

## 2007 ASSEMBLY BILL 497

September 6, 2007 – Introduced by Representatives MOLEPSKE, BIES, BERCEAU, GUNDERSON and TURNER, cosponsored by Senator MILLER. Referred to Committee on Health and Healthcare Reform.

1     **AN ACT** *to renumber* 45.40 (1); *to amend* 25.36 (1), 29.193 (2) (b) 2., 29.193 (2)  
2           (c) 3., 45.40 (2m) (a), 45.40 (2m) (b), 45.40 (3m), 49.855 (4m) (b), 343.16 (5) (a),  
3           812.30 (9) and 814.29 (1) (d) 1.; and *to create* 45.40 (1g) and 45.40 (1t) of the  
4           statutes; **relating to:** allowing certified advanced practice nurse prescribers to  
5           determine an illness or injury and complete forms for the purpose of granting  
6           assistance to needy veterans and of medical review related to motor vehicle  
7           operator’s licenses, and allowing certified advanced practice nurse prescribers  
8           to determine disability for the purpose of issuing certain hunting permits.

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### ***Analysis by the Legislative Reference Bureau***

Under current law, the Department of Veterans Affairs (DVA) may grant assistance to needy veterans who have suffered a loss of income due to illness, injury, or natural disaster. By rule, DVA has defined an illness or injury as a physical or mental health problem that is diagnosed by a physician, dentist, optometrist, or audiologist.

This bill expands the health care providers who can diagnose an illness or injury for DVA purposes to include certified advanced practice nurse prescribers.

Under current law, the Department of Transportation (DOT) may require an operator’s license applicant or licensee to submit to a special examination to

**ASSEMBLY BILL 497**

determine incompetency, physical or mental disability, disease, or any other condition that might prevent the applicant or licensee from exercising reasonable and ordinary control over a motor vehicle. If DOT receives a report from a physician, advanced practice nurse prescriber, or optometrist, DOT must determine whether the operator should submit to a special examination. When DOT receives the results of a special examination, DOT must consider the recommendation of the examiner together with other evidence in determining if it is in the interest of public safety to issue, renew, deny, or cancel a license.

This bill specifies that a special examination required by DOT may be conducted by, and the results of the examination certified by, a physician, certified advanced practice nurse prescriber, or optometrist.

Under current law, the Department of Natural Resources (DNR) is authorized to issue certain hunting permits that authorize hunting by persons who have a physical disability or who are visually handicapped (specialized permits). Among the privileges granted by these specialized permits is the privilege of hunting with assistance rendered by another person. In order to obtain a specialized permit from DNR, a person must submit an application furnished by DNR that includes a statement or report prepared and signed by a licensed physician or chiropractor verifying that the applicant is physically disabled. A person may also obtain a specialized permit even if the person would otherwise be ineligible for a specialized permit if DNR, based on the recommendation of a licensed physician or chiropractor, determines that the issuance of the permit complies with the intent of the law.

This bill authorizes an applicant for a specialized permit to submit a statement, report, or recommendation from a certified advanced practice nurse prescriber, as well as from a physician or chiropractor, in support of a specialized permit application.

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

1           **SECTION 1.** 25.36 (1) of the statutes is amended to read:  
2           25.36 **(1)** Except as provided in sub. (2), all moneys appropriated or transferred  
3 by law shall constitute the veterans trust fund which shall be used for the lending  
4 of money to the mortgage loan repayment fund under s. 45.37 (5) (a) 12. and for the  
5 veterans programs under ss. 20.485 (2) (m), (mn), (tm), (u), (v), (vo), (vy), (w), (z), and  
6 (zm), 45.03 (19), 45.07, 45.20, 45.21, 45.40 ~~(1)~~ (1m), 45.41, 45.42, 45.43, and 45.82 and  
7 administered by the department of veterans affairs, including all moneys received  
8 from the federal government for the benefit of veterans or their dependents; all

**ASSEMBLY BILL 497**

1 moneys paid as interest on and repayment of loans under the post-war  
2 rehabilitation fund; soldiers rehabilitation fund, veterans housing funds as they  
3 existed prior to July 1, 1961; all moneys paid as interest on and repayment of loans  
4 under this fund; all moneys paid as expenses for, interest on, and repayment of  
5 veterans trust fund stabilization loans under s. 45.356, 1995 stats.; all moneys paid  
6 as expenses for, interest on, and repayment of veterans personal loans; the net  
7 proceeds from the sale of mortgaged properties related to veterans personal loans;  
8 all mortgages issued with the proceeds of the 1981 veterans home loan revenue bond  
9 issuance purchased with moneys in the veterans trust fund; all moneys received from  
10 the state investment board under s. 45.42 (8) (b); all moneys received from the  
11 veterans mortgage loan repayment fund under s. 45.37 (7) (a) and (c); and all gifts  
12 of money received by the board of veterans affairs for the purposes of this fund.

13 **SECTION 2.** 29.193 (2) (b) 2. of the statutes is amended to read:

14 29.193 (2) (b) 2. An applicant shall submit an application on a form prepared  
15 and furnished by the department, which shall include a written statement or report  
16 prepared and signed by a licensed physician ~~or~~ a licensed chiropractor, or an  
17 advanced practice nurse prescriber certified under s. 441.16 (2) prepared no more  
18 than 6 months preceding the application and verifying that the applicant is  
19 physically disabled.

20 **SECTION 3.** 29.193 (2) (c) 3. of the statutes is amended to read:

21 29.193 (2) (c) 3. The department may issue a Class B permit to an applicant  
22 who is ineligible for a permit under subd. 1., 2. or 2m. or who is denied a permit under  
23 subd. 1., 2. or 2m. if, upon review and after considering the physical condition of the  
24 applicant and the recommendation of a licensed physician ~~or~~ a licensed chiropractor,  
25 or an advanced practice nurse prescriber certified under s. 441.16 (2) selected by the

**ASSEMBLY BILL 497**

1 applicant from a list of licensed physicians ~~and~~ licensed chiropractors, and advanced  
2 practice nurse prescribers certified under s. 441.16 (2) compiled by the department,  
3 the department finds that issuance of a permit complies with the intent of this  
4 subsection. The use of this review procedure is discretionary with the department  
5 and all costs of the review procedure shall be paid by the applicant.

6 **SECTION 4.** 45.40 (1) of the statutes is renumbered 45.40 (1m).

7 **SECTION 5.** 45.40 (1g) of the statutes is created to read:

8 45.40 **(1g)** DEFINITIONS. In this section:

9 (a) “Health care provider” means an advanced practice nurse prescriber  
10 certified under s. 441.16 (2), an audiologist licensed under ch. 459, a dentist licensed  
11 under ch. 447, an optometrist licensed under ch. 449, or a physician licensed under  
12 ch. 448.

13 (b) “Illness” or “injury” means a physical or mental health problem that has  
14 been diagnosed by a health care provider.

15 **SECTION 6.** 45.40 (1t) of the statutes is created to read:

16 45.40 **(1t)** COMPLETION OF HEALTH CARE FORMS. A health care provider may  
17 complete the medical forms necessary for the receipt of aid under this section if the  
18 provider has diagnosed the veteran and determined the veteran’s medical condition.

19 **SECTION 7.** 45.40 (2m) (a) of the statutes is amended to read:

20 45.40 **(2m)** (a) The unremarried spouse and dependent children of a veteran  
21 who died on active duty, or in the line of duty while on active or inactive duty for  
22 training purposes, in the U.S. armed forces or forces incorporated in the U.S. armed  
23 forces are eligible to receive payments under subs. ~~(1)~~ (1m) and (2) if the household  
24 income of those persons does not exceed the income limitations established under  
25 sub. (3m).

**ASSEMBLY BILL 497**

1           **SECTION 8.** 45.40 (2m) (b) of the statutes is amended to read:

2           45.40 **(2m)** (b) The spouse and dependent children of a member of the U.S.  
3 armed forces or of the Wisconsin national guard who has been activated or deployed  
4 to serve in the U.S. armed forces who are residents of this state, who have suffered  
5 a loss of income due to that activation or deployment, and who experience an  
6 economic emergency during the member's activation or deployment are eligible to  
7 receive assistance under subs. ~~(1)~~ (1m) and (2).

8           **SECTION 9.** 45.40 (3m) of the statutes is amended to read:

9           45.40 **(3m)** RULES. The department shall promulgate rules establishing  
10 eligibility criteria and household income limits for payments under subs. ~~(1)~~ (1m),  
11 (2), and (2m).

12           **SECTION 10.** 49.855 (4m) (b) of the statutes is amended to read:

13           49.855 **(4m)** (b) The department of revenue may provide a certification that it  
14 receives under sub. (1), (2m), or (2p) to the department of administration. Upon  
15 receipt of the certification, the department of administration shall determine  
16 whether the obligor is a vendor or is receiving any other payments from this state,  
17 except for wages, retirement benefits, or assistance under s. 45.352, 1971 stats., s.  
18 45.40 ~~(1)~~ (1m), this chapter, or ch. 46, 108, or 301. If the department of  
19 administration determines that the obligor is a vendor or is receiving payments from  
20 this state, except for wages, retirement benefits, or assistance under s. 45.352, 1971  
21 stats., s. 45.40 ~~(1)~~ (1m), this chapter, or ch. 46, 108, or 301, it shall begin to withhold  
22 the amount certified from those payments and shall notify the obligor that the state  
23 intends to reduce any payments due the obligor by the amount the obligor is  
24 delinquent under the support, maintenance, or receiving and disbursing fee order or  
25 obligation, by the outstanding amount for past support, medical expenses, or birth

**ASSEMBLY BILL 497**

1 expenses under the court order, or by the amount due under s. 46.10 (4) or 301.12 (4).  
2 The notice shall provide that within 20 days after receipt of the notice the obligor may  
3 request a hearing before the circuit court rendering the order under which the  
4 obligation arose. An obligor may, within 20 days after receiving notice, request a  
5 hearing under this paragraph. Within 10 days after receiving a request for hearing  
6 under this paragraph, the court shall set the matter for hearing. A circuit court  
7 commissioner may conduct the hearing. Pending further order by the court or circuit  
8 court commissioner, the department of workforce development or its designee,  
9 whichever is appropriate, may not disburse the payments withheld from the obligor.  
10 The sole issues at the hearing are whether the obligor owes the amount certified and,  
11 if not and it is a support or maintenance order, whether the money withheld shall be  
12 paid to the obligor or held for future support or maintenance, except that the obligor's  
13 ability to pay is also an issue at the hearing if the obligation relates to an order under  
14 s. 767.51 (3) (e) 1. or 767.62 (4) (d) 1. s. 767.805 (4) (d) 1. or 767.89 (3) (e) 1. and the  
15 order specifies that the court found that the obligor's income was at or below the  
16 poverty line established under 42 USC 9902 (2).

17 **SECTION 11.** 343.16 (5) (a) of the statutes is amended to read:

18 343.16 (5) (a) The secretary may require any applicant for a license or any  
19 licensed operator to submit to a special examination by such persons or agencies as  
20 the secretary may direct to determine incompetency, physical or mental disability,  
21 disease, or any other condition that might prevent such applicant or licensed person  
22 from exercising reasonable and ordinary control over a motor vehicle. If the  
23 department requires the applicant to submit to an examination, the applicant shall  
24 pay for the examination. If the department receives an application for a renewal or  
25 duplicate license after voluntary surrender under s. 343.265 or receives a report from

**ASSEMBLY BILL 497**

1 a physician, advanced practice nurse prescriber certified under s. 441.16 (2), or  
2 optometrist under s. 146.82 (3), or if the department has a report of 2 or more arrests  
3 within a one-year period for any combination of violations of s. 346.63 (1) or (5) or  
4 a local ordinance in conformity with s. 346.63 (1) or (5) or a law of a federally  
5 recognized American Indian tribe or band in this state in conformity with s. 346.63  
6 (1) or (5), or s. 346.63 (1m), 1985 stats., or s. 346.63 (2) or (6) or 940.25, or s. 940.09  
7 where the offense involved the use of a vehicle, the department shall determine, by  
8 interview or otherwise, whether the operator should submit to an examination under  
9 this section. The examination may consist of an assessment. If the examination  
10 results from the department receiving a report from a physician, advanced practice  
11 nurse prescriber certified under s. 441.16 (2), or optometrist under s. 146.82 (3), the  
12 examination may be conducted by, and the results of the examination certified by, a  
13 physician, advanced practice nurse prescriber certified under s. 441.16 (2), or  
14 optometrist. If the examination indicates that education or treatment for a  
15 disability, disease or condition concerning the use of alcohol, a controlled substance  
16 or a controlled substance analog is appropriate, the department may order a driver  
17 safety plan in accordance with s. 343.30 (1q). If there is noncompliance with  
18 assessment or the driver safety plan, the department shall revoke the person's  
19 operating privilege in the manner specified in s. 343.30 (1q) (d).

20 **SECTION 12.** 812.30 (9) of the statutes is amended to read:

21 812.30 (9) "Need-based public assistance" means aid to families with  
22 dependent children, relief funded by a relief block grant under ch. 49, relief provided  
23 by counties under s. 59.53 (21), medical assistance, supplemental security income,  
24 food stamps, or benefits received by veterans under s. 45.40 (1) (1m) or under 38 USC  
25 501 to 562.

