WISCONSIN LEGISLATIVE COUNCIL
ACT MEMO

2005 Wisconsin Act 96 **[2005 Assembly Bill 385]**	**State Agency Status for Volunteers During An Emergency**

2005 Wisconsin Act 96 confers state agent status on certain health care and other providers during a state of emergency declared by the Governor. Under the Act, state agent status is conferred on the following providers who provide services during a state of emergency:

- Behavioral health providers.

- Health care providers (a nurse's assistant, physician, physician assistant, registered nurse, licensed practical nurse, nurse-midwife, pharmacist, podiatrist, dentist, veterinarian, or respiratory care practitioner).

- Pupil services providers.

- Substance abuse prevention providers.

In order to be eligible for state agent status, a provider must have, any time within 10 years before a state of emergency related to public health is declared, met the applicable licensure or certification requirements for their profession. The state agent status does not apply to any of these professionals whose license or certificate has, for cause, been revoked, limited, suspended, or denied renewal, nor would it apply to a nurse assistant who is listed in the nurse aide misconduct registry. The Act designates these providers as employees of the state for purposes of worker's compensation benefits, if the provider provides health care services on behalf of a health care facility during a state of emergency related to public health.

The Act requires the governing body of a city, village, or town that declares a state of emergency and intends to use any of these providers to notify the Department of Health and Family Services of this intent.

Effective Date: The Act generally takes effect on January 20, 2006.

Prepared by: Laura Rose, Deputy Director   August 10, 2006

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