

ASSEMBLY BILL 259 (LRB -1830)

An Act to amend 655.001 (7t), 655.005 (2t), 655.23 (5m) and 655.27 (3) (a) 4.; and to create 655.002 (1) (em) of the statutes; relating to: provider organizations subject to health care liability requirements.

2005

04-21.	A.	Introduced by Representatives Gielow, Nischke, Ainsworth, Albers, Ballweg, Bies, Gunderson, Hahn, Hines, Hundertmark, Jeskewitz, Kerkman, Kestell, Krawczyk, Kreibich, Kreuser, Loeffelholz, Musser, Ott, Petrowski, Rhoades, Strachota, Underheim, Van Roy, Vos, Vrakas, Vukmir and Molepske ; cosponsored by Senators Stepp, Brown, Grothman, Kanavas, Kapanke, A. Lasee, Olsen and Roessler .	
03-18.	A.	Read first time and referred to committee on Insurance	146
04-21.	A.	Public hearing held.	
05-17.	A.	Assembly substitute amendment 1 offered by Representative Gielow (LRB s0117)	244
05-24.	A.	Assembly substitute amendment 2 offered by Representative Gielow (LRB s0124)	253
05-25.	A.	Executive action taken.	
06-01.	A.	Report Assembly Substitute Amendment 2 adoption recommended by committee on Insurance, Ayes 13, Noes 0	261
06-01.	A.	Report passage as amended recommended by committee on Insurance, Ayes 13, Noes 0	261
06-01.	A.	Referred to committee on Rules	261
06-09.	A.	Placed on calendar 6-14-2005 by committee on Rules.	
06-14.	A.	Read a second time	280
06-14.	A.	Assembly amendment 1 to Assembly substitute amendment 2 offered by Representatives Colon, Staskunas, Cullen, Molepske, Parisi, Hebl, Richards, Kessler and Sherman (LRB a0752)	280
06-14.	A.	Point of order that Assembly amendment 1 to Assembly substitute amendment 2 not germane well taken ...	280
06-14.	A.	Assembly substitute amendment 2 adopted	280
06-14.	A.	Ordered to a third reading	280
06-14.	A.	Rules suspended	280
06-14.	A.	Read a third time and passed	280
06-14.	A.	Ordered immediately messaged	280
06-15.	S.	Received from Assembly	257
06-15.	S.	Read first time and referred to committee on Agriculture and Insurance	258
06-23.	S.	Withdrawn from committee on Agriculture and Insurance and taken up.	
06-23.	S.	Read a second time.	
06-23.	S.	Ordered to a third reading.	
06-23.	S.	Rules suspended.	
06-23.	S.	Read a third time and concurred in .	
06-23.	S.	Ordered immediately messaged.	
06-23.	A.	Received from Senate concurred in	330

**2005
ENROLLED BILL**

05en AB-259

ADOPTED DOCUMENTS:

Orig Engr

A SubAmdt J

05 0124/1

Amendments to above (if none, write "NONE"): None

Corrections - show date (if none, write "NONE"): None

Topic relegth

6/24/05
Date

[Signature]
Enrolling Drafter

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**ASSEMBLY SUBSTITUTE AMENDMENT 2,
TO 2005 ASSEMBLY BILL 259**

May 24, 2005 - Offered by Representative GIELOW.

- 1 **AN ACT to amend** 655.001 (7t), 655.005 (2t), 655.23 (5m) and 655.27 (3) (a) 4.;
- 2 and **to create** 655.002 (1) (em) of the statutes; **relating to:** provider
- 3 organizations subject to health care liability requirements.

Analysis by the Legislative Reference Bureau

Under current law, certain health care providers are required to carry health care liability insurance with liability limits of at least \$1,000,000 for each occurrence and at least \$3,000,000 for all occurrences in a policy year. If a medical malpractice claim against a health care provider who is subject to the health care liability insurance requirements exceeds the limits of the provider's health care liability insurance, the injured patients and families compensation fund pays the portion of the claim that exceeds the limits. The injured patients and families compensation fund is funded by assessments paid by the health care providers who are subject to the health care liability requirements.

Health care providers who are currently subject to the health care liability requirements include physicians, nurse anesthetists, partnerships composed of physicians or nurse anesthetists, corporations that operate for the primary purpose of providing the medical services of physicians or nurse anesthetists, cooperative sickness care associations, and such entities as hospitals, ambulatory surgery centers, and nursing homes whose operations are combined as a single entity with a hospital. This substitute amendment adds, as another type of health care provider

that is subject to the health care liability requirements, any organization or enterprise organized and operated in this state for the primary purpose of providing the medical services of physicians or nurse anesthetists.

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

1 **SECTION 1.** 655.001 (7t) of the statutes is amended to read:

2 655.001 (7t) “Health care practitioner” means a health care professional, as
3 defined in s. 180.1901 (1m), who is an employee of a health care provider described
4 in s. 655.002 (1) (d), (e), (em), or (f) and who has the authority to provide health care
5 services that are not in collaboration with a physician under s. 441.15 (2) (b) or under
6 the direction and supervision of a physician or nurse anesthetist.

7 **SECTION 2.** 655.002 (1) (em) of the statutes is created to read:

8 655.002 (1) (em) Any organization or enterprise not specified under par. (d) or
9 (e) that is organized and operated in this state for the primary purpose of providing
10 the medical services of physicians or nurse anesthetists.

11 **SECTION 3.** 655.005 (2t) of the statutes is amended to read:

12 655.005 (2t) Subsection (2) does not affect the liability of a health care provider
13 described in s. 655.002 (1) (d), (e), (em), or (f) for the acts of its employees.

14 **SECTION 4.** 655.23 (5m) of the statutes is amended to read:

15 655.23 (5m) The limits set forth in sub. (4) shall apply to any joint liability of
16 a physician or nurse anesthetist and his or her corporation ~~or~~, partnership, or other
17 organization or enterprise under s. 655.002 (1) (d) ~~or~~, (e), or (em).

18 **SECTION 5.** 655.27 (3) (a) 4. of the statutes is amended to read:

19 655.27 (3) (a) 4. For a health care provider described in s. 655.002 (1) (d), (e),
20 (em), or (f), risk factors and past and prospective loss and expense experience

