

1999 DRAFTING REQUEST

Bill

Received: 02/25/99

Received By: kenneda

Wanted: As time permits

Identical to LRB:

For: Sheryl Albers (608) 266-8531

By/Representing: Herself

This file may be shown to any legislator: NO

Drafter: kenneda

May Contact:

Alt. Drafters:

Subject: Health - abortion

Extra Copies: TAY

Pre Topic:

No specific pre topic given

Topic:

Prohibiting engaging in abortion-related activities under the volunteer health care provider program

Instructions:

See Attached; same as 1997 AB 877

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	kenneda 02/25/99	jgeller 02/25/99		_____			S&L
/1			hhagen 02/26/99	_____	lrb_docadmin 02/26/99	gretskl 02/26/99 lrb_docadmin 02/26/99	

FE Sent For:

G 04-21-99

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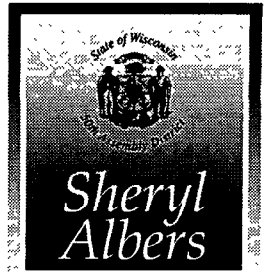
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FE Sent For:

<END>

DAK
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To: LRB – Drafting
From: Representative Sheryl K. Albers

Date: February 25, 1999

Subject: Reintroduction of Volunteer Health Care Provider Program Legislation (1997 AB 877)

Please draft 1997 AB 877 as 1999 legislation. The language of 1997 AB 877 should not require any changes.

Thank you.

1997 ASSEMBLY BILL 877

March 5, 1998 – Introduced by Representatives ALBERS, M. LEHMAN, OTTE, GROTHMAN, F. LASEE, OWENS, PORTER, PLALE, HAHN, OTT, WALKER and SCHAFER, cosponsored by Senators WELCH, WEEDEN, DARLING, ROESSLER and DRZEWIECKI. Referred to Committee on 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, as affected by 1997 Wisconsin Acts 27 (the biennial budget act) and 57, 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 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 or optometrist under ch. 449 or certified as a
7 physician’s assistant under ch. 448 and who receives no income from the practice of
8 that health care profession or who receives no income from the practice of that health
9 care profession when providing services at the nonprofit agency specified under sub.
10 (3).

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

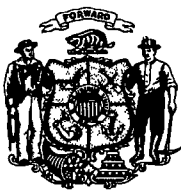
12 146.89 (1) (a) “Abortion” has the meaning given in s. 253.10 (2) (a).

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

14 146.89 (1) (b) “Abortion-related activity” means any of the following:

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

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



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-2341/1

DAK...:....

jk

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

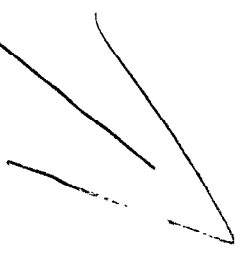
1 ~~AN ACT ...; relating to: ???~~

~~Analysis by the Legislative Reference Bureau~~

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

2

(END)



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Under current law, ~~as affected by 1997 Wisconsin Acts 27 (the biennial budget act) and 37,~~ 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). ✓

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2. Promoting, encouraging or counseling in favor of abortion services.
3. Making abortion referrals either directly or through an intermediary.

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

PROOF W/STATS.

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**SUBMITTAL
FORM**

**LEGISLATIVE REFERENCE BUREAU
Legal Section Telephone: 266-3561
5th Floor, 100 N. Hamilton Street**

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and **sign** on the appropriate line(s) below.

Date: 2/26/99

To: Representative Albers

Relating to LRB drafting number: LRB-2341

Topic

Prohibiting engaging in abortion-related activities under the volunteer health care provider program

Subject(s)

Health - abortion

1. **JACKET** the draft for introduction SA
in the **Senate** ____ or the **Assembly** X (check only one). Only the requester under whose name the drafting request is entered in the LRB's drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT**. See the changes indicated or attached _____.
A revised draft will be submitted for your approval with changes incorporated.

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction _____.
If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

Debora A. Kennedy, Managing Attorney
Telephone: (608) 266-0137