

1989 Assembly Bill 822

Date of enactment: **April 12, 1990**  
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## 1989 WISCONSIN ACT 206

AN ACT to renumber and amend 165.25 (6); to amend 893.82 (2) (d); and to create 146.89, 165.25 (6) (b), 655.003 (3) and 895.46 (4) of the statutes, relating to: creating a pilot health care provider program.

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

**SECTION 1.** 146.89 of the statutes is created to read:  
**146.89 Volunteer health care provider program.**

(1) In this section, "volunteer health care provider" means an individual licensed as a physician under ch. 448, dentist under ch. 447, registered nurse under ch. 441 or optometrist under ch. 449 who receives no income from the practice of that health care profession.

(2) (a) A volunteer health care provider may participate under this section only if he or she submits a joint application with a nonprofit agency to the department of administration and that department approves the application. The department of administration shall provide application forms for use under this paragraph.

(b) The department of administration may send an application to the medical examining board for evaluation. The medical examining board shall evaluate any application submitted by the department of administration and return the application to the department of administration with the board's recommendation regarding approval.

(c) The department of administration shall notify the volunteer health care provider and the nonprofit agency of the department's decision to approve or disapprove the application.

(d) Approval of an application of a volunteer health care provider is valid for one year. If a volunteer health care provider wishes to renew approval, he or she shall submit a joint renewal application with a nonprofit agency to the department of administration. The depart-

ment of administration shall provide renewal application forms that are developed by the department of health and social services and that include questions about the activities that the individual has undertaken as a volunteer health care provider in the previous 12 months.

(3) Any volunteer health care provider and nonprofit agency whose joint application is approved under sub. (2) shall meet the following applicable conditions:

(a) The volunteer health care provider shall provide services under par. (b) without charge in Brown or Racine county at that nonprofit agency.

(b) The nonprofit agency may provide the following health care services:

1. Diagnostic tests.
2. Health education.
3. Information about available health care resources.
4. Office visits.
5. Patient advocacy.
6. Prescriptions.
7. Referrals to health care specialists.

(c) The nonprofit agency may not provide emergency medical services, hospitalization or surgery.

(d) The nonprofit agency shall provide health care services primarily to low-income persons who are uninsured and who are not recipients of any of the following:

1. General relief under s. 49.02.
2. Medical assistance under ss. 49.45 to 49.47.
3. Medicare under 42 USC 1395-1395ccc.
4. Relief to needy Indian persons under s. 49.046.

(4) Volunteer health care providers who provide services under this section are state agents of the department

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of health and social services for purposes of ss. 165.25 (6), 893.82 (3) and 895.46.

**SECTION 2.** 165.25 (6) of the statutes is renumbered 165.25 (6) (a) and amended to read:

165.25 (6) (a) At the request of the head of any department of state government, the attorney general may appear for and defend any state department, or any state officer, employe or agent of the department in any civil action or other matter brought before a court or an administrative agency which is brought against the state department, or officer, employe or agent for or on account of any act growing out of or committed in the lawful course of an officer's, employe's or agent's duties. Witness fees or other expenses determined by the attorney general to be reasonable and necessary to the defense in the action or proceeding shall be paid as provided for in s. 885.07. The attorney general may compromise and settle the action as the attorney general determines to be in the best interest of the state. Members, officers and employes of the Wisconsin state agencies building corporation and the Wisconsin state public building corporation are covered by this section. The attorney general may compromise and settle claims asserted before such actions or matters formally are brought or may delegate such authority to the department of administration. This ~~subsection~~ paragraph may not be construed as a consent to sue the state or any department thereof or as a waiver of state sovereign immunity.

**SECTION 3.** 165.25 (6) (b) of the statutes is created to read:

165.25 (6) (b) Volunteer health care providers who provide services under s. 146.89 are covered by this section and shall be considered agents of the department of health and social services for purposes of determining which agency head may request the attorney general to appear and defend them.

**SECTION 6m.** 655.003 (3) of the statutes is created to read:

655.003 (3) A medical or osteopathic physician licensed under ch. 448 or a nurse anesthetist licensed under ch. 441, who provides professional services under the conditions described in s. 146.89, with respect to those professional services provided by the physician or nurse anesthetist for which he or she is covered by s. 165.25 and considered an agent of the department, as provided in s. 165.25 (6) (b).

**SECTION 7.** 893.82 (2) (d) of the statutes is amended to read:

893.82 (2) (d) "State officer, employe or agent" includes an officer, employe or agent of any nonprofit corporation operating a museum under a lease agreement with the state historical society, a volunteer health care provider who provides services under s. 146.89 and a member of a local emergency planning committee appointed by a county board under s. 59.07 (146) (a).

**SECTION 8.** 895.46 (4) of the statutes is created to read:

895.46 (4) The protection afforded by this section applies to any volunteer health care provider who provides services under s. 146.89.

**SECTION 9. Initial applicability.** (1) PATIENTS COMPENSATION FUND. The creation of section 655.003 (3) of the statutes first applies to claims arising from occurrences on the effective date of this subsection.

(2) ATTORNEY FOR STATE. The creation of section 165.25 (6) (b) of the statutes first applies to requests made by the head of a department on the effective date of this subsection.

(3) NOTICE OF CLAIMS. The amendment of section 893.82 (2) (d) of the statutes first applies to events occurring on the effective date of this subsection that give rise to civil actions or proceedings.

(4) PAYMENT OF JUDGMENT. The treatment of section 895.46 (4) of the statutes first applies to actions or proceedings commenced on the effective date of this subsection.