



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2003 Assembly Bill 919

Assembly Amendment 1

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Contact: Richard Sweet, Senior Staff Attorney (266-2982)

Assembly Bill 919 states that if a health care provider who provides services to a health care facility on a voluntary, unpaid basis, during a public health emergency, and those services are ones for which the person has been licensed or certified or met certain state requirements, the health care provider is considered a state agent of the Department of Health and Family Services (DHFS) for purposes of specified statutes. Those statutes relate to notice being served on the Attorney General, representation in legal proceedings by the Attorney General, and payment of judgments against the person.

For purposes of the bill, the term “health care provider” is defined as an individual who, at any time within 10 years before a public health emergency is declared by the governor, has met requirements for being a nurse’s assistant, or has been credentialed as a physician, physician assistant, registered nurse, licensed practice nurse, nurse-midwife, pharmacist, or respiratory care practitioner.

Assembly Amendment 1 adds podiatrists, dentists, and veterinarians to the definition of “health care provider.” In addition, the amendment clarifies that the portion of the statutes that relate to the amount recoverable in actions against state agents is applicable to health care providers acting under the bill. (The analysis to the bill indicates that the limit on recovery applies as does SECTION 12 of the bill, but another provision of the bill does not include a reference to the statute that limits amounts recoverable.)

Legislative History

Assembly Amendment 1 was introduced by the Assembly Committee on Public Health. On March 3, 2004, that committee recommended adoption of the amendment, and passage of the bill as amended, both by votes of Ayes 6, Noes 0.

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