



2009 SENATE BILL 662

April 5, 2010 - Introduced by Senator ROBSON, cosponsored by Representatives MOLEPSKE JR. and PASCH. Referred to Committee on Health, Health Insurance, Privacy, Property Tax Relief, and Revenue.

1 **AN ACT to amend** 29.171 (4) (a) 4. (intro.), 29.171 (4) (a) 5., 29.171 (4) (c), 29.193
2 (2) (b) 2., 29.193 (2) (c) 3., 29.193 (2) (e), 29.193 (3) (a) and 343.16 (5) (a) of the
3 statutes; **relating to:** allowing certified advanced practice nurse prescribers to
4 determine an illness or injury and complete forms for the purpose of medical
5 review related to motor vehicle operator's licenses and allowing certified
6 advanced practice nurse prescribers to determine disability for the purpose of
7 issuing certain hunting permits.

Analysis by the Legislative Reference Bureau

This bill allows certified advanced practice nurse prescribers to provide certain services provided by other health care providers.

TRANSPORTATION

Under current law, the Department of Transportation (DOT) may require an operator's license applicant or licensee to submit to a special examination to determine incompetency, physical or mental disability, disease, or any other condition that might prevent the applicant or licensee from exercising reasonable and ordinary control over a motor vehicle. If DOT receives a report from a physician, advanced practice nurse prescriber, or optometrist, DOT must determine whether the operator should submit to a special examination. When DOT receives the results of a special examination, DOT must consider the recommendation of the examiner

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together with other evidence in determining if it is in the interest of public safety to issue, renew, deny, or cancel a license.

This bill specifies that a special examination required by DOT may be conducted by, and the results of the examination certified by, a physician, certified advanced practice nurse prescriber, or optometrist.

NATURAL RESOURCES

Under current law, the Department of Natural Resources (DNR) is authorized to issue certain hunting permits that authorize hunting by persons who have a physical disability or who are visually handicapped (specialized permits). Among the privileges granted by these specialized permits is the privilege of hunting with assistance rendered by another person and, under some circumstances, hunting with a crossbow. In order to obtain a specialized permit from DNR, a person must submit an application furnished by DNR that includes a statement or report prepared and signed by a specified medical professional verifying that the applicant is physically disabled. A person may also obtain a specialized permit even if the person would otherwise be ineligible for a specialized permit if DNR, based on the recommendation of a specified medical professional, determines that the issuance of the permit complies with the intent of the law.

This bill authorizes an applicant for a specialized permit to submit a statement, report, or recommendation from a certified advanced practice nurse prescriber, in addition to the medical professionals specified under current law, in support of a specialized permit application.

Current law also requires DNR to issue an annual or temporary disabled person fishing license (disabled fishing license) to a resident who produces a certificate from a specified medical professional stating that his or her sight is impaired to a specified degree. Among the privileges of a disabled fishing license is the right to pay a reduced fee for the license and the authority to fish during special fishing seasons designated by DNR. This bill allows advanced practice nurse prescribers, in addition to the medical professionals specified under current law, to furnish the required certificate for a disabled fishing license.

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

- 1 **SECTION 1.** 29.171 (4) (a) 4. (intro.) of the statutes is amended to read:
- 2 29.171 (4) (a) 4. (intro.) Has a permanent substantial loss of function in one or
- 3 both arms or one or both hands and fails to meet the minimum standards of any one
- 4 of the following standard tests, administered under the direction of a licensed
- 5 physician ~~or~~, an advanced practice nurse prescriber certified under s. 441.16 (2), or
- 6 a licensed chiropractor:

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1 **SECTION 2.** 29.171 (4) (a) 5. of the statutes is amended to read:

2 29.171 (4) (a) 5. Has a permanent substantial loss of function in one or both
3 shoulders and fails to meet the minimum standards of the standard shoulder
4 strength tests, administered under the direction of a licensed physician, an advanced
5 practice nurse prescriber certified under s. 441.16 (2), or a licensed chiropractor.

6 **SECTION 3.** 29.171 (4) (c) of the statutes is amended to read:

7 29.171 (4) (c) The department may issue a crossbow permit to an applicant who
8 is ineligible for a permit under par. (a) or who is denied a permit under par. (a) if, upon
9 review and after considering the physical condition of the applicant and the
10 recommendation of a licensed physician, an advanced practice nurse prescriber
11 certified under s. 441.16 (2), or licensed chiropractor selected by the applicant from
12 a list of licensed physicians, advanced practice nurse prescribers certified under s.
13 441.16 (2), and licensed chiropractors compiled by the department, the department
14 finds that issuance of a permit complies with the intent of this subsection. The use
15 of this review procedure is discretionary with the department and all costs of the
16 review procedure shall be paid by the applicant.

17 **SECTION 4.** 29.193 (2) (b) 2. of the statutes, as affected by 2009 Wisconsin Act
18 113, is amended to read:

19 29.193 (2) (b) 2. An applicant shall submit an application on a form prepared
20 and furnished by the department, which shall include a written statement or report
21 prepared and signed by a licensed physician, an advanced practice nurse prescriber
22 certified under s. 441.16 (2), a licensed chiropractor, or a licensed podiatrist prepared
23 no more than 6 months preceding the application and verifying that the applicant
24 is physically disabled.

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1 **SECTION 5.** 29.193 (2) (c) 3. of the statutes, as affected by 2009 Wisconsin Act
2 113, is amended to read:

3 29.193 (2) (c) 3. The department may issue a Class B permit to an applicant
4 who is ineligible for a permit under subd. 1., 2. or 2m. or who is denied a permit under
5 subd. 1., 2. or 2m. if, upon review and after considering the physical condition of the
6 applicant and the recommendation of a licensed physician, an advanced practice
7 nurse prescriber certified under s. 441.16 (2), a licensed chiropractor, or a licensed
8 podiatrist selected by the applicant from a list of licensed physicians, advanced
9 practice nurse prescribers certified under s. 441.16 (2), licensed chiropractors, and
10 licensed podiatrists compiled by the department, the department finds that issuance
11 of a permit complies with the intent of this subsection. The use of this review
12 procedure is discretionary with the department and all costs of the review procedure
13 shall be paid by the applicant.

14 **SECTION 6.** 29.193 (2) (e) of the statutes, as affected by 2009 Wisconsin Act 113,
15 is amended to read:

16 29.193 (2) (e) *Review of decisions.* An applicant denied a permit under this
17 subsection, except a permit under par. (c) 3., may obtain a review of that decision by
18 a licensed physician, an advanced practice nurse prescriber certified under s. 441.16
19 (2), a licensed chiropractor, or a licensed podiatrist designated by the department
20 and with an office located in the department district in which the applicant resides.
21 The department shall pay for the cost of a review under this paragraph unless the
22 denied application on its face fails to meet the standards set forth in par. (c) 1. or 2.
23 A review under this paragraph is the only method of review of a decision to deny a
24 permit under this subsection and is not subject to further review under ch. 227.

25 **SECTION 7.** 29.193 (3) (a) of the statutes is amended to read:

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1 29.193 (3) (a) Produces a certificate from a licensed physician, an advanced
2 practice nurse prescriber certified under s. 441.16 (2), or an optometrist stating that
3 his or her sight is impaired to the degree that he or she cannot read ordinary
4 newspaper print with or without corrective glasses.

5 **SECTION 8.** 343.16 (5) (a) of the statutes is amended to read:

6 343.16 (5) (a) The secretary may require any applicant for a license or any
7 licensed operator to submit to a special examination by such persons or agencies as
8 the secretary may direct to determine incompetency, physical or mental disability,
9 disease, or any other condition that might prevent such applicant or licensed person
10 from exercising reasonable and ordinary control over a motor vehicle. If the
11 department requires the applicant to submit to an examination, the applicant shall
12 pay for the examination. If the department receives an application for a renewal or
13 duplicate license after voluntary surrender under s. 343.265 or receives a report from
14 a physician, advanced practice nurse prescriber certified under s. 441.16 (2), or
15 optometrist under s. 146.82 (3), or if the department has a report of 2 or more arrests
16 within a one-year period for any combination of violations of s. 346.63 (1) or (5) or
17 a local ordinance in conformity with s. 346.63 (1) or (5) or a law of a federally
18 recognized American Indian tribe or band in this state in conformity with s. 346.63
19 (1) or (5), or s. 346.63 (1m), 1985 stats., or s. 346.63 (2) or (6) or 940.25, or s. 940.09
20 where the offense involved the use of a vehicle, the department shall determine, by
21 interview or otherwise, whether the operator should submit to an examination under
22 this section. The examination may consist of an assessment. If the examination
23 results from the department receiving a report from a physician, advanced practice
24 nurse prescriber certified under s. 441.16 (2), or optometrist under s. 146.82 (3), the
25 examination may be conducted by, and the results of the examination certified by, a

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1 physician, advanced practice nurse prescriber certified under s. 441.16 (2), or
2 optometrist. If the examination indicates that education or treatment for a
3 disability, disease or condition concerning the use of alcohol, a controlled substance
4 or a controlled substance analog is appropriate, the department may order a driver
5 safety plan in accordance with s. 343.30 (1q). If there is noncompliance with
6 assessment or the driver safety plan, the department shall revoke the person's
7 operating privilege in the manner specified in s. 343.30 (1q) (d).

8 (END)