

1999 ASSEMBLY BILL 286

April 22, 1999 – Introduced by Representatives ALBERS, GUNDRUM, GOETSCH, SERATTI, OWENS, KREIBICH, STONE, KEDZIE, HUTCHISON, HUEBSCH, KESTELL, FREESE, GUNDERSON, HAHN, NASS, PETTIS, RYBA and GROTHMAN, cosponsored by Senators LAZICH, SCHULTZ, ZIEN and FITZGERALD. Referred to Committee on Public Health.

1 **AN ACT to renumber and amend** 146.89 (1); **to amend** 146.89 (3) (c) and 146.89
 2 (4); and **to create** 146.89 (1) (a), 146.89 (1) (b) and 146.89 (2) (am) of the
 3 statutes; **relating to:** prohibiting engaging in abortion-related activities
 4 under the volunteer health care provider program.

Analysis by the Legislative Reference Bureau

Under current law, participation in the volunteer health care provider program authorizes health care providers such as physicians, dentists and registered nurses who provide services without charge at certain nonprofit agencies to be state agents of the department of health and family services. A state agent is represented by the department of justice in court actions, moneys that are recoverable by civil suit against them are limited, and the state pays judgments against them in these suits. These health care providers may not receive income from the practice of their professions when providing services at the nonprofit agency; they are limited in the types of services that they may provide; and they must provide services to certain low-income, uninsured persons. To participate in the volunteer health care provider program, the health care provider's joint application with the nonprofit agency must be approved by the department of administration (DOA).

This bill defines "abortion-related activity" and prohibits DOA from approving a joint application from a volunteer health care provider who, or a nonprofit agency that, engages in an abortion-related activity. The bill also prohibits the volunteer health care provider and the nonprofit agency from engaging in an abortion-related activity under the program. Lastly, the bill authorizes state agency status only for

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volunteer health care providers who provide services in compliance with the restrictions under the program.

For further information see the *state and local* 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.** 146.89 (1) of the statutes is renumbered 146.89 (1) (intro.) and
2 amended to read:

3 146.89 (1) (intro.) In this section, “volunteer:

4 (c) “Volunteer health care provider” means an individual who is licensed as a
5 physician under ch. 448, dentist under ch. 447, registered nurse, practical nurse or
6 nurse–midwife under ch. 441, optometrist under ch. 449 or physician assistant
7 under ch. 448 and who receives no income from the practice of that health care
8 profession or who receives no income from the practice of that health care profession
9 when providing services at the nonprofit agency specified under sub. (3).

10 **SECTION 2.** 146.89 (1) (a) of the statutes is created to read:

11 146.89 (1) (a) “Abortion” has the meaning given in s. 253.10 (2) (a).

12 **SECTION 3.** 146.89 (1) (b) of the statutes is created to read:

13 146.89 (1) (b) “Abortion–related activity” means any of the following:

- 14 1. Providing abortion services.
15 2. Promoting, encouraging or counseling in favor of abortion services.
16 3. Making abortion referrals either directly or through an intermediary.

17 **SECTION 4.** 146.89 (2) (am) of the statutes is created to read:

18 146.89 (2) (am) The department of administration may not approve a joint
19 application from a volunteer health care provider who or a nonprofit agency that
20 engages in an abortion–related activity.

