



Scott Walker  
Governor

Dennis G. Smith  
Secretary

**State of Wisconsin**  
Department of Health Services

**DIVISION OF QUALITY ASSURANCE**

1 WEST WILSON STREET  
P O BOX 2969  
MADISON WI 53701-2969

Telephone: 608-266-8481  
FAX: 608-267-0352  
TTY: 888-241-9432  
dhs.wisconsin.gov

**Date:** May 3, 2012

DQA Memo 12-006

**To:** Community Based Residential Facilities  
Facilities Serving People with Developmental Disabilities  
Nursing Homes

CBRF 03  
FDD 02  
NH 05

**From:** Otis Woods, Administrator  
Division of Quality Assurance

**2011 Wisconsin Act 161**  
**Authorizing Physician Assistants to Complete Certain Medically-Related Actions**  
**in Nursing Homes and Community Based Residential Facilities**

Governor Scott Walker signed 2011 Wisconsin Act 161 into law on March 28, 2012, effective April 12, 2012. The new law makes changes to Wisconsin Statutes, Chapter 50, giving physician assistants the authority to complete certain medically related actions in nursing homes and community based residential facilities (CBRF). A physician assistant is defined in statute as an individual licensed by the medical examining board to provide medical care with physician supervision and direction [Chapter 448.01 (6)].

The purpose of this memo is to provide information to health care providers regarding the new law. The complete text of 2011 Wisconsin Act 161 can be found at:  
<http://legis.wisconsin.gov/2011/data/acts/11Act161.pdf>

**Chapter 50.09 Rights of Residents in Nursing Homes and CBRFs**

Wisconsin Statutes, Chapter 50.09 was amended to give physician assistants, similar to advanced practice nurse prescribers, the authority to medically contraindicate certain rights contained in Chapter 50. These rights include, the right to private and unrestricted communications [50.09 (1) (a)], the right of spouses or domestic partners to share a room [50.09 (1) (f)] and the right to meet with and participate in activities of social, religious and community groups [50.09 (1) (h)]. The law was also amended to allow a physician assistant to authorize the use of a chemical or physical restraint [50.09 (1) (k)].

**CBRF only:**

Wis. Admin. Code, DHS 83.32 (3) (g) *Freedom from physical restraints*, allows the primary physician or the advanced practice nurse prescriber to authorize the use of physical restraints upon prior review and approval by the Department. Under the new law a physician assistant may authorize the use of physical restraints as long as the use of the physical restraints has been approved by the Department and all other statutory and administrative codes are followed.

**Contact information of staff in DQA to answer questions**

Questions from nursing homes and facilities serving people with developmental disabilities should be directed to the Regional Field Operations Director for the region in which your facility is located. [http://www.dhs.wisconsin.gov/rl\\_dsl/Contacts/reglmap.htm](http://www.dhs.wisconsin.gov/rl_dsl/Contacts/reglmap.htm)

Questions from community based residential facilities should be directed to the Regional Assisted Living Director for the region in which your facility is located. [http://www.dhs.wisconsin.gov/rl\\_dsl/Contacts/ALSreglmap.htm](http://www.dhs.wisconsin.gov/rl_dsl/Contacts/ALSreglmap.htm)