



State of Wisconsin
2013 - 2014 LEGISLATURE



LRBs0118/1
TJD:cjs:jf

**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO ASSEMBLY BILL 270**

September 27, 2013 - Offered by Representative LOUDENBECK.

1 **AN ACT** *to amend* 146.89 (2) (a), (b), (c) and (d) and 146.89 (4); and *to create*
2 146.89 (1) (r) 5. to 8., 146.89 (2) (e), 146.89 (3) (e) to (i) and 146.89 (5) of the
3 statutes; **relating to:** additional providers in and requirements for the
4 volunteer health care provider program and proof of financial responsibility
5 and malpractice insurance requirements for certain advanced practice nurses
6 serving as volunteer health care providers.

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

7 **SECTION 1.** 146.89 (1) (r) 5. to 8. of the statutes are created to read:
8 146.89 (1) (r) 5. A psychologist who is licensed under ch. 455.
9 6. A social worker who holds a certificate granted under ch. 457.
10 7. A marriage and family therapist who is licensed under ch. 457 or a
11 professional counselor who is licensed under ch. 457.

1 8. An advanced practice nurse who has a certificate to issue prescription orders
2 under s. 441.16 (2).

3 **SECTION 2.** 146.89 (2) (a), (b), (c) and (d) of the statutes are amended to read:

4 146.89 (2) (a) A volunteer health care provider may participate under this
5 section only if he or she submits a joint application with a nonprofit agency, school
6 board, or governing body to the department of ~~administration~~ and that the
7 department approves the application. If the volunteer health care provider submits
8 a joint application with a school board or governing body, the application shall
9 include a statement by the school board or governing body that certifies that the
10 volunteer health care provider has received materials that specify school board or
11 governing body policies concerning the provision of health care services to students
12 and has agreed to comply with the policies. The department of ~~administration~~ shall
13 provide application forms for use under this paragraph.

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

19 (c) The department of ~~administration~~ shall notify the volunteer health care
20 provider and the nonprofit agency, school board, or governing body of the
21 department's decision to approve or disapprove the application.

22 (d) Approval of an application of a volunteer health care provider is valid for
23 one year. The department may withdraw approval of an application for failure of the
24 nonprofit agency to comply with this section. If a volunteer health care provider
25 wishes to renew approval, he or she shall submit a joint renewal application with a

1 nonprofit agency, school board, or governing body to the department of
2 administration. The department of ~~administration~~ shall provide renewal
3 application forms that are developed by the department of ~~health services~~ and that
4 include questions about the activities that the individual has undertaken as a
5 volunteer health care provider in the previous 12 months.

6 **SECTION 3.** 146.89 (2) (e) of the statutes is created to read:

7 146.89 (2) (e) The volunteer health care provider shall maintain his or her
8 credentials for his or her health care profession when providing any services under
9 this section.

10 **SECTION 4.** 146.89 (3) (e) to (i) of the statutes are created to read:

11 146.89 (3) (e) Under this section, the board of directors of the nonprofit agency
12 shall assume responsibility for approving individuals to be volunteer health care
13 providers.

14 (f) Under this section, the board of directors of the nonprofit agency shall
15 research and validate an individual's credentials before submitting the joint
16 application to be a volunteer health care provider.

17 (g) The nonprofit agency shall enter the list of volunteer health care providers
18 providing services at that nonprofit agency into an online, electronic system
19 developed by the department of administration.

20 (h) The nonprofit agency shall monitor volunteer health care providers
21 providing services at that nonprofit agency and shall terminate a provider's
22 participation in the program under this section with that nonprofit agency when the
23 agency questions the credentials of that provider or when the agency disapproves of
24 the practices of that provider.

1 (i) The nonprofit agency shall prepare and submit to the department an annual
2 report that includes the types and number of health care services provided by the
3 nonprofit agency under this section.

4 **SECTION 5.** 146.89 (4) of the statutes is amended to read:

5 146.89 (4) Volunteer health care providers who provide services under this
6 section are, for the provision of these services, state agents of the department of
7 ~~health services~~ for purposes of ss. 165.25 (6), 893.82 (3) and 895.46. This state agency
8 status does not apply to a volunteer health care provider for whom the department
9 has withdrawn approval of the application under sub. (2) (d). This state agency
10 status applies regardless of whether the volunteer health care provider has coverage
11 under a policy of health care liability insurance that would extend to services
12 provided by the volunteer health care provider under this section; and the
13 limitations under s. 895.46 (1) (a) on the payment by the state of damages and costs
14 in excess of any insurance coverage applicable to the agent and on the duty of a
15 governmental unit to provide or pay for legal representation do not apply. Any policy
16 of health care liability insurance providing coverage for services of a health care
17 provider may exclude coverage for services provided by the health care provider
18 under this section.

19 **SECTION 6.** 146.89 (5) of the statutes is created to read:

20 146.89 (5) (a) While serving as a volunteer health care provider under this
21 section, an advanced practice nurse who has a certificate to issue prescription orders
22 under s. 441.16 (2) is considered to meet the requirements of s. 655.23, if required
23 to comply with s. 655.23.

