



State of Wisconsin  
2017 - 2018 LEGISLATURE

LRB-5014/P2  
MED:klm

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

1     **AN ACT** *to renumber and amend* 448.665 and 449.06 (2m); *to amend* 441.16  
2           (3) (d), 447.056 (1) (intro.) and 448.07 (1) (d); and *to create* 447.02 (2) (k), 448.13  
3           (1) (a) 3., 448.13 (4), 448.20 (3) (c), 448.40 (2) (ck), 448.40 (2) (cm), 448.665 (1)  
4           (b) and 449.06 (2m) (b) of the statutes; **relating to:** continuing education in  
5           prescribing controlled substances for certain health care practitioners and  
6           granting rule-making authority.

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***Analysis by the Legislative Reference Bureau***

This bill requires a physician, physician assistant, advanced practice nurse prescriber, podiatrist, dentist, or optometrist who is authorized to prescribe controlled substances, when renewing his or her license issued by the applicable credentialing board, to submit proof of completion of continuing education requirements promulgated by rule of the board regarding best practices in prescribing controlled substances.

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

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

1           **SECTION 1.** 441.16 (3) (d) of the statutes is amended to read:

2           441.16 (3) (d) Establishing procedures for maintaining a certificate to issue  
3           prescription orders, including requirements for continuing education and a  
4           requirement to complete the nursing workforce survey and submit the fee required  
5           under s. 441.01 (7). The requirements established by the board under this paragraph  
6           shall include continuing education requirements regarding best practices in  
7           prescribing controlled substances, as defined in s. 961.01 (4), for any advanced  
8           practice nurse who is authorized to dispense controlled substances under 21 USC  
9           821 to 831, and the board shall specify a minimum number of hours of such  
10          instruction that must be completed in each 2-year period.

11          **SECTION 2.** 447.02 (2) (k) of the statutes is created to read:

12          447.02 (2) (k) Continuing education requirements for dentists under s. 447.056  
13          regarding best practices in prescribing controlled substances, as defined in s. 961.01  
14          (4). The board shall specify a minimum number of hours of such instruction that  
15          must be completed in each 2-year period. Continuing education requirements  
16          established in the rules promulgated under this paragraph shall apply only with  
17          respect to a dentist who is authorized to dispense controlled substances under 21  
18          USC 821 to 831.

19          **SECTION 3.** 447.056 (1) (intro.) of the statutes is amended to read:

20          447.056 (1) (intro.) Except as provided in subs. (2) to (4), a person is not eligible  
21          for renewal of a license to practice dentistry, other than a permit issued under s.  
22          447.02 (3), unless the person has taught, attended, or otherwise completed, during  
23          the 2-year period immediately preceding the renewal date specified under s. 440.08  
24          (2) (a), 30 credit hours of continuing education related to the practice of dentistry or  
25          the practice of medicine, including not less than 25 credit hours of instruction in

1 clinical dentistry or clinical medicine and including the credit hours of instruction  
2 regarding best practices in prescribing controlled substances that are required by  
3 the board in rules promulgated under s. 447.02 (2) (k). Not more than 4 of the 30  
4 hours may be from teaching. Continuing education does not satisfy the requirements  
5 under this subsection unless the continuing education is one of the following:

6 **SECTION 4.** 448.07 (1) (d) of the statutes, as affected by 2013 Wisconsin Act 240,  
7 is amended to read:

8 448.07 (1) (d) No registration may be permitted by the secretary of the board  
9 in the case of any physician, physician assistant, or perfusionist who has failed to  
10 meet the requirements of s. 448.13 or any person whose license or certificate has been  
11 suspended or revoked and the registration of any such person shall be deemed  
12 automatically annulled upon receipt by the secretary of the board of a verified report  
13 of such suspension or revocation, subject to the person's right of appeal. A person  
14 whose license or certificate has been suspended or revoked and subsequently  
15 restored shall be registered by the board upon tendering a verified report of such  
16 restoration of the license or certificate, together with an application for registration  
17 and the registration fee.

18 **SECTION 5.** 448.13 (1) (a) 3. of the statutes is created to read:

19 448.13 (1) (a) 3. If the physician is authorized to dispense controlled substances  
20 under 21 USC 821 to 831, continuing education programs regarding best practices  
21 in prescribing controlled substances, as defined in s. 961.01 (4).

22 **SECTION 6.** 448.13 (4) of the statutes is created to read:

23 448.13 (4) Each person who is licensed as a physician assistant and who is  
24 authorized to dispense controlled substances under 21 USC 821 to 831 shall, in each  
25 2nd year at the time of application for a certificate of registration under s. 448.07,

1 submit proof of completion of continuing education requirements promulgated by  
2 rule by the board regarding best practices in prescribing controlled substances, as  
3 defined in s. 961.01 (4).

4 **SECTION 7.** 448.20 (3) (c) of the statutes is created to read:

5 448.20 (3) (c) Promulgating the rules establishing continuing education  
6 requirements under s. 448.40 (2) (cm).

7 **SECTION 8.** 448.40 (2) (ck) of the statutes is created to read:

8 448.40 (2) (ck) Establishing continuing education requirements under s.  
9 448.13 (1) (a) 3. regarding best practices in prescribing controlled substances, as  
10 defined in s. 961.01 (4), for renewal of a license to practice medicine and surgery by  
11 a physician authorized to dispense controlled substances under 21 USC 821 to 831.  
12 The board shall specify a minimum number of hours of such instruction that must  
13 be completed in each 2-year period.

14 **SECTION 9.** 448.40 (2) (cm) of the statutes is created to read:

15 448.40 (2) (cm) Establishing continuing education requirements under s.  
16 448.13 (4) regarding best practices in prescribing controlled substances, as defined  
17 in s. 961.01 (4), for renewal of a physician assistant license by a physician assistant  
18 authorized to dispense controlled substances under 21 USC 821 to 831. The board  
19 shall specify a minimum number of hours of such instruction that must be completed  
20 in each 2-year period. In promulgating rules under this paragraph, the board shall  
21 consult with the council on physician assistants.

22 **SECTION 10.** 448.665 of the statutes is renumbered 448.665 (1) (intro.) and  
23 amended to read:

24 448.665 (1) (intro.) The affiliated credentialing board shall promulgate rules  
25 establishing requirements and procedures for licensees to complete continuing

1 education programs or courses of study in order to qualify for renewal of a license  
2 granted under this subchapter. The rules promulgated under this section shall  
3 require do all of the following:

4 (a) Require a licensee to complete at least 30 hours of continuing education  
5 programs or courses of study within each 2-year period immediately preceding the  
6 renewal date specified under s. 440.08 (2) (a).

7 (2) The affiliated credentialing board may waive all or part of these the  
8 requirements for the completion of continuing education programs or courses of  
9 study under sub. (1) if the affiliated credentialing board determines that prolonged  
10 illness, disability, or other exceptional circumstances have prevented a licensee from  
11 completing the requirements.

12 **SECTION 11.** 448.665 (1) (b) of the statutes is created to read:

13 448.665 (1) (b) Establish requirements for a licensee who is authorized to  
14 dispense controlled substances under 21 USC 821 to 831 to complete continuing  
15 education programs regarding best practices in prescribing controlled substances, as  
16 defined in s. 961.01 (4). The affiliated credentialing board shall specify a minimum  
17 number of hours of such instruction that must be completed in each 2-year period.

18 **SECTION 12.** 449.06 (2m) of the statutes is renumbered 449.06 (2m) (intro.) and  
19 amended to read:

20 449.06 (2m) (intro.) The examining board shall promulgate rules requiring a  
21 person who is issued a license to practice optometry to complete, during the 2-year  
22 period immediately preceding the renewal date specified in s. 440.08 (2) (a), not less  
23 than 30 hours of continuing education. The rules shall include requirements all of  
24 the following:

