



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-2403/1
MED:cjs

2023 SENATE BILL 158

April 3, 2023 - Introduced by Senators CABRAL-GUEVARA, COWLES, FELZKOWSKI, FEYEN, JACQUE, MARKLEIN and STROEBEL, cosponsored by Representatives GOEBEN, SORTWELL, ARMSTRONG, BEHNKE, BODDEN, BORN, DITTRICH, DONOVAN, GUSTAFSON, KITCHENS, KURTZ, MURPHY, MURSAU, O'CONNOR, OLDENBURG, PENTERMAN, ROZAR, SCHMIDT, SCHRAA, TITTL and WICHGERS. Referred to Committee on Licensing, Constitution and Federalism.

AUTHORS SUBJECT TO CHANGE

1 **AN ACT to amend** 440.08 (2) (a) (intro.) and 440.094 (1) (c) 3., 4. and 5.; and **to**
2 **create** 440.094 (1) (c) 9g., 9m., 17. and 19. and 440.095 of the statutes; **relating**
3 **to:** preliminary health care credentials granted to previously unlicensed
4 individuals.

Analysis by the Legislative Reference Bureau

This bill requires the Department of Safety and Professional Services to grant preliminary credentials to certain individuals who have recently completed the requirements to obtain a health care credential.

Under the bill, DSPS must grant a preliminary credential to an individual who attests to meeting all of the requirements for a corresponding permanent or training credential, including having completed all education, training, supervised experience, and similar requirements within the previous two-year period. The individual must also attest that he or she does not, to the best of his or her knowledge, have a disqualifying arrest or conviction record, and that he or she has been engaged by a health care employer to provide services that are within the scope of the credential that he or she is seeking. Finally, the individual must have also submitted an application for the permanent or training credential that remains pending.

The health care employer must submit to DSPS the employer's national provider identifier and attest to having engaged the individual to provide the aforementioned services. The health care employer must also attest that the individual has, to the best of the health care employer's knowledge and with a reasonable degree of certainty, completed the required education, training, and

SENATE BILL 158

supervised experience necessary for the corresponding permanent or training credential within the two years preceding the submission of the application for the preliminary credential, has passed required examinations, and has passed a background check performed by the health care employer.

The preliminary credential becomes effective upon the submission of the attestation by the health care employer or on a later date specified therein. The preliminary credential expires on the date that the application for the permanent or training credential is granted or denied. While providing services under a preliminary credential, the person is subject to all responsibilities and limitations of the corresponding permanent or training credential.

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

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

1 **SECTION 1.** 440.08 (2) (a) (intro.) of the statutes is amended to read:

2 440.08 (2) (a) (intro.) Except as provided in par. (b) and in ss. 440.094, 440.095,
3 440.51, 442.04, 444.03, 444.11, 447.04 (2) (c) 2., 447.05 (1) (b), 449.17 (1m) (d), 449.18
4 (2) (e), 455.06 (1) (b), 463.10, 463.12, and 463.25 and subch. II of ch. 448, the renewal
5 dates for credentials are as follows:

6 **SECTION 2.** 440.094 (1) (c) 3., 4. and 5. of the statutes are amended to read:

7 440.094 (1) (c) 3. A dentist, dental hygienist, or expanded function dental
8 auxiliary licensed or certified under ch. 447.

9 4. A physician, ~~physician assistant~~, perfusionist, or respiratory care
10 practitioner licensed or certified under subch. II of ch. 448.

11 5. A physical therapist or physical therapist assistant licensed under subch. III
12 of ch. 448 or who holds a compact privilege under subch. ~~IX~~ XI of ch. 448.

13 **SECTION 3.** 440.094 (1) (c) 9g., 9m., 17. and 19. of the statutes are created to
14 read:

15 440.094 (1) (c) 9g. A genetic counselor licensed under subch. VIII of ch. 448.

SENATE BILL 158

1 9m. A physician assistant licensed under subch. IX of ch. 448.

2 17. A radiographer licensed under ch. 462.

3 19. A naturopathic doctor licensed under ch. 466.

4 **SECTION 4.** 440.095 of the statutes is created to read:

5 **440.095 Practice by previously unlicensed individuals. (1) DEFINITIONS.**

6 In this section:

7 (a) "Health care employer" has the meaning given in s. 440.094 (1) (b).

8 (b) "National provider identifier" means the national provider identifier issued
9 by the National Plan and Provider Enumeration System of the federal Centers for
10 Medicare and Medicaid Services

11 (c) "Permanent health care credential" means a credential corresponding to
12 any of the health care providers enumerated in s. 440.094 (1) (c).

13 (d) "Services" means actions that are within the scope of practice that is defined
14 for a permanent health care credential or training health care credential.

15 (e) "Training health care credential" means a credential that authorizes an
16 individual to provide some or all of the services that may be provided under a
17 permanent health care credential while the individual works to satisfy further
18 education, training, supervised experience, and similar requirements that must be
19 satisfied in order to be granted a permanent health care credential.

20 **(2) PRACTICE BY PREVIOUSLY UNLICENSED INDIVIDUALS.** (a) Notwithstanding chs.
21 440 to 480, an individual may provide for a health care employer services that are
22 within the scope of practice that is defined for the permanent health care credential
23 or training health care credential described in subd. 1. g., and the department shall
24 grant the individual a preliminary health care credential under this section, if all of
25 the following apply:

SENATE BILL 158**SECTION 4**

1 1. The individual applies to the department for a preliminary health care
2 credential under this section. The individual shall include in the application an
3 attestation of all of the following:

4 a. The individual does not hold and has never held a license, certificate, permit,
5 or similar form of authorization that allows the individual to perform those services
6 in another jurisdiction.

7 b. The individual, within the 2-year period preceding the application under
8 subd. 1. g., completed all education, training, supervised experience, and similar
9 requirements that must be completed in order to be eligible for the permanent health
10 care credential or training health care credential described in subd. 1. g.

11 c. The individual has passed all examinations required to be taken in order to
12 be eligible for the permanent health care credential or training health care credential
13 described in subd. 1. g., other than any interview or oral examination that may be
14 required for the permanent health care credential or training health care credential.

15 d. The individual does not, to the best of his or her knowledge, have an arrest
16 record or a conviction record, as those terms are defined in s. 111.32, on the basis of
17 which the department or credentialing board, as applicable, would deny the
18 individual's application under subd. 1. g. The department may, in the application for
19 a preliminary health care credential under this section, provide a space for the
20 individual to indicate if he or she has previously applied for a determination under
21 s. 111.335 (4) (f).

22 e. The individual, to the best of his or her knowledge, meets all of the
23 requirements, other than those specified in subd. 1. b. to d., for the permanent health
24 care credential or training health care credential described in subd. 1. g.

SENATE BILL 158

1 f. The individual has never held the credential for which he or she has applied
2 under subd. 1. g.

3 g. The individual has applied for a permanent health care credential or training
4 health care credential granted by the department or a credentialing board, as
5 applicable, under chs. 440 to 480 that corresponds to the preliminary health care
6 credential for which he or she has applied under this section, and that application
7 remains pending.

8 h. The individual has been engaged by a health care employer to provide
9 services for that health care employer that are within the scope of practice that is
10 defined for the permanent health care credential or training health care credential
11 described in subd. 1. g. For purposes of this section, an individual may not serve as
12 his or her own health care employer.

13 2. The health care employer of the individual described in subd. 1. h. provides
14 to the department the health care employer's national provider identifier and attests
15 to all of the following to the department:

16 a. The health care employer has engaged the individual to provide services for
17 the health care employer as described in subd. 1. h.

18 b. To the best of the health care employer's knowledge and with a reasonable
19 degree of certainty, the individual satisfies the applicable requirements under subd.
20 1. b. and c.

21 c. The individual passed a background check performed by the health care
22 employer.

23 (b) An individual who practices within the scope of a preliminary health care
24 credential granted under this section has all rights and is subject to all
25 responsibilities, malpractice insurance requirements, limitations on scope of

SENATE BILL 158**SECTION 4**

1 practice, and other provisions that apply under chs. 440 to 480 to the practice under
2 the permanent health care credential or training health care credential described in
3 par. (a) 1. g.

4 (c) 1. A preliminary health care credential granted under this section becomes
5 effective on the date the health care employer submits the attestation under par. (a)
6 2., or on a later date, specified in the attestation, that the individual will begin
7 providing services for the health care employer.

8 2. A preliminary health care credential granted under this section expires on
9 the date that the department, or a credentialing board in the department, as
10 applicable, grants or denies the application under par. (a) 1. g. for a permanent
11 health care credential or training health care credential submitted by the individual.

12 (END)