

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

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

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

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

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

2 655.002 **(1)** (em) Any organization or enterprise not specified under par. (d) or
3 (e) that is organized and operated in this state for the primary purpose of providing
4 the medical services of physicians or nurse anesthetists.

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

6 655.005 **(2t)** Subsection (2) does not affect the liability of a health care provider
7 described in s. 655.002 (1) (d), (e), (em), or (f) for the acts of its employees.

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

9 655.23 **(5m)** The limits set forth in sub. (4) shall apply to any joint liability of
10 a physician or nurse anesthetist and his or her corporation ~~or~~ partnership, or other
11 organization or enterprise under s. 655.002 (1) (d) ~~or~~ (e), or (em).

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

13 655.27 **(3)** (a) 4. For a health care provider described in s. 655.002 (1) (d), (e),
14 (em), or (f), risk factors and past and prospective loss and expense experience
15 attributable to employees of that health care provider other than employees licensed
16 as a physician or nurse anesthetist.

17 **SECTION 6. Initial applicability.**

18 (1) ORGANIZATIONS SUBJECT TO INSURANCE REQUIREMENTS. This act first applies
19 to all of the following:

20 (a) Policies that are issued or renewed on the effective date of this paragraph
21 and to policies that are in effect on the effective date of this paragraph, that are in
22 compliance with chapter 655 of the statutes, as affected by this act, and that cover
23 organizations or enterprises that are in compliance with chapter 655 of the statutes,
24 as affected by this act.

1 (b) Claims made under policies that are issued or renewed on the effective date
2 of this paragraph and to claims made under policies that are in effect on the effective
3 date of this paragraph, that are in compliance with chapter 655 of the statutes, as
4 affected by this act, and that cover organizations or enterprises that are in
5 compliance with chapter 655 of the statutes, as affected by this act.

6

(END)