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## WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

**2013 Assembly Bill 270**

**Assembly Substitute  
Amendment 1, as Amended**

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2013 Assembly Bill 270 relates to the categories of professionals who may participate in the volunteer health provider program.

### **CURRENT LAW**

Under current law, a person in a specified health care profession may submit a joint application, together with a participating school or nonprofit agency, to the Department of Administration (DOA) to participate in the volunteer health provider program. Participating volunteer health care providers are considered agents of the state for limited purposes. As such, they are entitled to representation by the Wisconsin Attorney General's office in legal proceedings arising from their volunteer services. In addition, certain notice requirements and liability limitations apply in the event that a volunteer health care provider is sued. [s. 146.89 (4), Stats.]

The following health care professionals are eligible to participate in the program under current law: state-licensed physicians, dentists, dental hygienists, registered nurses, practical nurses, nurse-midwives, optometrists, physician assistants, pharmacists, chiropractors, podiatrists, and physical therapists; state-certified dietitians; certain nurse practitioners; and persons who perform certain functions of pharmacy technicians. [s. 146.89 (1) (r), Stats.]

### **2013 ASSEMBLY BILL 270**

Assembly Bill 270 adds several categories to the list of health care professionals eligible to participate in the volunteer health care provider program. The categories of professions added under the bill include:

- Certain nurse aides.
- Licensed emergency medical technicians.
- Licensed psychologists.
- Licensed social workers.
- Licensed marriage and family therapists.

- Licensed professional counselors.
- Advanced practice nurses who are certified to issue prescription orders.
- Certain medical assistants.
- Certain health educators.
- Certain dental assistants.

In addition, the bill specifies that an advanced practice nurse who is certified to issue prescription orders and who participates in the program is considered to satisfy a statutory requirement to carry insurance or qualify as self-insured, if applicable.

### **ASSEMBLY SUBSTITUTE AMENDMENT 1**

Assembly Substitute Amendment 1 adds a more limited set of professions to the list of those eligible to participate in the volunteer health care provider program than is added under the bill. In addition, the substitute amendment makes several changes relating to the administration of the program that are not included in the bill. The following discussion describes the substitute amendment as amended by Assembly Amendments 1 and 2 to the substitute amendment.

### **Additional Categories of Professionals Eligible to Participate**

The substitute amendment adds the following categories of professionals to those eligible to participate in the volunteer health care provider program under current law:

- Licensed psychologists.
- Licensed social workers.
- Licensed marriage and family therapists.
- Licensed professional counselors.
- Advanced practice nurses who are certified to issue prescription orders.<sup>1</sup>

### **Transfer of Administration from DOA to the Department of Health Services (DHS)**

The substitute amendment transfers the primary administration of the volunteer health care provider program from DOA to DHS. For example, under the substitute amendment, joint applications from volunteer health care providers and schools or nonprofit agencies would be submitted to DHS rather than DOA, and DHS would be the agency responsible for approving or disapproving such applications and providing application forms.

### **New Credentialing and Monitoring Role for Participating Nonprofit Agencies**

The substitute amendment creates a new role for participating nonprofit agencies. Under the substitute amendment, a participating nonprofit agency must assume responsibility for approving individuals to be volunteer health care providers. An agency must research and validate an individual's

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<sup>1</sup> As does the bill, the substitute amendment also specifies that an advanced practice nurse who is certified to issue prescription orders and who participates in the program is considered to satisfy a statutory requirement to carry insurance or qualify as self-insured, if applicable.

credentials before submitting a joint application to DHS for participation in the program. The substitute amendment also requires participating nonprofit agencies to monitor those providers and terminate a provider's participation in the program if the agency questions the provider's credentials or disapproves of the provider's practices.

In addition, under the substitute amendment, every participating nonprofit agency must enter a list of volunteer health care providers serving at that agency into an online, electronic system developed by DOA. Finally, the agency must prepare and submit to DHS an annual report that includes the types and number of health care services provided by the agency through the program.

The substitute amendment authorizes DHS to withdraw its approval of an application for participation in the program based on a nonprofit agency's lack of compliance with the requirements under the substitute amendment.

### **ASSEMBLY AMENDMENT 1 TO ASSEMBLY SUBSTITUTE AMENDMENT 1**

Under current law, unchanged by Assembly Substitute Amendment 1, dental services is one of the types of services that a nonprofit agency participating in the volunteer health care provider program may provide. Assembly Amendment 1 to the substitute amendment amends the definition of "dental services" to include "tooth extractions and other procedures done under local anesthesia" and remove a reference to "simple" tooth extractions.

### **ASSEMBLY AMENDMENT 2 TO ASSEMBLY SUBSTITUTE AMENDMENT 1**

Assembly Substitute Amendment 1 gives certain responsibilities to the boards of directors of nonprofit agencies participating in the volunteer health care provider program. Assembly Amendment 2 to the substitute amendment removes references to boards of directors in those provisions, making the nonprofit agencies, rather than their boards, responsible for the activities required under the substitute amendment.

### **BILL HISTORY**

Assembly Substitute Amendment 1 to Assembly Bill 270 was introduced by Representative Loudeneck on September 27, 2013. On October 9, 2013, the Assembly Committee on Government Operations and Licensure voted to recommend adoption of the amendment and passage of the bill, as amended, on votes of Ayes, 11; Noes, 0. The Assembly adopted Assembly Amendments 1 and 2 to Assembly Substitute Amendment 1 on October 15, 2013. On the same day, the Assembly adopted Assembly Substitute Amendment 1 and passed the bill, as amended.

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