State of Wisconsin

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Emergency Order #16
Related to Certain Health Care Providers and the Department of Safety and Professional Services Credentialing

WHEREAS, in December, 2019, a novel strain of the coronavirus was detected, now named COVID-19, and it has spread throughout the world, including every state in the United States;

WHEREAS, on March 12, 2020, Governor Tony Evers declared a public health emergency and directed all agencies support the efforts to respond to and contain COVID-19 in Wisconsin;

WHEREAS, on March 13, 2020, President Donald Trump proclaimed a National Emergency concerning COVID-19;

WHEREAS, as of March 26, 2020, 512,900 people around the world have tested positive for COVID-19, including 81,321 in the United States and 707 in Wisconsin;

WHEREAS, even before COVID-19, more than half of Wisconsin counties had a shortage of physicians, and many other types of healthcare workers were in short supply;

WHEREAS, the continued spread of COVID-19 demands that we have the help of as many skilled health care providers as possible;

NOW THEREFORE, under the authority vested in the Governor and the Department of Health by the Constitution and the Laws of the State, including but not limited to Article V, Section 4 of the Wisconsin Constitution and Sections 323.12(4) and 252.02(6) of the Wisconsin Statutes, and the public health emergency declared in Executive Order #72, I, Governor Tony Evers, and I, Secretary-designee Andrea Palm, jointly order the following:

I. Interstate Reciprocity

A. For purposes of Section I, the following definitions control:

1. "Health care provider" has the meaning given in Wis. Stat. § 146.81(1)(a) through (hg).

2. "Health care facility" refers to any system, care clinic, care provider, long-term care facility, or any other health care facility where health care services are or may be provided.

3. "Temporary License" refers to any visiting, locum tenens, temporary, or similar non-permanent license or credential

B. Any health care provider with a valid and current license issued by another state may practice under that license and within the scope of that license in Wisconsin without first obtaining a temporary or permanent license from the Department of Safety and Professional Services (DSPS), so long as the following conditions are met:

1. The practice is necessary for an identified health care facility to ensure the continued and safe delivery of health care services;
2. The health care provider is not currently under investigation and does not currently have any restrictions or limitations placed on their license by their credentialing state or any other jurisdiction;
3. The identified health care facility's needs reasonably prevented in-state credentialing in advance of practice;
4. The health care provider practicing under this section must apply for a temporary or permanent health care license within 10 days of first working at a health care facility in reliance on this Section; and
5. The health care facility must notify DSPS at dsps@wisconsin.gov within 5 days of a health care provider practicing at its facility in reliance on this Section.

C. The Office of the Commissioner of Insurance (OCI) is directed to work with health care providers practicing under this provision to ensure they have the proper liability insurance coverage.

D. DSPS may withdraw an individual's authority to temporary practice pursuant to the Order for good cause as determined by DSPS.

E. Nothing in this Order prevents civil or criminal action against a person or entity who falsely reports required information to DSPS or practices without following the requirements of this Section

II. Temporary Licenses

A. Any temporary license, as defined under Section I(A)3. of this Order, that has been granted to a health care provider as defined under Section I(A)1 of this Order, shall remain valid for 30 days after the conclusion of the declared emergency, including any extensions.

B. The following administrative rule is suspended:

Admin. Rule:	Wis. Admin. Code § Med 3.04
Description of Rule:	Practice Limitations
Status:	Partially suspended with companion order
Companion Order:	The following language is suspended: "providing such practice is entirely limited to the medical education facility, medical research facility, or medical school where the license

holder is teaching, conducting research, or practicing medicine and surgery, and is limited to the terms and restrictions established by the board."

III. Telemedicine

A. The following is ordered as it relates to telemedicine for Wisconsin residents:

1. A physician providing telemedicine in the diagnosis and treatment of a patient who is located in this state must have a valid and current license issued by this State, another state, or Canada. Wis. Admin. § Med 24.04 and 24.07(1)(a) are suspended. Where a requirement in Wis. Admin. Med. Ch. 24 applies to physicians licensed to practice by the medical examining board, such requirements extend to any physician practicing telemedicine in this state.

2. A physician practicing under this section cannot be currently under investigation and must not currently have any restrictions or limitations placed on their license by their credentialing state or any other jurisdiction.

3. Insured patients are encouraged to continue to work with their insurance providers to ensure they are selecting providers in-network, if applicable and where possible.

4. OCI is directed to continue working with malpractice insurance carriers to facilitate coverage outside of the traditional health care facility settings and to continue working with health insurers to minimize out-of-network barriers for insured patients seeking telemedicine services.

IV. Specific Orders Pertaining to Physician Assistants

A. The following administrative rules are suspended:

Admin. Rule:	Wis. Admin. Code § Med 8.05(4)
Description of Rule:	Licensure renewal notification requirements
Status:	Partially suspended with companion order
Companion Order:	The following language is suspended: "and shall notify the board within 20 days of any change of a supervising physician or podiatrist." A physician assistant must notify the board within 40 days of any change of a supervising physician or podiatrist.

Admin. Rule:	Wis. Admin. Code § Med 8.07(1)
Description of Rule:	Scope and limitations of physician assistant practice
Status:	Partially suspended with companion order
Companion Order:	The following language is suspended: "and may not exceed the scope of practice of the physician or podiatrist providing supervision. A medical care task assigned by the supervising physician or podiatrist to a physician assistant may not be delegated by the physician assistant to another person." A

physician assistant shall limit their practice to the scope of their experience, education, training, and capabilities. A physician assistant may delegate a care task to another clinically trained health care provider if the physician assistant has knowledge, based on personal experience with the health care provider who is being delegated the task, that the task is within the health care provider's experience, education, training, and capabilities.

Admin. Rule:	Wis. Admin. Code § Med 8.07(3)
Description of Rule:	Identifying supervising physician or podiatrist
Status:	Suspended

Admin. Rule:	Wis. Admin. Code § Med 8.10(1)
Description of Rule:	Provides for physician or podiatrist to physician assistant ratio and availability for consultation
Status:	Partially suspended with companion order
Companion Order:	No physician or podiatrist may supervise more than 8 on-duty physician assistants at any time. There is no limit to the number of physician assistants for whom a physician or podiatrist may provide supervision over time. A physician assistant may be supervised by more than one physician or podiatrist while on duty.

V. Specific Orders Pertaining to Nursing

A. The following administrative rules are suspended:

Admin. Rule:	Wis. Admin. Code § N. 1.08(5m)(b)
Description of Rule:	Places limit on utilization of simulation for nurse training
Status:	Suspended

Admin. Rule:	Wis. Admin. Code § N. 2.31(3)
Description of Rule:	Applications to practice under a temporary permit
Status:	Suspended

Admin. Rule:	Wis. Admin. Code § N. 2.34
Description of Rule:	Duration of temporary licenses
Status:	Partially suspended with companion order
Companion Order:	An issued temporary license will remain valid until end of emergency or six months after availability of NCLEX, whichever occurs last.

Admin. Rule:	Wis. Admin. Code § N 2.40(2)(a)-(c)
Description of Rule:	Requirements for credential renewal within five years of expiration.
Status:	Partially suspended with companion order
Companion Order:	Subsections (b) and (c) are suspended. Any applicable late renewal fee under subsection (a) is suspended. Nothing

about this suspension should be construed to apply to a credential holder who has unmet disciplinary requirements or whose credential has been surrendered or revoked. Wis. Stat. § 441.01(7) is to be interpreted so as not to apply to applications for license renewal after expiration under Wis. Admin. Code § N 2.40(2).

Admin. Rule:	Wis. Admin. Code § N 2.40(3)(a) through (d)
Description of Rule:	Requirements for credential renewal after five years of expiration
Status:	Partially suspended with companion order
Companion Order:	Subsections (b) through (d) are suspended. The late renewal fee under subsection (a) is suspended. Nothing about this suspension should be construed to apply to a credential holder who has unmet disciplinary requirements or whose credential has been surrendered or revoked. Wis. Stat. § 441.01(7) is to be interpreted so as not to apply to applications for license renewal after expiration under Wis. Admin. Code § N 2.40(2).

Admin. Rule:	Wis. Admin. Code § N. 8.10(2) and (7)
Description of Rule:	Nursing care management and collaboration with other health care professionals
Status:	Suspended

VI. Recently Expired Credentials or Licenses

A. DSPS is directed to assess its records to identify health care providers with recently lapsed license who would be eligible for renewal. I direct the Department to consult with the Department of Health Services in order to identify specific practice areas of need and to conduct appropriate outreach to inform them of renewal options.

B. The following administrative rules are suspended:

Admin. Rule:	Wis. Admin. Code § Med 14.06(2)(a)
Description of Rule:	Renewal of a lapsed license within five years of expiration.
Status:	Partially suspended with companion order
Companion Order:	In Wis. Admin. Code § Med 14.06(2)(a), "and fulfillment of the continuing education requirements" is suspended Nothing about this suspension should be construed to apply to a licensee who has unmet disciplinary requirements or whose credential has been surrendered or revoked.

Admin. Rule:	Wis. Admin Code § Rad 5.01(1) and (2)
Description of Rule:	Continuing education requirements
Status:	Partially suspended with companion order
Companion Order:	Sections Rad 5.01(1) and (2) are suspended only to the extent that they would otherwise apply to a radiographer or a limited x-ray machine operator (LMXO) permit holder whose

	license or permit has expired and whose application for renewal is not timely under Wis. Stat. § 440.08(2)(a). As to such applicants, Wis. Stat. § 462.05(2)(a) shall be interpreted not to require completion of continuing education, provided the applicant meets all other criteria for renewal of a license. Nothing about this suspension should be construed to apply to credential holders who have unmet disciplinary requirements or whose credential has been surrendered or revoked.
Admin. Rule:	Wis. Admin. Code § MPSW 1.08(2)
Description of Rule:	Credential renewal within five years of expiration
Status:	Partially suspended with companion order
Companion Order:	The following language is suspended: "attesting to completion of the continuing education required under s. MPSW 19.02, and paying a late renewal fee." Nothing about this suspension should be construed to apply to credential holders who have unmet disciplinary requirements or whose credential has been surrendered or revoked.
Admin. Rule:	Wis. Admin. Code § Psy 4.06(1)
Description of Rule:	Renewal of a lapsed license within five years.
Status:	Partially suspended with companion order
Companion Order:	In Wis. Admin. Code § Psy 4.06(1), "and fulfillment of 40 continuing education hours completed within 2 years prior to renewal" is suspended. Nothing about this suspension should be construed to apply to licensees who have unmet disciplinary requirements or whose license has been surrendered or revoked.
Admin. Rule:	Wis. Admin. Code § Phar 5.05(2)(a) and (b)
Description of Rule:	Requirements for license renewal within five years of expiration
Status:	Partially suspended with companion order
Companion Order:	Wis. Admin Code §§ Phar 5.05(2)(b) is suspended. Any applicable late renewal fee under subsection (a) is suspended. An applicant who obtains renewal of their license under this subsection is considered unexpired for purposes of Wis. Stat. § 450.08(1). Nothing about this suspension should be construed to apply to licensees who have unmet disciplinary requirements or whose license has been surrendered or revoked.
Admin. Rule:	Wis. Admin. Code § Chir 3.02(2)
Description of Rule:	Requirements for late license renewal
Status:	Partially suspended with companion order
Companion Order:	The following language is suspended: "and a late renewal fee specified in s. 440.08 (3) (a), Stats." For purposes of a late renewal under Wis. Admin. Code § Chir 3.03(2),

	requirements under Wis. Admin. Code § Chir 3.03(1)(c)-(e) are also suspended. Nothing about this suspension should be construed to apply to licensees who have unmet disciplinary requirements or whose license has been surrendered or revoked.
Admin. Rule:	Wis. Admin. Code § DE 2.03(5)(a)2.-4.
Description of Rule:	Requirements for late license renewal
Status:	Partially suspended with companion order
Companion Order:	Wis. Admin. Code § DE 2.03(5)(a)3. and 4. are suspended. Any applicable late fee under Wis. Admin. Code § DE 2.03(5)(a)2. is suspended. Nothing about this suspension should be construed to apply to licensees who have unmet disciplinary requirements or whose license has been surrendered or revoked.
Admin. Rule:	Wis. Admin. Code § PT 8.05(1)
Description of Rule:	Requirements for license renewal within five years of expiration.
Status:	Partially suspended with companion order.
Companion Order:	The following language is suspended: "and completion of the continuing education requirements specified in ch. PT 9." Nothing about this suspension should be construed to apply to a licensee who has unmet disciplinary requirements or whose credential has been surrendered or revoked.

VII. Additional Orders

A. I am hereby providing the Department the discretion to suspend any fee or assessment provided for in administrative rules related to health care provider credentialing where there is a demonstrable need. Need for purposes of this provision is to be assessed by the Department in consultation with the applicant, the Department of Health Services, and identified health care facilities. "Demonstrable need" should be broadly interpreted in favor of increasing the availability of health care providers in this state.

B. The Department may re-evaluate any fee or assessment suspension decision and impose any previously suspended fee or assessment for a permanent license 60 days after the conclusion of the public health emergency in circumstances where a practitioner has chosen to continue practicing in Wisconsin under the license issued.

C. Nothing in this Order should be construed to permit a license or credential holder who is currently suspended or revoked to re-enter practice pursuant to this Order.

D. This Order is enforceable by any local law enforcement official, including county sheriffs. Violation or obstruction of this Order is punishable by up to 30 days imprisonment, or up to $250 fine, or both. Wis. Stat. § 252.25.

E. If any provision of this Order or its application to any person or circumstance is held to be invalid, then the remainder of the Order, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of this Order are severable.

F. This Order is effective immediately and shall remain in effect for the duration of the public health emergency as declared in Executive Order #72, including any extensions.

Tony Evers

March 27, 2020

Tony Evers
Governor
State of Wisconsin

Date

03-27-2020

Andrea Palm
Secretary-designee
State of Wisconsin Department of Health Services

Date