



## 2019 SENATE BILL 928

March 26, 2020 - Introduced by Senators KOOYENGA and TIFFANY, cosponsored by Representatives KURTZ, SANFELIPPO, BROOKS, GUNDRUM, MAGNAFICI, MURPHY, ROHRKASTE, SKOWRONSKI, WICHGERS, DITTRICH and TUSLER. Referred to Committee on Health and Human Services.

1 **AN ACT relating to:** the scope of practice of health care providers and health care  
2 providers from other states.

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### *Analysis by the Legislative Reference Bureau*

This bill addresses the scope of practice of health care providers and practice by health care providers from other states, as follows:

1. The bill allows a health care provider to provide any health care services within the extent of his or her individual education, training, and experience. Current law generally prohibits a person from engaging in certain health care-related practices without holding a required credential.

2. The bill prohibits the Department of Safety and Professional Services and all credentialing boards from reprimanding a health care provider or denying, limiting, suspending, or revoking the credential of a health care provider for providing a health care service in a regulated health care setting, such as a hospital, clinic, long-term care facility, or other regulated setting. This provision applies only if the following are satisfied: 1) the health care service provided by a health care provider is within the provider's education, training, and experience; and 2) the health care service is provided at the direction of an attending physician or under a written policy issued by a regulated health care setting.

3. The bill allows a health care provider from another state to practice a health care profession in Wisconsin if the health care provider holds in good standing a license, certificate, or registration granted by another state that authorizes the person to practice that profession. These health care providers are considered to have a credential in this state.

**SENATE BILL 928**

The bill's provision's apply only during the public health emergency declared on March 12, 2020, by executive order 72.

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

1           **SECTION 1. Nonstatutory provisions.**

2           (1) SCOPE OF PRACTICE OF HEALTH CARE PROVIDERS.

3           (a) *Definitions.* In this subsection:

4           1. "Health care provider" has the meaning given in s. 146.81 (1) (a) to (hp), (r),  
5 and (s).

6           2. "Regulated health care setting" means a health care provider as defined in  
7 s. 146.81 (1) (i) to (q), any entity that is licensed, certified, registered or otherwise  
8 credentialed under ch. 50 or 51 or rules promulgated under ch. 50 or 51, an outpatient  
9 health clinic, and any other setting regulated by the department of health services,  
10 as specified by the department of health services.

11           (b) *Services provided by health care providers.* Notwithstanding ss. 440.982 (1),  
12 441.06 (4), 441.15 (2), 446.02 (1), 447.03 (1) and (2), 448.03 (1) (a), (b), and (c) and  
13 (1m), 448.51, 448.61, 448.76, 448.961 (1) and (2), 449.02 (1), 450.03 (1), 451.04 (1),  
14 455.02 (1m), 457.04, 459.02 (1), 459.24 (1), and 460.02, a health care provider may  
15 provide any health care services within the extent of his or her individual education,  
16 training, and experience and does not violate any of the prohibitions against  
17 engaging in a practice without a credential under s. 440.982 (1), 441.06 (4), 441.15  
18 (2), 446.02 (1), 447.03 (1) or (2), 448.03 (1) (a), (b), or (c) or (1m), 448.51, 448.61,  
19 448.76, 448.961 (1) or (2), 449.02 (1), 450.03 (1), 451.04 (1), 455.02 (1m), 457.04,  
20 459.02 (1), 459.24 (1), or 460.02.

**SENATE BILL 928**

1           (c) *Regulated health care settings.* The department of health services may not  
2 sanction, deny Medical Assistance reimbursement to, or otherwise penalize a  
3 regulated health care setting because that regulated health care setting has as an  
4 employee or contractor a health care provider who is providing services in accordance  
5 with par. (b) or (d).

6           (d) *Practicing under authorization.* Notwithstanding ss. 440.986, 441.07,  
7 446.03, 447.07, 448.02, 448.57, 448.675, 448.87, 448.968, 449.07, 450.10, 451.14,  
8 455.09, 457.26, 459.10, and 460.14, the department of safety and professional  
9 services and any examining board, affiliated credentialing board, and board in the  
10 department of safety and professional services may not reprimand a health care  
11 provider or deny, limit, suspend, or revoke the credential of a health care provider  
12 for providing a health care service in a regulated health care setting if all of the  
13 following apply:

14           1. The health care service is within the health care provider's education,  
15 training, and experience.

16           2. The health care service is provided at the direction of an attending physician  
17 or under a written policy issued by the regulated health care setting.

18           (2) PRACTICE OF HEALTH CARE PROVIDERS FROM OTHER STATES.

19           (a) *Definition.* In this subsection, "out-of-state health care provider" means  
20 an individual who holds in good standing a valid, unexpired license, certificate, or  
21 registration granted by another state or territory that authorizes or qualifies the  
22 individual to perform acts that are substantially the same as the acts that a health  
23 care provider, as defined in s. 146.81 (1) (a) to (hp), (r) and (s), is licensed or certified  
24 to perform.

