



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2009 Assembly Bill 44

Assembly Amendment 1

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Under *current law*, a volunteer health care provider, as defined in the law, is treated as an agent of the state Department of Health Services (DHS) when volunteering at a nonprofit agency or a school if certain requirements are met. The volunteers are treated as state agents for purposes of the statutes that require notice to the Attorney General of a lawsuit, representation by the Attorney General, payment of judgments, and limitation on damages.

Assembly Bill 44 provides that the state agent status applies regardless of whether the volunteer health care provider has coverage under a health care liability insurance policy that would extend to the services provided as part of the volunteer health care provider program. The bill further provides that any policy of health care liability insurance policy providing coverage for services of a health care provider may exclude coverage for services provided by a health care provider acting as part of the volunteer health care provider program.

The bill also includes chiropractors and physical therapists in the definition of “volunteer health care provider” for purposes of the statute described above.

Assembly Amendment 1 includes podiatrists in the definition of “volunteer health care provider” for purposes of the statute described above.

Legislative History

The Assembly Committee on Public Health recommended adoption of Assembly Amendment 1, and passage of the bill as amended, both on votes of Ayes, 7; Noes, 0.

RNS:ksm:jal