

2005 DRAFTING REQUEST

Bill

Received: 01/20/2005

Received By: dkennedy

Wanted: As time permits

Identical to LRB:

For: Michael Huebsch (608) 266-2401

By/Representing: Jodi Jensen (aide)

This file may be shown to any legislator: NO

Drafter: dkennedy

May Contact:

Addl. Drafters: gmalaise

Subject: Health - public health
Employ Priv - worker's comp

Extra Copies: CTS, PJH

Submit via email: YES

Requester's email: Rep.Huebsch@legis.state.wi.us

Carbon copy (CC:) to: robin.ryan@legis.state.wi.us

Pre Topic:

No specific pre topic given

Topic:

State agency status and workers compensation benefits for health care providers who provide services during a state of emergency

Instructions:

See Attached

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>
/?	dkennedy 02/10/2005	wjackson 02/13/2005		_____			S&L
/1			pgreensl 02/14/2005	_____	sbasford 02/14/2005		S&L
/2	dkennedy 03/11/2005 gmalaise	wjackson 03/16/2005	rschluet 03/17/2005	_____	lnorthro 03/17/2005	mbarman 04/18/2005	

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

03/15/2005

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<END>

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/1	dkennedy	12WJ 3/16	pgreensl 02/14/2005	_____	sbasford 02/14/2005		S&L

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[Handwritten signatures and scribbles]
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Topic:

State agency status for health care providers who provide services during a state of emergency

Instructions:

See Attached

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/?	dkennedy	1 wj 2/13	2/14 PS	2/14 PS/MS			

FE Sent For:

<END>

Kennedy, Debora

From: Jensen, Jodi
Sent: Thursday, January 20, 2005 2:36 PM
To: Kennedy, Debora
Subject: Drafting Request

Hi Debora

Please redraft 2003 AB 919 for Rep. Huebsch. Please incorporate the two amendments (LRBa2554/1 and LRBa2706/1) that were introduced as well.

If you have any questions, let me know.

Thanks!

Jodi

**ASSEMBLY AMENDMENT 1,
TO 2003 ASSEMBLY BILL 919**

March 3, 2004 - Offered by COMMITTEE ON PUBLIC HEALTH.

1 At the locations indicated, amend the bill as follows:

2 ~~1.~~ Page 3, line 6: delete "or a physician assistant" and substitute "a physician
3 assistant, or a podiatrist".

4 ~~2.~~ Page 3, line 8: delete that line and substitute "nurse-midwife under ch. 441,
5 licensed as a dentist under ch. 447, licensed as a pharmacist under ch. 450, licensed
6 as a veterinarian under ch. 453, or certified as".

7 ~~3.~~ Page 3, line 14: delete "(3)".

8 (END)

In edit 2/10

2005-2006

2003-2004 LEGISLATURE

SOON

1811/1
LRB-3773/2

DAK:jld:rs
Wlj

LPS:
Please PWF

2003 ASSEMBLY BILL 919

February 27, 2004 - Introduced by Representatives HUEBSCH, HINES, WEBER, FREESE and VAN ROY, cosponsored by Senators ROESSLER, KEDZIE and LASSA. Referred to Committee on Public Health.

Regen

1 AN ACT *to amend* 165.25 (6) (b), 441.06 (4), 441.10 (3) (c), 441.15 (2) (intro.),
 2 448.03 (3) (a) (intro.), 448.03 (3) (b) and 448.03 (3) (e); and *to create* 250.042
 3 (4), 441.15 (5) (a) 5., 448.03 (2) (p), 450.03 (1) (h), 893.82 (2) (d) 1n. and 895.46
 4 (5) (am) of the statutes; **relating to:** designation of state agency status for
 5 certain health care providers who provide services during a state of emergency
 6 related to public health *or a state of emergency declared by a city, village, or town*

Analysis by the Legislative Reference Bureau

Under current law, if the governor declares a state of emergency related to public health and designates the Department of Health and Family Services (DHFS) as the lead state agency to respond to that emergency, DHFS must act as the public health authority during the emergency. As such, among other things, DHFS may compel vaccinations and must consult with local health departments and individual health providers.

INSERT
ANAL

Currently
Also under current law, persons are prohibited from practicing or attempting to practice professional nursing, engaging in the practice of nurse-midwifery, practicing medicine and surgery, practicing as a physician assistant, ~~or~~ engaging in the practice of pharmacy, unless licensed or certified, as appropriate. In addition, with certain exceptions, a person without the appropriate license or certificate may not hold himself or herself out as a trained, certified, or graduate nurse, a licensed practical nurse, a doctor of medicine, a doctor of osteopathy, a physician assistant,

practicing podiatry, or practicing or offering to practice dentistry

practicing veterinary medicine

ASSEMBLY BILL 919

↑ a doctor of dental surgery; a podiatrist; or a veterinarian

~~or~~ a pharmacist. With certain exceptions, a person may not practice nurse-midwifery unless he or she has in effect malpractice liability insurance in the minimum amount specified by DHFS by rule.

Lastly under current law, an individual who has been granted status as a state agent may be defended by the attorney general in a civil action or other matter before a court or administrative agency for acts the individual performs during the lawful course of his or her duties, amounts recoverable in the civil action or other matter are limited to \$250,000, and judgments in the actions or other matters must be paid by the state after payment under any liability insurance policy possessed by the individual.

This bill designates as a state agent of DHFS a health care provider who provides to a health care facility, as defined in the bill, voluntary, unpaid health care services for which the provider has been licensed or certified or has met certain requirements. "Health care provider" is defined in the bill to mean an individual who, at any time within ten years before a state of emergency related to public health is declared, has met requirements for a nurse's assistant, has been licensed as a physician, physician assistant, registered nurse, licensed practical nurse, nurse-midwife, ~~or~~ pharmacist, or has been certified as a respiratory care practitioner. The state agency status does not apply to a physician, physician assistant, registered nurse, licensed practical nurse, nurse-midwife, ~~or~~ pharmacist whose license has, for cause, been revoked, limited, suspended, or denied renewal, or to a respiratory care practitioner whose certificate has, for cause, been limited, suspended, or revoked. The bill also excepts the health care providers designated as state agents from the prohibitions on practicing or attempting to practice without a license or certificate and from the prohibitions on holding themselves out, without a license or certificate, as trained, certified, or licensed for performance of services.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

↑ podiatrist; dentist; or veterinarian

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

1 SECTION 1. 165.25 (6) (b) of the statutes is amended to read:

2 165.25 (6) (b) Volunteer health care providers who provide services under s.
3 146.89 or 250.042 (4) are, for the provision of those services, covered by this section
4 and shall be considered agents of the department of health and family services for
5 purposes of determining which agency head may request the attorney general to
6 appear and defend them.

7 SECTION 2. 250.042 (4) of the statutes is created to read:

podiatrist; dentist; or veterinarian

ASSEMBLY BILL 919

or a podiatrist

1 250.042 (4) (a) In this subsection:

2 1. "Health care facility" has the meaning given in s. 150.84 (2).

3 2. "Health care provider" means an individual who, at any time within 10 years
4 before a state of emergency ~~related to public health~~ is declared under s. 166.03 (1)

5 (b) ~~1,~~ ^{or 1166.23} has met requirements for a nurse's assistant under s. 146.40 (2) (a), (b), (bm),

6 (c), (e), (em), (f), or (g) ~~or~~ has been licensed as a physician ~~or~~ a physician assistant

7 under ch. 448, licensed as a registered nurse, licensed practical nurse, or

8 nurse-midwife under ch. 441, licensed as a pharmacist under ch. 450, ^{has been} or certified as

9 a respiratory care practitioner under ch. 448. ^{declared under s. 166.03 (1)(b) 10}
^{or 1166.23}

10 (b) A health care provider who provides to a health care facility, on a voluntary,

11 unpaid basis during a state of emergency ~~related to public health~~, health care

12 services for which the health care provider has been licensed or certified or, as a

13 nurse's assistant, has met requirements, is, for the provision of these services, a state

14 agent of the department for purposes of ss. 165.25 (6), 893.82 ~~(3)~~, and 895.46.

15 (c) Paragraph (b) does not apply to any of the following:

16 1. A physician or physician assistant whose license has been limited,
17 suspended, or revoked under s. 448.02 (3) (c).

18 2. A respiratory care practitioner whose certificate has been limited,
19 suspended, or revoked under s. 448.02 (3) (c).

20 3. A registered nurse, licensed practical nurse, or nurse-midwife whose license
21 has been revoked, limited, suspended, or denied renewal under s. 441.07 (1).

22 4. A pharmacist whose license has been revoked, limited, suspended, or denied
23 renewal under s. 450.10 (1) (b).

INSERT
3-23

24 SECTION 3. 441.06 (4) of the statutes is amended to read:

licensed as a dentist
under ch. 447

licensed as a veterinarian
under ch. 453

ASSEMBLY BILL 919**SECTION 3**

1 441.06 (4) ~~No~~ Except as provided in s. 250.042 (4) (b), no person may practice
2 or attempt to practice professional nursing, nor use the title, letters, or anything else
3 to indicate that he or she is a registered or professional nurse unless he or she is
4 licensed under this section. ~~No~~ Except as provided in s. 250.042 (4) (b), no person not
5 so licensed may use in connection with his or her nursing employment or vocation
6 any title or anything else to indicate that he or she is a trained, certified or graduate
7 nurse. This subsection does not apply to any person who is licensed to practice
8 nursing by a jurisdiction, other than this state, that has adopted the nurse licensure
9 compact under s. 441.50.

10 **SECTION 4.** 441.10 (3) (c) of the statutes is amended to read:

11 441.10 (3) (c) No license is required for practical nursing, but, except as
12 provided in s. 250.042 (4) (b), no person without a license may hold himself or herself
13 out as a licensed practical nurse or licensed attendant, use the title or letters
14 "Trained Practical Nurse" or "T.P.N.", "Licensed Practical Nurse" or "L.P.N.",
15 "Licensed Attendant" or "L.A.", "Trained Attendant" or "T.A.", or otherwise seek to
16 indicate that he or she is a licensed practical nurse or licensed attendant. No licensed
17 practical nurse or licensed attendant may use the title, or otherwise seek to act as
18 a registered, licensed, graduate or professional nurse. Anyone violating this
19 subsection shall be subject to the penalties prescribed by s. 441.13. The board shall
20 grant without examination a license as a licensed practical nurse to any person who
21 was on July 1, 1949, a licensed attendant. This paragraph does not apply to any
22 person who is licensed to practice practical nursing by a jurisdiction, other than this
23 state, that has adopted the nurse licensure compact under s. 441.50.

24 **SECTION 5.** 441.15 (2) (intro.) of the statutes is amended to read:

ASSEMBLY BILL 919

1 441.15 (2) (intro.) No Except as provided in s. 250.042 (4) (b), no person may
2 engage in the practice of nurse-midwifery unless each of the following conditions is
3 satisfied:

4 **SECTION 6.** 441.15 (5) (a) 5. of the statutes is created to read:

5 441.15 (5) (a) 5. The provision of services by a nurse-midwife under s. 250.042
6 (4) (b).

INSERT
5-6

7 **SECTION 7.** 448.03 (2) (p) of the statutes is created to read:

8 448.03 (2) (p) The provision of services by a health care provider under s.
9 250.042 (4) (b).

10 **SECTION 8.** 448.03 (3) (a) (intro.) of the statutes is amended to read:

11 448.03 (3) (a) (intro.) No Except as provided in s. 250.042 (4) (b), no person may
12 use or assume the title "doctor of medicine" or append to the person's name the letters
13 "M.D." unless one of the following applies:

14 **SECTION 9.** 448.03 (3) (b) of the statutes is amended to read:

15 448.03 (3) (b) No Except as provided in s. 250.042 (4) (b), no person not
16 possessing the degree of doctor of osteopathy may use or assume the title "doctor of
17 osteopathy" or append to the person's name the letters "D.O."

18 **SECTION 10.** 448.03 (3) (e) of the statutes is amended to read:

19 448.03 (3) (e) No Except as provided in s. 250.042 (4) (b), no person may
20 designate himself or herself as a "physician assistant" or use or assume the title
21 "physician assistant" or append to the person's name the words or letters "physician
22 assistant" or "P.A." or any other titles, letters or designation which represents or may
23 tend to represent the person as a physician assistant unless he or she is licensed as
24 a physician assistant by the board.

INSERT
5-24

25 **SECTION 11.** 450.03 (1) (h) of the statutes is created to read:

ASSEMBLY BILL 919

SECTION 11

1 450.03 (1) (h) The provision of services by a health care provider under s.

2 250.042 (4) (b).

INSERT 6-2

3 **SECTION 12.** 893.82 (2) (d) 1n. of the statutes is created to read:

4 893.82 (2) (d) 1n. A health care provider who provides services under s. 250.042

5 (4), for the provision of those services.

6 **SECTION 13.** 895.46 (5) (am) of the statutes is created to read:

7 895.46 (5) (am) A health care provider who provides services under s. 250.042

8 (4).

9 (END)

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SECTION 4. 448.66 of the statutes is amended to read:

448.66 Malpractice. A Except as provided in s. 250.042 (4) (b), a person who practices podiatry without having a license under this subchapter may be liable for malpractice, and his or her ignorance of a duty ordinarily performed by a licensed podiatrist shall not limit his or her liability for an injury arising from his or her practice of podiatry.

History: 1997 a. 175.

INSERT 6-2

SECTION 4. 453.05 (1) of the statutes is amended to read:

453.05 (1) Except as provided under sub. (2) and s. 250.042 (4) (b), no person may offer to practice, advertise to practice or practice veterinary medicine, or use, in connection with his or her name, any title or description which may convey the impression that he or she is a veterinarian, without a license or temporary permit from the examining board. For purposes of this subsection, a person who makes extra-label use of a drug on an animal without a prescription or in any manner not authorized by that prescription is considered to be practicing veterinary medicine.

History: 1975 c. 309; 1977 c. 418; 1979 c. 337; 1981 c. 125; 1987 a. 39; 1991 a. 306; 1995 a. 321.

Kennedy, Debora

From: Jensen, Jodi

Sent: Friday, March 11, 2005 8:28 AM

To: Kennedy, Debora

Subject: LRB 1811/1

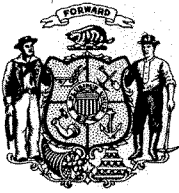
Hi Debora - Rep. Huebsch decided to make a couple of changes after my discussions with you and Gordon last week. Please revise the draft so that it does the following:

Treats the volunteers as state employees for purposes of worker's comp.
Allows the volunteers to accept reimbursement for travel, lodging and meals.

Any questions, let me know.

Thanks!

Jodi



State of Wisconsin
2005 - 2006 LEGISLATURE

LRB-1811/2

DAK:wlj:pe

2005 BILL

FGMM

Other

Regen

1 AN ACT *to amend* 165.25 (6) (b), 441.06 (4), 441.10 (3) (c), 441.15 (2) (intro.),
2 447.03 (1) (intro.), 448.03 (3) (a) (intro.), 448.03 (3) (b), 448.03 (3) (e), 448.61,
3 448.66 and 453.05 (1); and *to create* 250.042 (4), 441.15 (5) (a) 5., 448.03 (2) (p),
4 450.03 (1) (h), 893.82 (2) (d) 1n. and 895.46 (5) (am) of the statutes; **relating**
5 **to:** designation of state agency status for certain health care providers who
6 provide services during a state of emergency related to public health or a state
7 of emergency declared by a city, village, or town.

Analysis by the Legislative Reference Bureau

Under current law, if the governor declares a state of emergency related to public health and designates the Department of Health and Family Services (DHFS) as the lead state agency to respond to that emergency, DHFS must act as the public health authority during the emergency. As such, among other things, DHFS may compel vaccinations and must consult with local health departments and individual health providers. Also, a city, village, or town may by ordinance or resolution declare an emergency existing within the city, village, or town under certain circumstances, including conditions that impair health or medical care.

Currently, persons are prohibited from practicing or attempting to practice professional nursing, engaging in the practice of nurse-midwifery, practicing medicine and surgery, practicing veterinary medicine, practicing as a physician

BILL

Not = the health care provider may accept reimbursement for travel, lodging, and meals

assistant, engaging in the practice of pharmacy, practicing podiatry, or practicing or offering to practice dentistry, unless licensed or certified, as appropriate. In addition, with certain exceptions, a person without the appropriate license or certificate may not hold himself or herself out as a trained, certified, or graduate nurse, a licensed practical nurse, a doctor of medicine, a doctor of osteopathy, a physician assistant, a pharmacist, a doctor of dental surgery, a podiatrist, or a veterinarian. With certain exceptions, a person may not practice nurse-midwifery unless he or she has in effect malpractice liability insurance in the minimum amount specified by DHFS by rule.

Moreover

Lastly under current law, an individual who has been granted status as a state agent may be defended by the attorney general in a civil action or other matter before a court or administrative agency for acts the individual performs during the lawful course of his or her duties, amounts recoverable in the civil action or other matter are limited to \$250,000, and judgments in the actions or other matters must be paid by the state after payment under any liability insurance policy possessed by the individual.

Insert A-1

This bill designates as a state agent of DHFS ~~a health care provider who provides to a health care facility, as defined in the bill, voluntary, unpaid health care services for which the provider has been licensed or certified or has met certain requirements.~~ "Health care provider" is defined in the bill to mean an individual who, at any time within ten years before a state of emergency related to public health is declared, has met requirements for a nurse's assistant, has been licensed as a physician, physician assistant, registered nurse, licensed practical nurse, nurse-midwife, pharmacist, podiatrist, dentist, or veterinarian, or has been certified as a respiratory care practitioner. The state agency status does not apply to a physician, physician assistant, registered nurse, licensed practical nurse, nurse-midwife, pharmacist, podiatrist, dentist, or veterinarian whose license has, for cause, been revoked, limited, suspended, or denied renewal, or to a respiratory care practitioner whose certificate has, for cause, been limited, suspended, or revoked. The bill also excepts the health care providers designated as state agents from the prohibitions on practicing or attempting to practice without a license or certificate and from the prohibitions on holding themselves out, without a license or certificate, as trained, certified, or licensed for performance of services.

Insert as an employee of the state for purposes of workers compensation benefits

during a state of emergency related to public health

Insert A-2

For further information see the **state and local** fiscal estimate, which will be printed as an appendix to this bill.

Insert 2-1

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

- 1 SECTION 1. 165.25 (6) (b) of the statutes is amended to read:
- 2 165.25 (6) (b) Volunteer health care providers who provide services under s.
- 3 146.89 or 250.042 (4) are, for the provision of those services, covered by this section
- 4 and shall be considered agents of the department of health and family services for

BILL

1 purposes of determining which agency head may request the attorney general to
2 appear and defend them.

*and is an employee of the state for
purposes of workers compensation benefits*

3 **SECTION 2.** 250.042 (4) of the statutes is created to read:

4 250.042 (4) (a) In this subsection:

5 1. "Health care facility" has the meaning given in s. 150.84 (2).

6 2. "Health care provider" means an individual who, at any time within 10 years
7 before a state of emergency is declared under s. 166.03 (1) (b) 1. or 166.23, has met
8 requirements for a nurse's assistant under s. 146.40 (2) (a), (b), (bm), (c), (e), (em),
9 (f), or (g), has been licensed as a physician, a physician assistant, or a podiatrist
10 under ch. 448, licensed as a registered nurse, licensed practical nurse, or
11 nurse-midwife under ch. 441, licensed as a dentist under ch. 447, licensed as a
12 pharmacist under ch. 450, licensed as a veterinarian under ch. 453, or has been
13 certified as a respiratory care practitioner under ch. 448.

14 (b) A health care provider who ~~provides to a health care facility, on a voluntary,~~
15 ~~unpaid basis~~ during a state of emergency declared under s. 166.03 (1) (b) 1. or 166.23,
16 provides health care services for which the health care provider has been licensed or certified
17 or, as a nurse's assistant, has met requirements, is, for the provision of these services,
18 a state agent of the department for purposes of ss. 165.25 (6), 893.82, and 895.46.

19 (c) Paragraph (b) does not apply to any of the following:

20 1. A physician or physician assistant whose license has been limited,
21 suspended, or revoked under s. 448.02 (3) (c).

22 2. A respiratory care practitioner whose certificate has been limited,
23 suspended, or revoked under s. 448.02 (3) (c).

24 3. A registered nurse, licensed practical nurse, or nurse-midwife whose license
25 has been revoked, limited, suspended, or denied renewal under s. 441.07 (1).

Not *The health care services shall be provided to a health care
facility on a voluntary unpaid basis, except that the
health care provider may accept reimbursement for travel,
lodging, and meals.*

BILL

1 4. A pharmacist whose license has been revoked, limited, suspended, or denied
2 renewal under s. 450.10 (1) (b).

3 5. A podiatrist whose license has been limited, suspended, or revoked under s.
4 448.675 (1) or suspended under s. 448.675 (2).

5 6. A dentist whose license has been limited, suspended, or revoked under s.
6 447.07.

7 7. A veterinarian whose license has been limited, suspended, or revoked under
8 s. 453.07.

9 **SECTION 3.** 441.06 (4) of the statutes is amended to read:

10 441.06 (4) ~~No~~ Except as provided in s. 250.042 (4) (b), no person may practice
11 or attempt to practice professional nursing, nor use the title, letters, or anything else
12 to indicate that he or she is a registered or professional nurse unless he or she is
13 licensed under this section. ~~No~~ Except as provided in s. 250.042 (4) (b), no person not
14 so licensed may use in connection with his or her nursing employment or vocation
15 any title or anything else to indicate that he or she is a trained, certified or graduate
16 nurse. This subsection does not apply to any person who is licensed to practice
17 nursing by a jurisdiction, other than this state, that has adopted the nurse licensure
18 compact under s. 441.50.

19 **SECTION 4.** 441.10 (3) (c) of the statutes is amended to read:

20 441.10 (3) (c) No license is required for practical nursing, but, except as
21 provided in s. 250.042 (4) (b), no person without a license may hold himself or herself
22 out as a licensed practical nurse or licensed attendant, use the title or letters
23 "Trained Practical Nurse" or "T.P.N.", "Licensed Practical Nurse" or "L.P.N.",
24 "Licensed Attendant" or "L.A.", "Trained Attendant" or "T.A.", or otherwise seek to
25 indicate that he or she is a licensed practical nurse or licensed attendant. No licensed

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1 practical nurse or licensed attendant may use the title, or otherwise seek to act as
2 a registered, licensed, graduate or professional nurse. Anyone violating this
3 subsection shall be subject to the penalties prescribed by s. 441.13. The board shall
4 grant without examination a license as a licensed practical nurse to any person who
5 was on July 1, 1949, a licensed attendant. This paragraph does not apply to any
6 person who is licensed to practice practical nursing by a jurisdiction, other than this
7 state, that has adopted the nurse licensure compact under s. 441.50.

8 **SECTION 5.** 441.15 (2) (intro.) of the statutes is amended to read:

9 441.15 (2) (intro.) ~~No~~ Except as provided in s. 250.042 (4) (b), no person may
10 engage in the practice of nurse–midwifery unless each of the following conditions is
11 satisfied:

12 **SECTION 6.** 441.15 (5) (a) 5. of the statutes is created to read:

13 441.15 (5) (a) 5. The provision of services by a nurse–midwife under s. 250.042
14 (4) (b).

15 **SECTION 7.** 447.03 (1) (intro.) of the statutes is amended to read:

16 447.03 (1) DENTISTS. (intro.) Except as provided under sub. (3) and s. 250.042
17 (4) (b), no person may do any of the following unless he or she is licensed to practice
18 dentistry under this chapter:

19 **SECTION 8.** 448.03 (2) (p) of the statutes is created to read:

20 448.03 (2) (p) The provision of services by a health care provider under s.
21 250.042 (4) (b).

22 **SECTION 9.** 448.03 (3) (a) (intro.) of the statutes is amended to read:

23 448.03 (3) (a) (intro.) ~~No~~ Except as provided in s. 250.042 (4) (b), no person may
24 use or assume the title “doctor of medicine” or append to the person’s name the letters
25 “M.D.” unless one of the following applies:

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1 **SECTION 10.** 448.03 (3) (b) of the statutes is amended to read:

2 448.03 (3) (b) No Except as provided in s. 250.042 (4) (b), no person not
3 possessing the degree of doctor of osteopathy may use or assume the title "doctor of
4 osteopathy" or append to the person's name the letters "D.O."

5 **SECTION 11.** 448.03 (3) (e) of the statutes is amended to read:

6 448.03 (3) (e) No Except as provided in s. 250.042 (4) (b), no person may
7 designate himself or herself as a "physician assistant" or use or assume the title
8 "physician assistant" or append to the person's name the words or letters "physician
9 assistant" or "P.A." or any other titles, letters or designation which represents or may
10 tend to represent the person as a physician assistant unless he or she is licensed as
11 a physician assistant by the board.

12 **SECTION 12.** 448.61 of the statutes is amended to read:

13 **448.61 License required.** Except as provided in s. ss. 250.042 (4) (b) and
14 448.62, no person may practice podiatry, designate himself or herself as a podiatrist,
15 use or assume the title "doctor of surgical chiropody", "doctor of podiatry" or "doctor
16 of podiatric medicine", or append to the person's name the words or letters "doctor",
17 "Dr.", "D.S.C.", "D.P.M.", "foot doctor", "foot specialist" or any other title, letters or
18 designation which represents or may tend to represent the person as a podiatrist
19 unless the person is licensed under this subchapter.

20 **SECTION 13.** 448.66 of the statutes is amended to read:

21 **448.66 Malpractice.** A Except as provided in s. 250.042 (4) (b), a person who
22 practices podiatry without having a license under this subchapter may be liable for
23 malpractice, and his or her ignorance of a duty ordinarily performed by a licensed
24 podiatrist shall not limit his or her liability for an injury arising from his or her
25 practice of podiatry.

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1 **SECTION 14.** 450.03 (1) (h) of the statutes is created to read:

2 450.03 (1) (h) The provision of services by a health care provider under s.
3 250.042 (4) (b).

4 **SECTION 15.** 453.05 (1) of the statutes is amended to read:

5 453.05 (1) Except as provided under sub. (2) and s. 250.042 (4) (b), no person
6 may offer to practice, advertise to practice or practice veterinary medicine, or use,
7 in connection with his or her name, any title or description which may convey the
8 impression that he or she is a veterinarian, without a license or temporary permit
9 from the examining board. For purposes of this subsection, a person who makes
10 extra-label use of a drug on an animal without a prescription or in any manner not
11 authorized by that prescription is considered to be practicing veterinary medicine.

12 **SECTION 16.** 893.82 (2) (d) 1n. of the statutes is created to read:

13 893.82 (2) (d) 1n. A health care provider who provides services under s. 250.042
14 (4), for the provision of those services.

15 **SECTION 17.** 895.46 (5) (am) of the statutes is created to read:

16 895.46 (5) (am) A health care provider who provides services under s. 250.042
17 (4).

18

(END)

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LEGISLATIVE REFERENCE BUREAU

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(INSERT 2-1)

(END OF INSERT)

SECTION ~~1~~ 102.07 (7m) of the statutes is amended to read:

102.07 (7m) An employee, volunteer, or member of an emergency management unit is an employee for purposes of this chapter as provided in s. 166.03 (8) (d), and a member of a regional emergency response team who is acting under a contract under s. 166.215 (1) is an employee of the state for purposes of this chapter as provided in s. 166.215 (4), and a health care provider who is providing volunteer, unpaid health care services to a health care facility during a state of emergency is an employee of the state for purposes of this chapter as provided in s. 250.042 (4) (b).

History: 1975 c. 147 s. 54; 1975 c. 224; 1977 c. 29; 1979 c. 278; 1981 c. 325; 1983 a. 27, 98; 1985 a. 29, 83, 135; 1985 a. 150 s. 4; 1985 a. 176, 332; 1987 a. 63; 1989 a. 31, 64, 359; 1993 a. 16, 81, 112, 399; 1995 a. 24, 77, 96, 117, 225, 281, 289, 417; 1997 a. 35, 38, 118; 1999 a. 14, 162; 2001 a. 37.

SECTION ~~2~~ 102.29 (10) of the statutes is created to read:

102.29 (10) No health care provider who, under s. 250.042 (4) (b), is considered to be an employee of the state for purposes of worker's compensation coverage while providing volunteer, unpaid health care services to a health care facility during a state of emergency and who makes a claim for compensation under this chapter may make a claim or bring an action in tort against the health care facility that accepted those services.

(INSERT A-1)

Finally under current law, worker's compensation is the exclusive remedy for an employee who is injured while performing services growing out of and incidental to his or her employment, except that, subject to certain exceptions, an injured employee may claim worker's compensation from his or her employer and also bring an action in tort against a third party for damages by reason of the injury. Currently, certain volunteers, such as volunteer fire fighters, volunteers of an emergency management unit, and, if certain conditions are met, state employees providing

services to the American Red Cross in a particular disaster, are also considered employees for purposes of worker's compensation benefits.

(END OF INSERT)

(INSERT A-2)

The bill also designates as an employee of the state for purposes of worker's compensation benefits a health care provider who provides volunteer, unpaid health care services to a health care facility during a state of emergency related to public health and prohibits such a volunteer health care provider who makes a claim for worker's compensation from making a claim or bringing an action in tort against the health care facility that accepted those services.

(END OF INSERT)

(END)

Barman, Mike

From: Jensen, Jodi
Sent: Friday, April 15, 2005 3:04 PM
To: 'LRB.Legal@legis.state.wi.us.'
Subject: LRB 1811/2

Please jacked the above LRB for introduction in the Assembly.

Thanks.

Jodi Jensen
Office of Rep. Huebsch