



State of Wisconsin
2021 - 2022 LEGISLATURE

LRB-2791/1
JPC:ekg&cjs

2021 SENATE BILL 309

April 21, 2021 - Introduced by Senators KOOYENGA, BALLWEG, CARPENTER, COWLES, ERPENBACH, MARKLEIN, RINGHAND and L. TAYLOR, cosponsored by Representatives LOUDENBECK, ROZAR, MAGNAFICI, ARMSTRONG, BOWEN, BROOKS, DITTRICH, KUGLITSCH, KURTZ, MURSAU, PLUMER, J. RODRIGUEZ, SPREITZER, STUBBS, SUBECK and CONSIDINE. Referred to Committee on Insurance, Licensing and Forestry.

1 **AN ACT** *to renumber and amend* 250.15 (1); and *to create* 250.15 (1) (b), 250.15
2 (2) (d), 440.01 (1) (ab), (bm), (dg) and (hm) and 440.17 of the statutes; **relating**
3 **to:** funding for free and charitable clinics and defining telehealth.

Analysis by the Legislative Reference Bureau

This bill defines “free and charitable clinics” as health care organizations that use a volunteer and staff model to provide health services to uninsured, underinsured, underserved, economically and socially disadvantaged, and vulnerable populations and that meet criteria specified in the bill. The bill incorporates into statutory language an allocation made in the biennial budget act, 2019 Wisconsin Act 9, that requires the Department of Health Services to give \$500,000 in grants annually to free and charitable clinics.

Additionally, this bill incorporates the definitions of “telehealth” and other related terms from the Medical Assistance program into the statutory chapters that pertain to occupational licensing. “Telehealth” means a practice of health care delivery, diagnosis, consultation, treatment, or transfer of medically relevant data by means of audio, video, or data communications that are used either during a patient visit or a consultation or are used to transfer medically relevant data about a patient. The bill requires the Department of Safety and Professional Services and any attached examining board or affiliated credentialing board to define and use “telehealth” and related terms consistent with this bill in all promulgated rules.

SENATE BILL 309

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 250.15 (1) of the statutes is renumbered 250.15 (1) (intro.) and
2 amended to read:

3 250.15 (1) ~~DEFINITION~~ DEFINITIONS. (intro.) In this section, ~~“community;~~

4 (a) “Community health center” means a health care entity that provides
5 primary health care, health education and social services to low-income individuals.

6 **SECTION 2.** 250.15 (1) (b) of the statutes is created to read:

7 250.15 (1) (b) “Free and charitable clinics” means health care organizations
8 that use a volunteer and staff model to provide health services to uninsured,
9 underinsured, underserved, economically and socially disadvantaged, and
10 vulnerable populations and that meet all of the following criteria:

11 1. The organizations are nonprofit and tax exempt under section 501 (c) (3) of
12 the Internal Revenue Code or are a part of a larger nonprofit, tax-exempt
13 organization.

14 2. The organizations are located in this state or serve residents in this state.

15 3. The organizations restrict eligibility to receive services to individuals who
16 are uninsured, underinsured, or have limited or no access to primary, specialty, or
17 prescription care.

18 4. The organizations provide one or more of the following services:

19 a. Medical care.

20 b. Mental health care.

21 c. Dental care.

SENATE BILL 309

1 d. Prescription medications.

2 5. The organizations use volunteer health care professionals, nonclinical
3 volunteers, and partnerships with other health care providers to provide the services
4 under subd. 4.

5 6. The organizations are not federally qualified health centers as defined in 42
6 USC 1396d (1) (2) and do not receive reimbursement from the federal centers for
7 medicare and medicaid services under a federally qualified health center payment
8 methodology.

9 **SECTION 3.** 250.15 (2) (d) of the statutes is created to read:

10 250.15 (2) (d) To free and charitable clinics, \$500,000.

11 **SECTION 4.** 440.01 (1) (ab), (bm), (dg) and (hm) of the statutes are created to
12 read:

13 440.01 (1) (ab) “Asynchronous telehealth service” means telehealth that is
14 used to transmit medical data about a patient to a health care provider when the
15 transmission is not a 2-way, real-time interactive communication.

16 (bm) “Interactive telehealth” means telehealth delivered using multimedia
17 communication technology that permits 2-way, real-time, interactive
18 communications between a health care provider at a distant site and the patient or
19 the patient’s health care provider.

20 (dg) “Remote patient monitoring” means telehealth in which a patient’s
21 medical data is transmitted to a health care provider for monitoring and response if
22 necessary.

23 (hm) “Telehealth” means a practice of health care delivery, diagnosis,
24 consultation, treatment, or transfer of medically relevant data by means of audio,
25 video, or data communications that are used either during a patient visit or a

SENATE BILL 309**SECTION 4**

1 consultation or are used to transfer medically relevant data about a patient.
2 “Telehealth” includes asynchronous telehealth services, interactive telehealth, and
3 remote patient monitoring.

4 **SECTION 5.** 440.17 of the statutes is created to read:

5 **440.17 Telehealth.** If the department, an examining board, or an affiliated
6 credentialing board promulgates rules related to telehealth, the department, the
7 examining board, or the affiliated credentialing board shall define “telehealth” to
8 have the meaning given in s. 440.01 (1) (hm).

9 (END)