

State of Misconsin 2023 - 2024 LEGISLATURE

 $\begin{array}{c} LRB\text{--}0367/P3\\ MED\text{:}cjs \end{array}$

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1	AN ACT $to \ amend \ 440.08 \ (2) \ (a) \ (intro.);$ and $to \ create \ 440.095$ of the statutes;
2	relating to: preliminary credentials granted to previously unlicensed
3	individuals.

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a subsequent version of this draft.

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:

4	SECTION 1. 440.08 (2) (a) (intro.) of the statutes is amended to read:
5	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(2)(d),449.18(d)
7	(2) (e), 455.06 (1) (b), 463.10, 463.12, and 463.25 and subch. II of ch. 448, the renewal
3	dates for credentials are as follows:

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SECTION 2

1	SECTION 2. 440.095 of the statutes is created to read:
2	440.095 Practice by previously unlicensed individuals. (1) Definitions.
3	In this section:
4	(a) "Credential" has the meaning given in s. 440.01 (2) (a).
5	(b) "Services" means actions that are within the scope of practice that is defined
6	for a credential.
7	(c) "Training credential" means a credential that authorizes an individual to
8	provide some or all of the services that may be provided with a permanent credential
9	while the individual works to satisfy further education, training, supervised
10	experience, and similar requirements that must be satisfied in order to be granted
11	a permanent credential.
12	(2) Practice by previously unlicensed individuals. (a) Notwithstanding chs.
13	440 to 480, an individual may provide for an employer services that are within the
14	scope of practice that is defined for the permanent or training credential described
15	in subd. 1. g., and the department shall grant the individual a preliminary credential
16	to practice under this section, if all of the following apply:
17	1. The individual applies to the department for a preliminary credential under
18	this section. The individual shall include in the application an attestation of all of
19	the following:
20	a. The individual does not hold and has never held a license, certificate, permit,
21	or similar form of authorization that allows the individual to perform those services
22	in another jurisdiction.

b. The individual, within the 2-year period preceding the application under

subd. 1. g., completed all education, training, supervised experience, and similar

under subd. 1. g.

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- 1 requirements that must be completed in order to be eligible for the permanent or 2 training credential described in subd. 1. g. 3 c. The individual has passed all examinations required to be taken in order to 4 be eligible for the permanent or training credential described in subd. 1.g., other than 5 any interview or oral examination that may be required for the permanent 6 credential. 7 d. The individual does not have an arrest record or a conviction record, as those 8 terms are defined in s. 111.32, on the basis of which the department or credentialing 9 board, as applicable, would deny the individual's application under subd. 1. g. The 10 department may, in the application for a preliminary credential under this section, 11 provide a space for the individual to indicate if he or she has previously applied for 12 a determination under s. 111.335 (4) (f). The individual, to the best of his or her knowledge, meets all of the 13 14 requirements, other than those specified in subd. 1. b. to d., for the permanent or training credential described in subd. 1. g. 15 16 f. The individual has never held the credential for which he or she has applied
 - g. The individual has applied for a permanent or training credential granted by the department or a credentialing board, as applicable, under chs. 440 to 480 that corresponds to the preliminary credential for which he or she has applied under this section.
 - h. The individual has been engaged by an employer to provide services for that employer that are within the scope of practice that is defined for the permanent or training credential described in subd. 1. g.

1	2. The employer of the individual described in subd. 1. h. attests to all of the
2	following to the department:
3	a. The employer has engaged the individual to provide services for the employer
4	as described in subd. 1. h.
5	b. To the best of the employer's knowledge and with a reasonable degree of
6	certainty, the individual satisfies the requirements under subd. 1. a. to f.
7	(b) An individual who practices within the scope of a preliminary credential
8	granted under this section has all rights and is subject to all responsibilities,
9	malpractice insurance requirements, limitations on scope of practice, and other
10	provisions that apply under chs. 440 to 480 to the practice under the permanent or
11	training credential described in par. (a) 1. g.
12	(c) 1. A preliminary credential granted under this section becomes effective on
13	the date the employer submits the attestation under par. (a) 2., or on a later date,
14	specified in the attestation, that the individual will begin providing services for the
15	employer.
16	2. A preliminary credential granted under this section expires on the date that
17	the department, or a credentialing board in the department, as applicable, grants or
18	denies the application under par. (a) 1. g. for a permanent or training credential
19	submitted by the individual.
20	(4) Nonapplicability. This section does not apply with respect to credentials

(END)

under subch. IV or V of ch. 440 or ch. 444 or 463.

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