a motor vehicle. If the
19 department requires the applicant to submit to an examination, the applicant shall
20 pay for the examination. If the department receives an application for a renewal or
21 duplicate license after voluntary surrender under s. 343.265 or receives a report from
22 a physician, physician assistant, ~~as defined in s. 448.01 (6)~~, advanced practice nurse
23 prescriber certified under s. 441.16 (2), or optometrist under s. 146.82 (3), or if the
24 department has a report of 2 or more arrests within a one-year period for any
25 combination of violations of s. 346.63 (1) or (5) or a local ordinance in conformity with

1 s. 346.63 (1) or (5) or a law of a federally recognized American Indian tribe or band
2 in this state in conformity with s. 346.63 (1) or (5), or s. 346.63 (1m), 1985 stats., or
3 s. 346.63 (2) or (6) or 940.25, or s. 940.09 where the offense involved the use of a
4 vehicle, the department shall determine, by interview or otherwise, whether the
5 operator should submit to an examination under this section. The examination may
6 consist of an assessment. If the examination indicates that education or treatment
7 for a disability, disease or condition concerning the use of alcohol, a controlled
8 substance or a controlled substance analog is appropriate, the department may order
9 a driver safety plan in accordance with s. 343.30 (1q). If there is noncompliance with
10 assessment or the driver safety plan, the department shall revoke the person's
11 operating privilege in the manner specified in s. 343.30 (1q) (d).

12 **SECTION 27.** 440.035 (2m) (b) of the statutes is amended to read:

13 440.035 **(2m)** (b) The medical examining board, the physician assistant
14 affiliated credentialing board, the podiatry affiliated credentialing board, the board
15 of nursing, the dentistry examining board, or the optometry examining board may
16 issue guidelines regarding best practices in prescribing controlled substances for
17 persons credentialed by that board who are authorized to prescribe controlled
18 substances.

19 **SECTION 28.** 440.035 (2m) (c) 1. (intro.) of the statutes is amended to read:

20 440.035 **(2m)** (c) 1. (intro.) The medical examining board, the physician
21 assistant affiliated credentialing board, the podiatry affiliated credentialing board,
22 the board of nursing, the dentistry examining board, and the optometry examining
23 board shall, by November 1, ~~2018, and annually thereafter~~ of each year, submit a
24 report to the persons specified in subd. 2. that does all of the following:

25 **SECTION 29.** 448.01 (6) of the statutes is repealed.

1 **SECTION 30.** 448.015 (4) (am) 2. of the statutes is amended to read:

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

4 **SECTION 31.** 448.02 (1) of the statutes is amended to read:

5 448.02 (1) LICENSE. The board may grant licenses, including various classes
6 of temporary licenses, to practice medicine and surgery, to practice as an
7 administrative physician, to practice perfusion, and to practice as an
8 anesthesiologist assistant, ~~and to practice as a physician assistant.~~

9 **SECTION 32.** 448.03 (1) (b) of the statutes is repealed.

10 **SECTION 33.** 448.03 (2) (a) of the statutes is amended to read:

11 448.03 (2) (a) Any person lawfully practicing within the scope of a license,
12 permit, registration, certificate or certification granted to practice midwifery under
13 subch. XIII of ch. 440, to practice professional or practical nursing or
14 nurse-midwifery under ch. 441, to practice chiropractic under ch. 446, to practice
15 dentistry or dental hygiene under ch. 447, to practice optometry under ch. 449, to
16 practice as a physician assistant under subch. VIII, to practice acupuncture under
17 ch. 451 or under any other statutory provision, or as otherwise provided by statute.

18 **SECTION 34.** 448.03 (2) (e) of the statutes is amended to read:

19 448.03 (2) (e) Any person other than ~~a physician assistant~~ or an
20 anesthesiologist assistant who is providing patient services as directed, supervised
21 and inspected by a physician who has the power to direct, decide and oversee the
22 implementation of the patient services rendered.

23 **SECTION 35.** 448.03 (2) (k) of the statutes is amended to read:

24 448.03 (2) (k) Any persons, other than ~~physician assistants,~~ anesthesiologist
25 assistants, or perfusionists, who assist physicians.

1 **SECTION 36.** 448.03 (3) (e) of the statutes is repealed.

2 **SECTION 37.** 448.03 (5) (b) of the statutes is amended to read:

3 448.03 **(5)** (b) No physician ~~or physician assistant~~ shall be liable for any civil
4 damages for either of the following:

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

9 2. In good faith, not reporting to the department of transportation under s.
10 146.82 (3) a patient's name and other information relevant to a physical or mental
11 condition of the patient which in the physician's ~~or physician assistant's~~ judgment
12 does not impair the patient's ability to exercise reasonable and ordinary control over
13 a motor vehicle.

14 **SECTION 38.** 448.035 (2) to (4) of the statutes are amended to read:

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

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

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

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

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

18 **SECTION 39.** 448.037 (2) (a) (intro.) and (b) and (3) of the statutes are amended
19 to read:

20 448.037 (2) (a) (intro.) A physician ~~or physician assistant~~ may do any of the
21 following:

22 (b) A physician ~~or physician assistant~~ who prescribes or delivers an opioid
23 antagonist under par. (a) 1. shall ensure that the person to whom the opioid
24 antagonist is prescribed has or has the capacity to provide the knowledge and
25 training necessary to safely administer the opioid antagonist to an individual

1 undergoing an opioid-related overdose and that the person demonstrates the
2 capacity to ensure that any individual to whom the person further delivers the opioid
3 antagonist has or receives that knowledge and training.

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

10 **SECTION 40.** 448.04 (1) (f) of the statutes is repealed.

11 **SECTION 41.** 448.05 (5) of the statutes is repealed.

12 **SECTION 42.** 448.20 of the statutes is repealed.

13 **SECTION 43.** 448.21 of the statutes is repealed.

14 **SECTION 44.** 448.40 (2) (f) of the statutes is repealed.

15 **SECTION 45.** 448.62 (7) of the statutes is amended to read:

16 448.62 **(7)** A physician assistant who is acting under the supervision and
17 direction of a podiatrist, subject to s. ~~448.21 (4)~~ 448.975 (2) (a) 2m., or an individual
18 to whom the physician assistant delegates a task or order under s. 448.975 (4).

19 **SECTION 46.** 448.695 (4) (a) and (b) of the statutes are amended to read:

20 448.695 **(4)** (a) Practice standards for a physician assistant practicing podiatry
21 as provided in s. ~~448.21 (4)~~ 448.975 (2) (a) 2m.

22 (b) Requirements for a podiatrist who is supervising a physician assistant as
23 provided in s. ~~448.21 (4)~~ 448.975 (2) (a) 2m.

24 **SECTION 47.** 448.970 of the statutes is renumbered 448.9695.

1 that employment, unless a license under this subchapter is required by the federal
2 government.

3 (b) A person who satisfies the requirement under s. 448.974 (1) (a) 3. but who
4 is not licensed under this subchapter. This paragraph does not allow such a person
5 to practice medicine and surgery in violation of s. 448.03 (1) (a) or to practice podiatry
6 in violation of s. 448.61.

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

9 **448.9725 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, a physician assistant
13 may provide expedited partner therapy if a patient is diagnosed as infected with a
14 chlamydial infection, gonorrhea, or trichomoniasis and the patient has had sexual
15 contact with a sexual partner during which the chlamydial infection, gonorrhea, or
16 trichomoniasis may have been transmitted to or from the sexual partner. The
17 physician assistant shall attempt to obtain the name of the patient’s sexual partner.
18 A prescription order for an antimicrobial drug prepared under this subsection shall
19 include the name and address of the patient’s sexual partner, if known. If the
20 physician assistant is unable to obtain the name of the patient’s sexual partner, the
21 prescription order shall include, in ordinary, bold-faced capital letters, the words,
22 “expedited partner therapy” or the letters “EPT.”

23 (3) The physician assistant shall provide the patient with a copy of the
24 information sheet prepared by the department of health services under s. 46.03 (44)

1 and shall request that the patient give the information sheet to the person with
2 whom the patient had sexual contact.

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

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

10 **448.9727 Prescriptions for and delivery of opioid antagonists. (1)** In
11 this section:

12 (a) “Administer” has the meaning given in s. 450.01 (1).

13 (b) “Deliver” has the meaning given in s. 450.01 (5).

14 (c) “Dispense” has the meaning given in s. 450.01 (7).

15 (d) “Opioid antagonist” has the meaning given in s. 450.01 (13v).

16 (e) “Opioid-related drug overdose” has the meaning given in s. 256.40 (1) (d).

17 (f) “Standing order” has the meaning given in s. 450.01 (21p).

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

19 1. Prescribe an opioid antagonist to a person in a position to assist an individual
20 at risk of undergoing an opioid-related drug overdose and may deliver the opioid
21 antagonist to that person. A prescription order under this subdivision need not
22 specify the name and address of the individual to whom the opioid antagonist will
23 be administered, but shall instead specify the name of the person to whom the opioid
24 antagonist is prescribed.

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

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

10 **(3)** A physician assistant who, acting in good faith, prescribes or delivers an
11 opioid antagonist in accordance with sub. (2) or who, acting in good faith, otherwise
12 lawfully prescribes or dispenses an opioid antagonist shall be immune from criminal
13 or civil liability and may not be subject to professional discipline under s. 448.978 for
14 any outcomes resulting from prescribing, delivering, or dispensing the opioid
15 antagonist.

16 **448.973 Powers and duties of board.** (1) (a) The board shall promulgate
17 rules implementing s. 448.9785.

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

20 (c) The board may promulgate other rules to carry out the purposes of this
21 subchapter, including any of the following:

22 1. Rules defining what constitutes unprofessional conduct for physician
23 assistants for purposes of s. 448.978 (2) (d).

24 2. Rules under s. 448.977 (2).

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

5 **448.974 License; renewal.** **(1)** (a) Except as provided in par. (b), the board
6 shall grant an initial license to practice as a physician assistant to any applicant who
7 is found qualified by three-fourths of the members of the board and satisfies all of
8 the following requirements, as determined by the board:

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

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

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

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

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

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

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

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

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

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

15 (b) An applicant for the renewal of a license under this subchapter shall submit
16 with his or her application for renewal proof of having satisfied the continuing
17 education requirements imposed by the board under s. 448.973 (1) (b). This
18 paragraph does not apply to an applicant for renewal of a license that expires on the
19 first renewal date after the date on which the board initially granted the license.

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

24 **448.975 Practice and employment.** (1) (a) Subject to the limitations and
25 requirements under sub. (2); the physician assistant's experience, education, and

1 training; and any rules promulgated under sub. (5), a physician assistant may do any
2 of the following:

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

5 2. Apply principles or techniques of medical sciences in the diagnosis or
6 prevention of any of the conditions described in subd. 1. and in s. 448.971 (2).

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

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

10 (b) 1. Subject to subd. 2. and any rules promulgated by the board and consistent
11 with his or her experience, education, and training, a physician assistant may order,
12 prescribe, procure, dispense, and administer prescription drugs, medical devices,
13 services, and supplies.

14 2. A physician assistant practicing under the supervision and direction of a
15 podiatrist under sub. (2) (a) 2m. may issue a prescription order for a drug or device
16 in accordance with guidelines established by the supervising podiatrist and the
17 physician assistant and with rules promulgated by the board. If any conflict exists
18 between the guidelines and the rules, the rules shall control.

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

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

1 a. Evidence that, pursuant to the physician assistant’s employment, there is
2 a physician who is primarily responsible for the overall direction and management
3 of the physician assistant’s professional activities and for assuring that the services
4 provided by the physician assistant are medically appropriate. In this subd. 1. a.,
5 “employment” includes an arrangement between the physician assistant and a 3rd
6 party in which the 3rd party receives payment for services provided by the physician
7 assistant.

8 b. A written collaborative agreement with a physician that, subject to subd.
9 1m., describes the physician assistant’s individual scope of practice, that includes a
10 protocol for identifying an alternative collaborating physician for situations in which
11 the collaborating physician or the physician’s designee is not available for
12 consultation, and that includes other information as required by the board.

13 1m. All of the following apply to a written collaborative agreement between a
14 physician and physician assistant under subd. 1. b.:

15 a. The agreement may be terminated by either party by providing written
16 notice at least 30 days prior to the date of termination, or as otherwise agreed to by
17 the physician and physician assistant.

18 b. The agreement shall specify that the collaborating physician shall remain
19 reasonably available to the physician assistant through the use of
20 telecommunications or other electronic means within a medically appropriate time
21 frame and that the collaborating physician may designate an alternate collaborator
22 during periods of unavailability.

23 c. The agreement shall specify an arrangement for physician consultation with
24 the patient within a medically appropriate time frame for consultation, if requested
25 by the patient or the physician assistant.

1 d. The agreement shall be signed by the physician assistant and the
2 collaborating physician.

3 2. Subdivision 1. does not require the physical presence of a physician at the
4 time and place a physician assistant renders a service.

5 2m. A physician assistant may practice under the supervision and direction of
6 a podiatrist. A physician assistant who is practicing under the supervision and
7 direction of a podiatrist shall be limited to providing nonsurgical patient services.
8 Subdivision 1. does not apply to a physician assistant who is practicing under the
9 supervision and direction of a podiatrist.

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

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

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

17 1. The practice of dentistry or dental hygiene within the meaning of ch. 447.

18 2. The practice of optometry within the meaning of ch. 449.

19 3. The practice of chiropractic within the meaning of ch. 446.

20 4. The practice of acupuncture within the meaning of ch. 451.

21 5. The practice of podiatry, except when the physician assistant is acting under
22 the supervision and direction of a podiatrist, subject to par. (a) 2m. and the rules
23 promulgated under s. 448.695 (4).

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

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

3 2. For purposes of sub. (2) (a) 1. b., that the relationship with and access to a
4 collaborating physician by the physician assistant is defined.

5 3. That the requirements and standards of licensure under this subchapter are
6 complied with.

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

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

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

19 (5) (a) 1. The board shall, subject to subd. 2. and s. 448.695 (4), promulgate any
20 rules necessary to implement this section, including rules to do any of the following:

21 a. Allow for temporary practice, specifically defined and actively monitored by
22 the board, in the event of an interruption of a collaborative relationship under sub.
23 (2) (a) 1. b.

24 b. Allow a physician assistant, in the absence of an employment or collaborative
25 relationship under sub. (2) (a) 1., to provide medical care at the scene of an

1 emergency, during a declared state of emergency or other disaster, or when
2 volunteering at sporting events or at camps.

3 2. Rules promulgated by the board may not permit a broader scope of practice
4 than that which may be exercised in accordance with subs. (1) and (2).
5 Notwithstanding s. 15.085 (5) (b) 2., if the Medical Examining Board reasonably
6 determines that a rule submitted to it by the Physician Assistant Affiliated
7 Credentialing Board under s. 15.085 (5) (b) 1. permits a broader scope of practice
8 than that which may be exercised in accordance with subs. (1) and (2), then the
9 Physician Assistant Examining Board shall, prior to submitting the proposed rule
10 to the legislative council staff under s. 227.15 (1), revise the proposed rule so that it
11 does not exceed or permit a broader scope of practice than that which may be
12 exercised in accordance with subs. (1) and (2).

13 (b) The board shall develop and recommend to the podiatry affiliated
14 credentialing board practice standards for physician assistants practicing under
15 podiatrists under sub. (2) (a) 2m.

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

22 **448.976 Civil liability.** No physician assistant shall be liable for any civil
23 damages for either of the following:

24 (1) 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

1 of the patient that in the physician assistant's judgment impairs the patient's ability
2 to exercise reasonable and ordinary control over a motor vehicle.

3 (2) In good faith, not reporting to the department of transportation under s.
4 146.82 (3) a patient's name and other information relevant to a physical or mental
5 condition of the patient that in the physician assistant's judgment does not impair
6 the patient's ability to exercise reasonable and ordinary control over a motor vehicle.

7 **448.977 Malpractice liability insurance.** (1) Except as provided in subs.
8 (2) and (3), no physician assistant may practice as authorized under s. 448.975 unless
9 he or she has in effect malpractice liability insurance coverage evidenced by one of
10 the following:

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

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

15 (2) The board may promulgate rules requiring a practicing physician assistant
16 to have in effect malpractice liability insurance coverage in amounts greater than
17 those specified in sub. (1) (a) or (b) or (4). If the board promulgates rules under this
18 subsection, no physician assistant may practice as authorized under s. 448.975
19 unless he or she has in effect malpractice liability insurance coverage as required
20 under those rules, except as provided in sub. (3).

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

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

5 **448.978 Professional discipline.** (1) Subject to the rules promulgated under
6 s. 440.03 (1), the board may conduct investigations and hearings to determine
7 whether a person has violated this subchapter or a rule promulgated under this
8 subchapter.

9 (2) Subject to the rules promulgated under s. 440.03 (1), if a person who applies
10 for or holds a license issued under s. 448.974 does any of the following, the board may
11 reprimand the person or deny, limit, suspend, or revoke the person's license:

12 (a) Makes a material misstatement in an application for a license or an
13 application for renewal of a license under s. 448.974.

14 (b) Violates any law of this state or federal law that substantially relates to the
15 practice of a physician assistant, violates this subchapter, or violates a rule
16 promulgated under this subchapter.

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

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

20 1. Providing expedited partner therapy as described in s. 448.9725.

21 2. Prescribing or delivering an opioid antagonist in accordance with s. 448.9727

22 (2).

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

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

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

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

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

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

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

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

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

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

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

19 **448.9785 Informed consent.** Any physician assistant who treats a patient
20 shall inform the patient about the availability of reasonable alternate medical modes
21 of treatment and about the benefits and risks of these treatments. The reasonable
22 physician assistant standard is the standard for informing a patient under this
23 section. The reasonable physician assistant standard requires disclosure only of
24 information that a reasonable physician assistant in the same or a similar medical
25 specialty would know and disclose under the circumstances. The physician

1 assistant's duty to inform the patient under this section does not require disclosure
2 of any of the following:

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

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

6 (3) Extremely remote possibilities that might falsely or detrimentally alarm
7 the patient.

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

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

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

14 **448.979 Penalties.** Any person who violates this subchapter is subject to a
15 fine not to exceed \$10,000 or imprisonment not to exceed 9 months, or both.

16 **448.9793 Injunction.** If it appears upon complaint to the board by any person
17 or if it is known to the board that any person is violating this subchapter, or rules
18 adopted by the board under this subchapter, the board or the attorney general may
19 investigate and may, in addition to any other remedies, bring action in the name and
20 on behalf of the state against any such person to enjoin such person from such
21 violation. The attorney general shall represent the board in all proceedings.

22 **448.9795 Duty to report.** (1) A physician assistant who has reason to believe
23 any of the following about another physician assistant shall promptly submit a
24 written report to the board that includes facts relating to the conduct of the other
25 physician assistant:

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

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

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

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

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

11 **SECTION 49.** Subchapter VIII of chapter 448 [precedes 448.980] of the statutes
12 is renumbered subchapter IX of chapter 448 [precedes 448.980].

13 **SECTION 50.** Subchapter IX of chapter 448 [precedes 448.985] of the statutes,
14 as created by 2019 Wisconsin Act 100, is renumbered subchapter X of chapter 448
15 [precedes 448.985].

16 **SECTION 51.** 450.01 (15r) of the statutes is repealed.

17 **SECTION 52.** 450.01 (16) (hm) 3. of the statutes is amended to read:

18 450.01 **(16)** (hm) 3. The patient's physician assistant, ~~if the physician assistant~~
19 ~~is under the supervision of the patient's personal attending physician.~~

20 **SECTION 53.** 450.11 (1) of the statutes is amended to read:

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

1 the symptom or purpose for which the drug is being prescribed if required under sub.
2 (4) (a) 8., and, if the order is written by the practitioner, the signature of the
3 practitioner. Except as provided in ss. 118.2925 (3), 255.07 (2), 441.18 (2) (a) 1.,
4 448.035 (2), and 448.037 (2) (a) 1., 448.9725 (2), and 448.9727 (2) (a) 1. and except
5 for standing orders issued under s. 441.18 (2) (a) 2. ~~or~~, 448.037 (2) (a) 2., or 448.9727
6 (2) (a) 2., all prescription orders shall also specify the name and address of the
7 patient. A prescription order issued under s. 118.2925 (3) shall specify the name and
8 address of the school. A prescription order issued under s. 255.07 (2) shall specify
9 the name and address of the authorized entity or authorized individual. Any oral
10 prescription order shall be immediately reduced to writing by the pharmacist and
11 filed according to sub. (2).

12 **SECTION 54.** 450.11 (1g) (b) of the statutes is amended to read:

13 450.11 (1g) (b) A pharmacist may, upon the prescription order of a practitioner
14 providing expedited partner therapy, as specified in s. 448.035 or 448.9725, that
15 complies with the requirements of sub. (1), dispense an antimicrobial drug as a
16 course of therapy for treatment of chlamydial infections, gonorrhea, or
17 trichomoniasis to the practitioner's patient or a person with whom the patient has
18 had sexual contact for use by the person with whom the patient has had sexual
19 contact. The pharmacist shall provide a consultation in accordance with rules
20 promulgated by the board for the dispensing of a prescription to the person to whom
21 the antimicrobial drug is dispensed. A pharmacist providing a consultation under
22 this paragraph shall ask whether the person for whom the antimicrobial drug has
23 been prescribed is allergic to the antimicrobial drug and advise that the person for
24 whom the antimicrobial drug has been prescribed must discontinue use of the

1 antimicrobial drug if the person is allergic to or develops signs of an allergic reaction
2 to the antimicrobial drug.

3 **SECTION 55.** 450.11 (1i) (a) 1. of the statutes is amended to read:

4 450.11 **(1i)** (a) 1. A pharmacist may, upon and in accordance with the
5 prescription order of an advanced practice nurse prescriber under s. 441.18 (2) (a) 1.,
6 ~~or of a physician or physician assistant~~ under s. 448.037 (2) (a) 1., or of a physician
7 assistant under s. 448.9727 (2) (a) 1. that complies with the requirements of sub. (1),
8 deliver an opioid antagonist to a person specified in the prescription order and may,
9 upon and in accordance with the standing order of an advanced practice nurse
10 prescriber under s. 441.18 (2) (a) 2., ~~or of a physician or physician assistant~~ under
11 s. 448.037 (2) (a) 2., or of a physician assistant under s. 448.9727 (2) (a) 2. that
12 complies with the requirements of sub. (1), deliver an opioid antagonist to an
13 individual in accordance with the order. The pharmacist shall provide a consultation
14 in accordance with rules promulgated by the board for the delivery of a prescription
15 to the person to whom the opioid antagonist is delivered.

16 **SECTION 56.** 450.11 (1i) (b) 2. c. of the statutes is amended to read:

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

20 **SECTION 57.** 450.11 (1i) (b) 2. cm. of the statutes is created to read:

21 450.11 **(1i)** (b) 2. cm. A physician assistant may only deliver or dispense an
22 opioid antagonist in accordance with s. 448.9727 (2) or in accordance with his or her
23 other legal authority to dispense prescription drugs.

24 **SECTION 58.** 450.11 (1i) (c) 2. of the statutes is amended to read:

1 450.11 (1i) (c) 2. Subject to par. (a) 2. and ss. 441.18 (3) ~~and~~, 448.037 (3), and
2 448.9727 (3), any person who, acting in good faith, delivers or dispenses an opioid
3 antagonist to another person shall be immune from civil or criminal liability for any
4 outcomes resulting from delivering or dispensing the opioid antagonist.

5 **SECTION 59.** 450.11 (8) (b) of the statutes is amended to read:

6 450.11 (8) (b) The medical examining board, insofar as this section applies to
7 physicians ~~and physician assistants~~.

8 **SECTION 60.** 450.11 (8) (f) of the statutes is created to read:

9 450.11 (8) (f) The physician assistant affiliated credentialing board, insofar as
10 this section applies to physician assistants.

11 **SECTION 61.** 462.02 (2) (e) of the statutes is amended to read:

12 462.02 (2) (e) A physician assistant licensed under s. 448.04 (1) (f) 448.974.

13 **SECTION 62.** 462.04 of the statutes, as affected by 2019 Wisconsin Act 100, is
14 amended to read:

15 **462.04 Prescription or order required.** A person who holds a license or
16 limited X-ray machine operator permit under this chapter may not use diagnostic
17 X-ray equipment on humans for diagnostic purposes unless authorized to do so by
18 prescription or order of a physician licensed under s. 448.04 (1) (a), a dentist licensed
19 under s. 447.04 (1), a podiatrist licensed under s. 448.63, a chiropractor licensed
20 under s. 446.02, an advanced practice nurse certified under s. 441.16 (2), a physician
21 assistant licensed under s. 448.04 (1) (f) 448.974, or, subject to s. 448.56 (7) (a), a
22 physical therapist who is licensed under s. 448.53 or who holds a compact privilege
23 under subch. ~~IX~~ X of ch. 448.

24 **SECTION 63.** 961.01 (19) (a) of the statutes is amended to read:

1 961.01 **(19)** (a) A physician, advanced practice nurse, dentist, veterinarian,
2 podiatrist, optometrist, scientific investigator or, subject to s. 448.21 ~~(3)~~ 448.975 (1)
3 **(b)**, a physician assistant, or other person licensed, registered, certified or otherwise
4 permitted to distribute, dispense, conduct research with respect to, administer, or
5 use in teaching or chemical analysis a controlled substance in the course of
6 professional practice or research in this state.

7 **SECTION 64.** 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, ~~or to a physician or physician assistant licensed~~
16 under subch. II of ch. 448, or to a physician assistant licensed under subch. VIII of
17 ch. 448 who is a health care provider for the defendant or who is responsible for
18 providing health care services to inmates of the jail. The report shall not be otherwise
19 disclosed prior to the hearing under this subsection.

20 **SECTION 65.** 990.01 (27s) of the statutes is created to read:

21 990.01 **(27s)** PHYSICIAN ASSISTANT. “Physician assistant” means a person
22 licensed as a physician assistant under subch. VIII of ch. 448.

23 **SECTION 66.** Chapter Med 8 of the administrative code is repealed.

24 **SECTION 67. Cross-reference changes.** In ss. 49.45 (9r) (a) 7. b., 146.81 (1)
25 (dg), 146.997 (1) (d) 4., 154.01 (3), 155.01 (7), 252.14 (1) (ar) 4e., 446.01 (1v) (d),

1 448.956 (1m) and (4), 450.10 (3) (a) 5., and 451.02 (1), the cross-references to “subch.
2 IX of ch. 448” are changed to “subch. X of ch. 448.”

3 **SECTION 68. Nonstatutory provisions.**

4 (1) BOARD; APPOINTMENTS.

5 (a) Notwithstanding the length of terms specified for the members of the
6 physician assistant affiliated credentialing board under s. 15.406 (7), 4 of the initial
7 members under s. 15.406 (7) (a) shall be appointed for terms expiring on July 1, 2021;
8 3 of the initial members under s. 15.406 (7) (a) and the initial member under s. 15.406
9 (7) (b) shall be appointed for terms expiring on July 1, 2022; and the remaining initial
10 member under s. 15.406 (7) (a) shall be appointed for a term expiring on July 1, 2023.

11 (b) Notwithstanding s. 15.08 (1), the governor may provisionally appoint initial
12 members of the physician assistant affiliated credentialing board under s. 15.406 (7).
13 Those provisional appointments remain in force until withdrawn by the governor or
14 acted upon by the senate and if confirmed by the senate, shall continue for the
15 remainder of the unexpired term, if any, of the member and until a successor is
16 chosen and qualifies. A provisional appointee may exercise all the powers and duties
17 of board membership to which the person is appointed during the time in which the
18 appointee qualifies.

19 (c) Notwithstanding s. 15.406 (7) (a), for purposes of an initial appointment to
20 the physician assistant affiliated credentialing board made before the date specified
21 in SECTION 69 (intro.) of this act, including any provisional appointment made under
22 par. (b), the governor may appoint physician assistants licensed under subch. II of
23 ch. 448 to the positions on the board specified under s. 15.406 (7) (a).

24 (2) EMERGENCY RULES.

1 (a) Using the procedure under s. 227.24, the physician assistant affiliated
2 credentialing board may promulgate initial rules under ss. 448.973 (1) and 448.975
3 (5) (a) as emergency rules under s. 227.24 to allow for the licensure, discipline, and
4 practice of physician assistants. The authority granted under this subsection applies
5 only to rules described in this paragraph, and any other emergency rules
6 promulgated by the board shall be as provided in, and subject to, s. 227.24.

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

12 (c) Emergency rules promulgated under this subsection may not take effect
13 prior to the date specified in SECTION 69 (intro.) of this act.

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

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

1 public peace, health, safety, or welfare that can be avoided only by extension of the
2 emergency rule when making a request for an extension under this subsection, but
3 s. 227.24 (2) (am) to (c) shall otherwise apply to extensions under this paragraph.

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

7 (3) BOARD; TRANSFERS.

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

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

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

1 or rescinded by the physician assistant affiliated credentialing board to the extent
2 allowed under the contract.

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

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

12 **SECTION 69. Effective dates.** This act takes effect on the first day of the 13th
13 month beginning after publication, except as follows:

14 (1) The treatment of s. 15.406 (7) and SECTION 68 (1) and (2) of this act take effect
15 on the day after publication.

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

19 (END)