



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2005 Wisconsin Act 188
[2005 Assembly Bill 829]

**Expansion of Volunteer Health
Care Provider Program**

General Background

Under prior law (which continues to apply after the passage of 2005 Wisconsin Act 188), certain health care providers may jointly apply with a nonprofit agency to the Department of Administration (DOA) for approval to participate in the Volunteer Health Care Provider Program under which the provider may, acting within the scope of his or her licensure or certification, provide, free of charge, certain services primarily to low-income, uninsured persons at the nonprofit agency. If DOA approves the application, the provider is a state agent of the Department of Health and Family Services. Statutory provisions relating to civil actions filed against an agent of the state thus apply to a volunteer health care provider acting within the lawful course of the provider's duties under the Volunteer Health Care Provider Program, such as: time limits for filing an action; legal counsel provided to the provider; judgments against the provider paid by the state; and amounts recoverable capped at \$250,000.

2005 Wisconsin Act 188

2005 Wisconsin Act 188 provides that nurse practitioners are included in the definition of volunteer health care provider.

2005 Wisconsin Act 188 also expands the Volunteer Health Care Provider Program to authorize providing certain services, without charge, to pupils from four-year old kindergarten to grade six in a public elementary school, a charter school, or a private school that participates in the Milwaukee Parental Choice Program (MPCP school) under certain circumstances. The Act's provisions relate to: (a) conditions for participation at a school; and (b) permitted and prohibited services at a school.

a. Conditions for Participation at a School

The Act includes the following conditions for participation in the Volunteer Health Care Provider Program at a school:

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.state.wi.us/>.

1. The provider and the school board of the school district in which the public elementary school is located or the governing body of a charter school or MPCP school must jointly submit an application to DOA. The application must include a statement certifying that the provider has: (a) received materials that specify the school board's or the governing body's policies about providing health care services to pupils; and (b) agreed to comply with the policies.

2. DOA must approve the application. (DOA must notify the provider and the school board or governing body if DOA has approved or disapproved the application.) Approval is valid for one year. Renewal requires a joint renewal application and must include information about the activities the individual has undertaken as a volunteer health care provider in the previous 12 months.

3. The provider must: (a) provide to the school board or governing body proof of satisfactory completion of any relevant competency requirements as specified by the Department of Public Instruction (DPI) by administrative rule; and (b) consult with the school nurse, if any, of the school.

b. Permitted and Prohibited Services at a School

The Act specifies that a volunteer health care provider may provide services under the Volunteer Health Care Provider Program at a public school, charter school, or MPCP school only to pupils from four-year old kindergarten to grade six. Any such services must be provided without charge at the school and must be available to all pupils at the school, regardless of income. The Act permits certain services and prohibits other services as follows:

(1) Permitted Services

The Act specifies that only the following services may be provided under the Volunteer Health Care Provider Program at a school:

- (a) Diagnostic tests, unless specified as a prohibited service in item (2), below.
- (b) Health education, unless specified as a prohibited service in item (2), below.
- (c) Information about available health care resources, unless specified as a prohibited service in item (2), below.
- (d) Office visits, unless specified as a prohibited service in item (2), below.
- (e) Patient advocacy, unless specified as a prohibited service in item (2), below.
- (f) Referrals to health care specialists, unless specified as a prohibited service in item (2), below, but not including referrals to reproductive health care specialists.
- (g) Unless specified as a prohibited service in item (2), below: dental services, including simple tooth extractions and any necessary suturing relating to the extractions, performed by a dentist who is a volunteer health care provider; and dental hygiene services, performed by a dental hygienist who is a volunteer health care provider.
- (h) First aid for illness or injury.
- (i) Unless specified as a prohibited service in item (2), below, administration of: (i) a nonprescription drug in compliance with written instructions of a pupil's parent or guardian if the parent

or guardian consents in writing; (ii) a prescription drug in compliance with written instructions of a health care practitioner if the pupil's parent or guardian consents in writing; (iii) epinephrine auto injector for severe allergic reaction; and (iv) glucagon to a pupil who appears to be experiencing a severe hypoglycemic reaction.

(j) Health screenings.

(k) Any other health care services designated by DPI by administrative rule.

(2) *Prohibited Services*

The Act specifies that a volunteer health care provider at a school under the Volunteer Health Care Provider Program may *not* provide any of the following:

(a) Hospitalization.

(b) Surgery, except if it is first aid or permitted under the rules promulgated by DPI.

(c) Referral for abortion.

(d) A contraceptive article (defined as any drug, medicine, mixture, preparation, instrument, article, or device of any nature used or intended or represented to be used to prevent a pregnancy).

(e) Pregnancy test.

(3) *Instruction in Human Growth and Development*

The Act specifies that a volunteer health care provider at a school under the Volunteer Health Care Provider Program may provide instruction in human growth and development *if* the instructional program is in compliance with s. 118.019, Stats., but may *not* provide instruction on any of the following topics: human sexuality; reproduction; family planning; human immunodeficiency virus and acquired immunodeficiency syndrome; prenatal development; childbirth; adoption; available prenatal and postnatal support; and male and female responsibility.

Initial Applicability: The Act applies to applications submitted to DOA on or after April 7, 2006.

Effective Date: April 7, 2006

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