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# Wisconsin Legislative Council

## AMENDMENT MEMO

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**2019 Senate Bill 254**

**Senate Amendment 1**

### 2019 SENATE BILL 254

Senate Bill 254 expands the provider types that can make decisions for purposes of a living will, do-not-resuscitate order, and power of attorney for health care.

### SENATE AMENDMENT 1

Senate Amendment 1 expands the provider types, which can make a determination that a person is incapacitated for admission to a hospice. **Currently**, such a determination may be made only by two physicians, or by one physician and one licensed psychologist. **Under the amendment**, the determination may be made by two physicians, or by one physician and one of the following individuals:

1. A licensed psychologist;
2. A registered nurse who is currently certified as a nurse practitioner by a national certifying body approved by the Board of Nursing; or
3. A licensed physician assistant (PA) who a physician responsible for overseeing the PA's practice affirms is competent to conduct evaluations of the capacity of patients to manage health care decisions.

The amendment does not affect the other applicable criteria for determining that a person is incapacitated, including that the providers must still personally examine the patient and cannot be a relative or have a claim to a portion of the person's estate.

### BILL HISTORY

Senator Marklein offered Senate Amendment 1 on September 26, 2019. On January 8, 2020, the Senate Committee on Health and Human Resources recommended adoption of the amendment on a vote of Ayes, 5; Noes, 0, and passage of the bill, as amended, on a vote of Ayes, 4; Noes, 1.

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