



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-3890/1
MED:wlj

2023 ASSEMBLY BILL 959

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

AUTHORS SUBJECT TO CHANGE

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

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

Analysis by the Legislative Reference Bureau

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ASSEMBLY BILL 959**SECTION 30**

1 **SECTION 30.** Subchapter VII (title) of chapter 448 [precedes 448.96] of the
2 statutes is renumbered subchapter I (title) of chapter 465 [precedes 465.01] and
3 amended to read:

CHAPTER 465**SUBCHAPTER I****OCCUPATIONAL THERAPISTS****AFFILIATED CREDENTIALING****THERAPY EXAMINING BOARD**

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9 **SECTION 31.** 448.96 (intro.) of the statutes is renumbered 465.01 (intro.).

10 **SECTION 32.** 448.96 (1) of the statutes is repealed.

11 **SECTION 33.** 448.96 (1n) of the statutes is renumbered 465.01 (3) and amended
12 to read:

13 465.01 (3) “Compact” means the occupational therapy licensure compact under
14 s. ~~448.987~~ 465.50.

15 **SECTION 34.** 448.96 (1o) of the statutes is renumbered 465.01 (4) and amended
16 to read:

17 465.01 (4) “Compact privilege” means a compact privilege, as defined in s.
18 ~~448.987~~ 465.50 (2) (d), that is granted under the compact to an individual to practice
19 in this state.

20 **SECTION 35.** 448.96 (2) and (3) of the statutes are renumbered 465.01 (5) and
21 (6).

22 **SECTION 36.** 448.96 (4) of the statutes is renumbered 465.01 (7) and amended
23 to read:

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

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

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

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

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

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

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

ASSEMBLY BILL 959**SECTION 40**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ASSEMBLY BILL 959**SECTION 42**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ASSEMBLY BILL 959**SECTION 47**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ASSEMBLY BILL 959**SECTION 56**

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

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

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

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

10 **CHAPTER 465**

11 **OCCUPATIONAL THERAPY**

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

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

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

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

17 **SECTION 61. Nonstatutory provisions.**

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

