

2007 DRAFTING REQUEST

Bill

Received: **04/17/2007**

Received By: **rnelson2**

Wanted: **As time permits**

Identical to LRB:

For: **Louis Molepske (608) 267-9649**

By/Representing: **Chris**

This file may be shown to any legislator: **NO**

Drafter: **rnelson2**

May Contact:

Addl. Drafters: **agary
rkte**

Subject: **Veterans - miscellaneous
Nat. Res. - miscellaneous
Transportation - driver licenses**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Molepske@legis.wisconsin.gov**

Carbon copy (CC:) to: **aaron.gary@legis.wisconsin.gov**

Pre Topic:

No specific pre topic given

Topic:

Nurse practitioners signatures on medical forms; advanced practice nurses on DOT medical review board;

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>
/?							
/P1	rnelson2						
	04/17/2007						
	agary						
	04/19/2007						
	rkte						
	04/24/2007						
	rnelson2						

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	04/24/2007			_____			
/1	rkite 04/24/2007	bkraft 05/08/2007	nnatzke 05/08/2007	_____	lparisi 05/08/2007		
/2	agary 07/12/2007	bkraft 07/17/2007	pgreensl 07/17/2007	_____ _____ _____	lparisi 07/17/2007 mbarman 08/30/2007	cduerst 08/30/2007	

FE Sent For:

No

<END>

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for Assembly per Chris

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May Contact:

Addl. Drafters: agary
rkite

Subject: Veterans - miscellaneous
Nat. Res. - miscellaneous
Transportation - driver licenses

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<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	04/24/2007			_____			
/1	rkite 04/24/2007	bkraft 05/08/2007	nmatzke 05/08/2007	_____	lparisi 05/08/2007		

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Drafter: rnelson2

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rkite

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Nat. Res. - miscellaneous
Transportation - driver licenses

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FE Sent For:

Deborah -

Thanks for taking a look at this. Please let me know if you have any questions or should you require any additional information.

Chris - 7-9649

RPN ✓

ARG ✓

RNK ✓

TKK (?) scope of practice
of nurse
practitioner?

2617 North 90th Street
Wauwatosa, WI 53226

March 15, 2007

Mr. Louis Molepske Jr.
State Representative, District 71
Room 111 North
State Capitol
P.O. Box 8953
Madison, WI 53708

Dear Representative Molepske,

I am requesting your assistance in changing some outdated language in a few of the Wisconsin State statutes/admin codes that directly impacts my practice and the practice of thousands of nurse practitioners in the State. Many of the outdated statutes continue to require physician signatures on medical forms, whereas the newer versions list nurse practitioners as authorized signers.

As you know, tens of thousands of State residents get their care from nurse practitioners. These outdated statutes impose restrictions on patients that often cause significant delay in getting their necessary paperwork completed.

I have been in contact with Susan Bay from the Wisconsin Department of Veterans Affairs. They require physician signature on many state forms to help Wisconsin Veterans get approval for the Needy Veteran Program. Most of the Veterans at the VA's in Madison and Milwaukee primary care clinics see nurse practitioners, not physicians. She references these WI Codes.

Wisconsin Administrative Code VA 2.01(1)(o) defines illness and injury: "'Illness or injury' means a physical or mental health problem that has been diagnosed by a licensed physician, dentist, optometrist, or audiologist."

Wisconsin Administrative Code VA 2.01(3)(b) says "Illness or injury must be verified in writing on a form approved by the department." The department's approved form, WDVA 2045, Verification of Illness or Disability, includes a warning that the form will not be accepted unless signed by a licensed physician or optometrist.

Secondly, the Wisconsin DNR requires physician or chiropractic signatures on their class A disability permit application form 9400-543. This should be updated to include advanced practice nurses.

Finally, the Wisconsin DOT requires physician signature on the reinstatement of a drivers license, form MV 3644. I am authorized by the State to revoke a patients license due to a uncontrolled medical condition, but after appropriate evaluation and treatment, I am not allowed to reauthorize them to drive. An example of this is a patient who has a seizure disorder. If they have a seizure, I must report this to the DMV and require that they do not drive for 6 months. After the condition is stable, medications adjusted, and they have not seized for the required amount of time, I am not able to reauthorize them to drive.

I have included copies of the documents for your review.

Please feel free to contact me with any questions. Thank you for your time and attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Timothy J. Wittwer', written over a horizontal line.

Timothy J. Wittwer RN, MSN, APNP
Nurse Practitioner

Enclosures

Class A Disability Permit Application

Form 9400-543 (R 4/05)

Check here if renewal. Previous Permit Number: _____

An initial Class A permit is valid for the 5-year period specified on the permit.
Upon renewal, a Class A permit is valid for the 10-year period specified on the permit.

Notice: Use of this form is required by the DNR for any application filed pursuant to s.29.193, Wis. Stats. The DNR will not consider your application unless you complete and submit this form. Personally identifiable information provided may be used to determine identity of the applicant, participation in natural resources surveys, eligibility for approvals and other enforcement purposes. The Department may provide this information to requesters as required by Wisconsin's Open Records law [ss. 19.31-19.39, Wis. Stats.].

LEAVE BLANK-DNR USE ONLY	
Permit Number	Date Issued
Expiration Date	Issued By
Customer ID Number	

Application must be filled out completely.

Mail this completed application form to the appropriate DNR regional office or service center.

SECTION I - TO BE COMPLETED BY APPLICANT (Please type or print legibly)

Applicant's Name		Driver's License Number	DNR Customer ID Number	
Street or Route			Home Telephone Number (include area code)	
City, State, Zip Code			County of Residence	
Date of Birth (Mo. - Day - Year)	Color Eyes	Color Hair	Weight	Height
		Sex <input type="checkbox"/> Male <input type="checkbox"/> Female		

I hereby certify that the above information is true and correct, and I hereby authorize the Department of Natural Resources to examine all medical records regarding my physical disability.

Applicant's Signature	Date Signed
-----------------------	-------------

SECTION II - TO BE COMPLETED BY LICENSED PHYSICIAN OR CHIROPRACTOR

NOTE: Applicant must be disabled to the extent described on the back of this form to be eligible for a permit to shoot or hunt from a stationary vehicle. Please check the box that best answers each question for a Class A permit.

A. MOBILITY (Licensed Physician or Chiropractor)

1. Does applicant have a permanent or irreversible physical disability? Yes No
2. Which of the following does applicant require for mobility?
 - a. Wheel chair Yes No
 - b. Walker Yes No
 - c. One leg brace or external prosthesis above the knee Yes No
 - d. Two leg braces or external prostheses below the knees Yes No
 - e. Two crutches or two canes Yes No
3. Is applicant able to ambulate without any of the above (2a - 2e)? Yes No
4. Will the applicant's need for any of the above (2a - 2e) be permanent? Yes No

B. LUNG DISEASE (Licensed Physician)

Does applicant suffer from lung disease to the extent that: (1) forced expiratory volume for one second when measured by spirometry is less than one liter, or (2) the arterial oxygen tension is less than 60 millimeters of mercury on room air at rest? Yes No

C. CARDIOVASCULAR DISEASE (Licensed Physician)

Does applicant suffer from cardiovascular disease to the extent that functional limitations are classified in severity as Class 3 or 4 according to standards accepted by the American Heart Assoc.? Yes No

Name of Physician or Chiropractor (Please Print)	Medical License Number	Date Signed
Signature of Physician or Chiropractor	Telephone Number (include area code)	
Address	Mail Application To:	
City, State, Zip Code		

29.193 Approvals for disabled persons. (1) TROLLING PERMITS. (a) The department shall, after an investigation and without charging a fee, issue a trolling permit to any person who meets the requirements under s. 29.171(3)(a) 2. or 4. [s. 29.171(4) (a) 2. or 4.]

(b) A person holding a current fishing license issued under this chapter and either a trolling permit issued under par. (a) or a Class A permit issued under sub. (2) may fish or troll in the waters of this state using an electric motor, notwithstanding any ordinances enacted under s. 30.77(3) that prohibit the use of motor boats on navigable waters and subject to rules promulgated by the department regarding the use of electric motors for fishing or trolling by disabled persons.

(2) HUNTING PERMITS. (a) *Definitions.* As used in this subsection:

1. "Accompanied" means being subject to continuous visual or voice contact without the aid of any mechanical or electronic amplifying device other than a hearing aid.

5. "Visually handicapped" means blind, as defined in s. 47.01(1).

(b) *Issuance of permit.* 1. The department shall, after investigation and without charging a fee, except for the costs of review in par. (c) 3. or (e), issue a Class A, Class B or Class C permit to any person, as provided in this subsection.

2. An applicant shall submit an application on a form prepared and furnished by the department, which shall include a written statement or report prepared and signed by a licensed physician or licensed chiropractor, prepared no more than 6 months preceding the application and verifying that the applicant is physically disabled.

3. As part of the application for a Class A or Class B permit under this subsection, the applicant shall authorize the department by written release to examine all medical records regarding the applicant's physical disability.

(c) *Eligibility.* 1. The department shall issue a Class A permit under this subsection to an applicant who is permanently disabled, as determined by the department, in any of the following ways:

a. Has a permanent or irreversible physical disability, is unable to ambulate and requires a wheelchair, walker, one leg brace or external prosthesis above the knee, 2 leg braces or external prostheses below the knees, 2 crutches or 2 canes for mobility.

b. Suffers significantly from lung disease, to the extent that forced expiratory volume for one second when measured by spirometry is less than one liter or the arterial oxygen tension is less than 60 millimeters of mercury on room air at rest.

c. Suffers significantly from cardiovascular disease, to the extent that functional limitations are classified in severity as class 3 or 4, according to standards accepted by the American heart association on May 3, 1988, and where ordinary physical activity causes discomfort, fatigue, palpitation, dyspnea or anginal pain.

2. The department shall issue a Class B permit under this subsection to an applicant who has a temporary disability which restricts mobility or ambulation due to injury or operative procedures and who either has a leg, hip or back, or any part thereof, casted by a licensed physician due to a fracture or has leg, hip or back surgery.

2m. The department may issue a Class B permit under this subsection to an applicant who has a temporary disability which restricts mobility or ambulation due to illness, injury or operative procedures.

3. The department may issue a Class B permit to an applicant who is ineligible for a permit under subd. 1., 2. or 2m. or who is denied a permit under subd. 1., 2. or 2m. if, upon review and after considering the physical condition of the applicant and the recommendation of a licensed physician or licensed chiropractor selected by the applicant from a list of licensed physicians and licensed chiropractors compiled by the department, the department finds that issuance of a permit complies with the intent of this subsection. The use of this review procedure is discretionary with the department and all costs of the review procedure shall be paid by the applicant.

4. The department shall issue a Class C permit to any person who is visually handicapped.

(cg) *Approval required.* In order to hunt, fish or troll after receiving a permit under this section, the permit holder must apply for and be issued, or must already hold, any type of approval required under this chapter for the type of hunting or fishing that he or she will be doing.

(cr) *Authorization.* 1. A person holding a current resident or nonresident deer hunting license and a Class A or Class C permit may hunt deer of either sex with a firearm during any season open to hunting of deer with firearms that is established by the department.

2. A Class A permit authorizes the holder to shoot or hunt from a stationary vehicle, to fish or troll as authorized under sub.(8m)(b) [sub. (1)(b)] and to hunt certain game with a crossbow as authorized under ss. 29.103(2)(ar), 29.104(2) and 29.117(2). [ss. 29.164 (2)(b) , 29.171(2) and 29.216(2)]

3. A Class B permit authorizes the holder to use any of the hunting or fishing methods authorized in this chapter for a holder of a Class A permit that are specifically approved by the department for that Class B permit holder upon issuance or subsequent modification of the Class B permit.

(d) *Assistance.* 1. A holder of a Class A or Class B permit may be accompanied by a person who is not eligible to apply for a Class A or Class B permit. The accompanying person may not hunt or carry a firearm, bow or crossbow unless that person has been issued the appropriate approval to do so. The assistance rendered by an accompanying person who has not been issued the appropriate approval is limited to field dressing, tagging and retrieving game for the permit holder.

2. A holder of a Class C permit shall be accompanied by a person who is not eligible to apply for a permit under this section. The accompanying person may not hunt or carry a firearm, bow or crossbow unless the person has been issued the appropriate approval to do so. The assistance rendered by an accompanying person may include sighting the firearm, bow or crossbow, identifying the game and field dressing, tagging and retrieving game for the permit holder.

(e) *Review of decisions.* An applicant denied a permit under this subsection, except a permit under par. (c) 3., may obtain a review of that decision by a licensed physician or a licensed chiropractor designated by the department and with an office located in the department district in which the applicant resides. The department shall pay for the cost of a review under this paragraph unless the denied application on its face fails to meet the standards set forth in par. (c) 1. or 2. A review under this paragraph is the only method of review of a decision to deny a permit under this subsection and is not subject to further review under ch. 227.

MEDICAL EXAMINATION REPORT

MV3644 12/2004 Ch. 343 Wis. Stats. & Trans. 112 Admin. Code

APPLICANT: After this medical report has been reviewed, you may be required to file medical reports on a regular basis. We will send you the forms at the time they are required.

Wisconsin Department of Transportation
 Medical Review
 P O Box 7918
 Madison WI 53707-7918
 Telephone: (608) 266-2327
 E-Mail: dre.dmv@dot.state.wi.us
 FAX: (608) 267-0518

Applicant Name		Street Address	
Operator License Number		City, State, ZIP Code	
Birth Date		Area Code and Telephone Number	
Date Issued	Examiner Badge Number	License Type <input type="checkbox"/> Instruction Permit <input type="checkbox"/> Operator <input type="checkbox"/> CDL <input type="checkbox"/> Passenger Bus <input type="checkbox"/> School Bus	
Reason for Referral			

PHYSICIANS: Please complete all pertinent sections relative to this person's health to assist the Department in making a licensing decision.

- 1. Driver Condition or Behavior Report Attached. Driving Incident/Accident [Date(s)] _____.
- 2. General Medical: complete sections A and G (others if appropriate)
- 3. Mental / Emotional: complete sections A, B, and G
- 4. Neurological: complete sections A, C, and G
- 5. Endocrine (Diabetes): complete sections A, D, and G
- 6. Cardiovascular / Pulmonary: complete sections A, E, and G
- 7. Pulmonary: complete sections A, F, and G

SECTION A: PHYSICIAN TO COMPLETE FOR ALL APPLICANTS

Provide Diagnoses, Medications Used, and Dosages

Height	Weight
--------	--------

Yes	No	
<input type="checkbox"/>	<input type="checkbox"/>	1. Is the person's condition currently stable? If not, explain below.
<input type="checkbox"/>	<input type="checkbox"/>	2. Is the person reliable in following the treatment program? If not, explain below.
<input type="checkbox"/>	<input type="checkbox"/>	3. Does this person experience side effects of medication which are likely to impair driving ability? If yes, explain below.
<input type="checkbox"/>	<input type="checkbox"/>	4. Has this person experienced an episode of altered consciousness or loss of bodily control during the past 12 months? If yes, explain below and give date.
<input type="checkbox"/>	<input type="checkbox"/>	5. Does current alcohol/drug abuse/use interfere with medical condition? If yes, a substance evaluation will be required.
<input type="checkbox"/>	<input type="checkbox"/>	a. Did the person have a seizure(s) related to withdrawal? If yes, provide date(s) _____.
<input type="checkbox"/>	<input type="checkbox"/>	6. Does this person experience uncontrolled sleepiness associated with sleep apnea, narcolepsy, or other disorder? If yes, explain below.
<input type="checkbox"/>	<input type="checkbox"/>	7. Is driving ability likely to be impaired by limitations in any of the following?
<input type="checkbox"/>	<input type="checkbox"/>	a. Judgment and insight
<input type="checkbox"/>	<input type="checkbox"/>	b. Problem-solving and decision-making
<input type="checkbox"/>	<input type="checkbox"/>	c. Emotional or behavioral stability
<input type="checkbox"/>	<input type="checkbox"/>	d. Cognitive function
<input type="checkbox"/>	<input type="checkbox"/>	8. Is driving ability likely to be impaired by limitations in any of the following?
<input type="checkbox"/>	<input type="checkbox"/>	a. Reaction time
<input type="checkbox"/>	<input type="checkbox"/>	b. Sensorimotor function
<input type="checkbox"/>	<input type="checkbox"/>	c. Strength and endurance
<input type="checkbox"/>	<input type="checkbox"/>	d. Range of motion
<input type="checkbox"/>	<input type="checkbox"/>	e. Maneuvering skills
<input type="checkbox"/>	<input type="checkbox"/>	f. Use of arm(s) and/or leg(s)

Details and Elaboration

Note: Sections B, C and D are on the next page (over).

SECTION G: PHYSICIAN'S RECOMMENDATIONS FOR ALL APPLICANTS

REPORTING PHYSICIAN: This report must be based on an examination conducted **WITHIN THE PAST 90 DAYS** or since _____ . The Secretary of the Department of Transportation is, by statute, responsible for the driver licensing decision. Your report will be advisory in determining eligibility. **Physician's signature AND ALL recommendations (section F) are required for ALL applicants.**

Yes No

- 1. In your opinion, is this person medically safe to operate a motor vehicle?
- 2. In your opinion, is this person medically safe to operate a commercial motor vehicle?
- 3. In your opinion, is this person medically safe to operate a bus and/or school bus?
- 4. If applicable, I reviewed the attached Driver Condition or Behavior Report.
- 5. Re-examination by DOT.
- 6. Recommended Restrictions:
 - Daylight Driving Only
 - _____ miles from home
 - Other: _____

I certify that I have examined this patient. My speciality is: _____ .

Print Name of Reporting Physician	Check One: <input type="checkbox"/> MD <input type="checkbox"/> DO	Patient Examination Date: Month - Day - Year
Signature of Reporting Physician	Medical License Number	(Area Code) Office Telephone Number
X		

Pursuant to Chapter 448.01(5), Wis. Statutes and Trans Ch. 112.02(16), Wis. Admin. Code, this form must be signed by a MD or DO.

Unofficial Text (See Printed Volume). Current through date and Register shown on Title Page.

Chapter Trans 112

MEDICAL STANDARDS FOR DRIVER LICENSING AND GENERAL STANDARDS FOR SCHOOL BUS ENDORSEMENTS

Trans 112.01	Purpose and scope.	Trans 112.12	Conditions affecting psychosocial, mental or emotional function.
Trans 112.02	Definitions.	Trans 112.13	Conditions affecting respiratory function.
Trans 112.03	Medical review standards.	Trans 112.14	Conditions affecting sensory function.
Trans 112.04	Information to be considered in licensing actions.	Trans 112.15	Non-medical requirements for school bus drivers.
Trans 112.045	All medical conditions.	Trans 112.155	Condition of employment for school bus drivers.
Trans 112.05	Alcohol or other drug use.	Trans 112.16	License restrictions.
Trans 112.06	Conditions affecting cardiovascular function.	Trans 112.17	Periodic reports.
Trans 112.07	Conditions affecting cerebrovascular function.	Trans 112.18	Driving evaluation.
Trans 112.08	Conditions affecting endocrine function.	Trans 112.19	Notice of departmental licensing actions.
Trans 112.10	Conditions affecting neurological or neuromuscular function.	Trans 112.20	Review boards.

Trans 112.01 Purpose and scope. The purpose of this chapter is to establish the department's administrative interpretation of the provisions of ch. 343, Stats., that relate to the issuance of motor vehicle operator licenses to persons who have a medical condition that may affect their ability to exercise reasonable control over a motor vehicle. This chapter specifies by licensing category the functional ability levels necessary to exercise reasonable control of a motor vehicle for all persons applying for or holding any operator's license. This chapter also establishes non-medical requirements that relate to issuance of a school bus endorsement.

Note: Forms used in this chapter are MV3030B Medical Examination Report for Commercial Driver Licensing Endorsements, MV3030V Certificate of Vision Examination by Competent Authority, and MV 3644 Medical Examination Report. A sample copy of these forms may be obtained, free of charge, from the Wisconsin Department of Transportation, Bureau of Driver Services, P. O. Box 7918, Madison, WI 53707-7918. See ss. 343.06, 343.12, 343.13, 343.135, 343.14 and 343.16, Stats.

History: Cr. Register, April, 1991, No. 424, eff. 5-1-91; CR 04-117: am. Register April 2005 No. 592, eff. 5-1-05.

Trans 112.02 Definitions. The words and phrases defined in ss. 340.01 and 343.01, Stats., have the same meaning in this chapter unless a different definition is specifically provided. In this chapter:

(1) "Altered consciousness" means a state of awareness characterized by loss or distortion of the impressions made by the senses or inability to respond to the impressions made by the senses.

(1m) "Another jurisdiction" means any state other than Wisconsin and includes the District of Columbia, the commonwealth of Puerto Rico and any territory or possession of the United States, any federal military installation located within the territorial boundaries of Wisconsin and any province of the Dominion of Canada.

(2) "Assessment" means an examination of a person's use of chemicals and development of a driver safety plan for the person by an approved public treatment facility as defined by s. 51.45 (2) (c), Stats.

(3) "Chemical" means alcohol, a drug as defined in s. 450.01 (10), Stats., or a controlled substance as defined in s. 961.01 (4), Stats.

(4) "Cognitive skill" means the ability to think, perceive and remember.

(6) "Corrective lens" means an ophthalmic lens, whether an eyeglass or a contact lens, that corrects the refraction error or other optically correctable deficiency of the eye, except biopic telescopic lenses.

(7) "Driving evaluation" is a test conducted to determine if a person adequately compensates for the person's medical, mental or physical condition or functional impairment.

(8) "Episode" means any incident or segment of time involving altered consciousness or loss of bodily control.

(9) "Field of vision" means the entire horizontal, temporal plane a person has for each eye without shifting the gaze.

(10) "Functional ability" means the degree of cognitive, mental or emotional, sensorimotor and sensory capability in performing activities of daily living, including safely performing the tasks of driving.

(11) "Licensing action" means any action by the department involving the denial, cancellation, restriction, or issuance of a license or endorsement under this chapter.

(12) "Loss of bodily control" means involuntary movements of the body characterized by muscle spasms or muscle rigidity, or loss of muscle tone or muscle movement.

(13) "Medical condition" means any physical, mental or emotional condition which affects a person's health for which a person is receiving medical treatment, or for which medical treatment is usually prescribed.

(14) "Mental or emotional function" includes interaction and communication skills, adaptive behavior or coping capacity, and orientation.

(15) "Physical disability" means any physical limitation interfering with the ability to perform the normal tasks associated with operating a motor vehicle.

(16) "Physician" means an individual possessing the degree of doctor of medicine or doctor of osteopathy or an equivalent degree as determined by the medical examining board, and holding a license granted by the medical examining board.

Note: This definition of "Physician" is intended to be consistent with the statutory definition appearing at s. 448.01 (5), Stats.

(17) "Proof of physical fitness" means a certificate of physical examination executed by a person authorized to execute certificates of physical examination under 49 CFR 391.43 which provides that the person being examined meets the physical qualifications for drivers of 49 CFR 391.41, or a medical examination report for "S" or "P" endorsements.

(18) "Review board" means a medical board established under s. 343.16 (5) (b), Stats.

(19) "Sensorimotor skills" means reflexes and reaction time, coordination, depth perception, manipulation, range of motion and general mobility.

(20) "Sensory function" means vision, hearing, touch, smell and vibration sense.

Unofficial Text (See Printed Volume). Current through date and Register shown on Title Page.

Chapter VA 2

EMERGENCY, CORRESPONDENCE AND PART TIME STUDY, RETRAINING AND TUITION AND FEE REIMBURSEMENT GRANTS

VA 2.01 Assistance to needy veterans program.
VA 2.02 Veterans tuition reimbursement program.

VA 2.03 Retraining grants.
VA 2.05 Recovery of erroneous payments.

Note: Chapter VA 2 as it existed on December 31, 1979 was repealed and a new chapter VA 2 was created effective January 1, 1980. Chapter VA 2 as it existed on April 30, 1986 was repealed and a new chapter VA 2 was created effective May 1, 1986.

Note: 2005 Wis. Act 22 repealed and recreated Ch. 45, Stats. Cross-references to Ch. 45, Stats., were corrected by the revisor under s. 13.93 (2m) (b) 7., Stats.

VA 2.01 Assistance to needy veterans program.

(1) DEFINITIONS. In this section:

(a) "Applicant" means an individual who meets the requirements of s. 45.40, Stats.

(b) "Applicant's family" means the applicant's spouse and dependents or, where the applicant is a dependent, the parents, stepparents, or any custodial guardians of the dependent.

(c) "Approved treatment programs" means treatment programs approved by the United States Department of Veterans Affairs (USDVA) or alcohol and other drug treatment programs certified by the Wisconsin department of health and family services.

(d) "Available liquid assets" means cash on hand, including cash in checking, savings, money market or similar accounts, cash value of life insurance policies, liquid investments, including stocks and bonds and amounts deposited in any retirement plans, owned, either jointly or solely, by the applicant or the applicant's family.

(e) "Declaration of aid" means a written determination regarding the availability of county, state, or federal aid administered by the county for an applicant. A declaration of aid must be signed by a county official authorized to determine whether aid is available for an applicant and the applicant's family and whether the applicant has accepted the aid available.

(f) "Dental care" means any care given to teeth, the supporting natural and artificial structures for teeth, and any replacement or restoration of teeth.

(g) "Denture" means a dental device that replaces one or more teeth and includes all dental preparation and the manufacture and fitting of the device.

(h) "Department" means the Wisconsin department of veterans affairs.

(i) "Description of benefits" means a written determination that an applicant is eligible for health care aid or subsistence aid or both. A description of benefits expires 90 days after the date of eligibility is established and printed by the department unless extended by the department.

(j) "Earned income" means all anticipated family monthly take home earnings from employment including armed forces reserve and national guard pay, and work study payments, after all payroll deductions of the applicant and the applicant's family except payroll deductions for savings plans and payment of debts.

(k) "Economic emergency" means a natural disaster which damages an applicant's primary living residence, a medical emergency, the failure of the applicant's sole means of transportation, or a severe disruption in essential household systems caused by a failure of the applicant's stove, refrigerator, heating system, ventilating and air conditioning system, plumbing system, or electrical system such that it materially compromises the applicant's ability to live.

(L) "Health care" means dental care, dentures, hearing care, and vision care.

(m) "Health care aid" means the payment by the department for health care.

(n) "Hearing care" means any care related to hearing, including, but not limited to, hearing exams or hearing aids.

(o) "Illness or injury" means a physical or mental health problem that has been diagnosed by a licensed physician, dentist, optometrist, or audiologist.

(p) "Month" means any consecutive 30-calendar day period.

(q) "Natural disaster" means a catastrophic occurrence over which the applicant or family members living with the applicant has no control, including, but not limited to, a fire, flood, tornado, blizzard, or earthquake.

(r) "Subsistence" means essential living expenses including current rent or mortgage payments on the applicant's primary residence, food, current medical insurance premiums, current costs for prescribed medications, essential travel, child care required because of employment, educational or medical reasons, and current costs for electricity, heat, and basic telephone service for the applicant's primary residence. Subsistence also means any repairs or purchases required due to an economic emergency.

(s) "Subsistence aid" means the payment by the department for subsistence.

(t) "Unearned income" means the estimated amount the applicant and the applicant's family receives in benefits or grants during any month from the USDVA or other federal agencies, scholarships, fellowships, grants, tuition and fee waivers, all other definite awards other than loans, including amounts paid to the applicant or the applicant's family or to the school on behalf of the applicant or applicant's family for vocational rehabilitation by the USDVA or any other agency, income from trusts or inheritances, unemployment compensation, worker's compensation, social security payments, net rentals from real estate, interest or dividend income or other income not included under earned income. It shall not include death benefits paid by the USDVA or other federal agencies.

(2) GRANT APPLICATION. (a) *Forms required.* A grant application shall be submitted on a department approved form. It may be submitted through a county veterans service officer, through any other department authorized agent, or directly to the department, either manually or electronically. The application shall specify the type of care being requested. A declaration of aid shall be submitted with the application. The declaration shall state that the applicant has applied for all aid offered through or administered by the county, including aid from the federal or state government. If requested by the department the applicant shall submit evidence establishing that all other available aid has been applied for and accepted. The department may request additional verification of any information provided in the application. The department shall notify the applicant or applicant's county veterans service officer if any required documentation is missing or if further verification is required to make a decision on the applicant's eligibility. The department shall terminate an application if such documentation or verification does not arrive at the department's central office within 30 days of that notification.

Wittwer, Timothy

From: Bay, Susan [susan.bay@dva.state.wi.us]
Sent: Monday, December 04, 2006 9:08 AM
To: Wittwer, Timothy
Subject: RE: WDVA form 2045

Hello Mr. Wittwer:

I am happy to point you to the Statutory and Code requirements of the Assistance to Needy Veterans Grant program for veterans seeking subsistence aid because of a medical condition.

Wisconsin State Statute 45.40 (1) says "...the department may provide subsistence payments only to a veteran who has suffered a loss of income due to illness, injury or natural disaster."

Wisconsin Administrative Code VA 2.01(1)(o) defines illness and injury: ""Illness or injury" means a physical or mental health problem that has been diagnosed by a licensed physician, dentist, optometrist, or audiologist."

Wisconsin Administrative Code VA 2.01(3)(b) says "Illness or injury must be verified in writing on a form approved by the department." The department's approved form, WDVA 2045, Verification of Illness or Disability, includes a warning that the form will not be accepted unless signed by a licensed physician or optometrist.

Let me know if I can provide further info to you.

Susan Bay
Veterans Benefit Specialist

From: Wittwer, Timothy [mailto:Timothy.Wittwer@va.gov]
Sent: Monday, December 04, 2006 8:24 AM
To: susan.bay@dva.state.wi.us
Subject: WDVA form 2045

Dear Ms. Bay,

I left a message on your machine on Friday in regards to this form.

I am one of the many nurse practitioners in the Federal VA system practicing in Wisconsin. Interestingly, we discussed this form and its requirements at our NP meeting 2 weeks ago.

I reviewed the WI administrative code and statutes pertaining to the State of WI VA over the weekend and cannot find any requirements for physician signature on this form. If you could direct me to this statute or code I will forward this to my State Representative and Senator and we will try to get this changed in the next session.

I look forward to working with you to resolve this issue which will allow us to better serve our Veterans.

Sincerely,

Tim Wittwer APNP
Team Leader, Gold Clinic
Milwaukee VAMC



State of Wisconsin
2007 - 2008 LEGISLATURE

RM run
LRB-2462/PI
RPN, RNK, & ARG:.....
bjk & cjs

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

D-Note

allowing certified advanced practice nurse prescribers to determine an illness or injury and complete forms for the purpose of granting assistance to needy veterans, review health-related denial or cancellation of motor vehicle operator's licenses, and determine disability for the purpose of issuing certain hunting permits.

1 AN ACT ^{← gen. cat.} relating to who can determine an "illness or injury" for purposes of
2 receipt of assistance to needy veterans, medical review related to motor vehicle
3 operator's licenses, and determining disability for purposes of the issuance of
4 certain hunting permits.

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 nurses ^{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 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. If a license is denied or canceled after a special

Under this bill, certified advanced practice nurse prescribers may also meet the "specialized training" criteria for cases concerning mental disability or disease or seizure disorders.

examination, the applicant or licensee may request review of the denial or cancellation by a review board. ~~The applicant or licensee may appear personally before the review board, present witnesses and additional information, and be represented by counsel.~~ Review boards consist of DOT's representative and at least two members appointed by DOT from a list of physicians and, for review of cases concerning vision only, a list of optometrists. In cases concerning mental disability or disease and in cases concerning seizure disorders, at least one of the physicians on the review board must have specialized training in, ~~respectively~~ psychiatry or neurology. ^{remove period, insert comma}

^{certified} This bill provides for the inclusion, along with physicians and optometrists, of advanced practice nurse prescribers on DOT ~~medical~~ review boards.

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. ^a

This bill authorizes an applicant for a specialized permit to submit ~~statements, reports, and recommendations~~ from advanced practice nurse prescribers, as well as from physicians and chiropractors, in support of an application.

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

Insert 2-1 → ✓

1 SECTION 1. 29.193 (2) (b) 2. of the statutes is amended to read:

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

History: 1997 a. 248 ss. 135 to 142, 323, 410; 1997 a. 249 ss. 3 to 13; 1997 a. 322 ss. 2, 3; 1999 a. 9, 32; 2001 a. 17.

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

1 ✓ 29.193 (2) (c) 3. The department may issue a Class B permit to an applicant
 2 who is ineligible for a permit under subd. 1., 2. or 2m. or who is denied a permit under
 3 subd. 1., 2. or 2m. if, upon review and after considering the physical condition of the
 4 applicant and the recommendation of a licensed physician or a licensed
 5 chiropractor, or an advanced practice nurse prescriber certified under s. 441.16 (2)
 6 selected by the applicant from a list of licensed physicians and licensed
 7 chiropractors, and advanced practice nurse prescribers certified under s. 441.16 (2)
 8 compiled by the department, the department finds that issuance of a permit complies
 9 with the intent of this subsection. The use of this review procedure is discretionary
 10 with the department and all costs of the review procedure shall be paid by the
 11 applicant.

History: 1997 a. 248 ss. 135 to 142, 323, 410; 1997 a. 249 ss. 3 to 13; 1997 a. 322 ss. 2, 3; 1999 a. 9, 32; 2001 a. 17.

12 **SECTION 3.** 45.40 (1) of the statutes is renumbered 45.40 (1m).

13 **SECTION 4.** 45.40 (1g) of the statutes is created to read:

14 **45.40 (1g) DEFINITIONS.** In this section:

→ 15 ✓ (a) "Health care provider" means an advanced practice nurse ^{prescriber} certified under
 16 s. 441.16 (2), an audiologist licensed under ch. 459, a dentist licensed under ch. 447,
 17 an optometrist licensed under ch. 449, or a physician licensed under ch. 448.

18 ✓ (b) "Illness" or "injury" means a physical or mental health problem that has
 19 been diagnosed by a health care provider.

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

21 **45.40 (1t) COMPLETION OF HEALTH CARE FORMS.** A health care provider may
 22 complete the medical forms necessary for the receipt of aid under this section if that
 23 provider has diagnosed the veteran and determined ^{the veteran's} his or her medical condition.

→ 23 **SECTION 6.** 343.16 (5) (b) of the statutes is amended to read:
 24 *Insert 3-23*

1 343.16 (5) (b) Whenever the department receives the results of a special
2 examination required under this subsection, the department shall give fair
3 consideration to the recommendation of the examining person or agency together
4 with other evidence in determining if it is in the interest of public safety to issue,
5 renew, deny, or cancel a license. If a license is denied or canceled by the department
6 after a special examination as provided in par. (a), such denial or cancellation shall
7 be reviewed by a reviewing board upon written request of the applicant filed with the
8 department within 10 days after receipt of notice of such denial or cancellation.
9 Notice of denial or cancellation shall be in writing and contain specific reasons. The
10 notice shall contain a statement that the applicant has 10 days within which to file
11 a written request with the department for review of the department's decision by the
12 reviewing board. The applicant shall have the right to appear personally before the
13 review board, to present witnesses and additional information, and to be represented
14 by counsel. The department's representative may administer oaths, issue subpoenas
15 for the attendance of witnesses and the production of relevant documents and may
16 require a reexamination of the applicant. No law enforcement officer or other
17 witness produced by the applicant to testify on the applicant's behalf shall be paid
18 a witness fee nor shall any law enforcement officer called to appear for the
19 department be paid any witness fee. A record including the recommendations of the
20 board shall be made of the proceeding. If a license is denied or canceled, the applicant
21 shall be given specific reasons in writing. Review boards shall consist of the
22 department's representative and at least 2 members appointed by the secretary from
23 a list of physicians licensed to practice medicine in this state and a list of, advanced
24 practice nurse prescribers certified under s. 441.16 (2), and optometrists licensed to
25 practice optometry in this state. Optometrists shall be limited to reviewing cases

1 concerning vision only. In cases concerning mental disability or disease at least one
 2 of the physicians or advanced practice nurse prescribers shall have specialized
 3 training in psychiatry. In cases concerning seizure disorders at least one of the
 4 physicians or advanced practice nurse prescribers shall have specialized training in
 5 neurology. The members of the board shall receive the per diem and expenses
 6 provided in s. 15.08 (7) which shall be charged to the appropriation under s. 20.395
 7 (5) (cq). A decision of the department based on the recommendation of a reviewing
 8 board is subject to judicial review under s. 343.40.

Insert 5-8
 9 **History:** 1971 c. 164 s. 83; 1973 c. 90, 176; 1975 c. 36, 199; 1977 c. 29 ss. 1456, 1654 (7) (a), (c); 1977 c. 273, 418; 1979 c. 34 ss. 1067m, 2102 (52) (a); 1979 c. 221, 345; 1981 c. 20; 1983 a. 74, 243, 534, 538; 1985 a. 65, 337; 1987 a. 3, 40, 215; 1989 a. 31, 105, 359; 1991 a. 21, 32, 39, 316; 1993 a. 16, 19, 183, 399; 1995 a. 27 s. 9145 (1); 1995 a. 113, 195, 448; 1997 a. 27, 84, 237; 1999 a. 32, 140; 2001 a. 105; 2003 a. 33; 2005 a. 187, 253, 466.

9 **SECTION 7. Initial applicability.**

10 (1) The treatment of section 343.16 (5) (b) of the statutes first applies to
 11 requests for review by a review board received by the department of transportation
 12 on the effective date of this subsection.

13 **SECTION 8. Effective dates.** This act takes effect on the day after publication,
 14 except as follows:

15 (1) The treatment of section 343.16 (5) (b) of the statutes takes effect on the first
 16 day of the 4th month beginning after publication.

17 (END)

D-note

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2462/P1dn
RPN, RNK, & ARG:.....

bjk + cjs

Date

practice



Although, the request suggested adding certain advanced nurses to those who can fill out certain medical forms, perhaps physician's assistants could also be given that right since they act in a similar manner. However, we did not include physician's assistants in this draft.

Robert P. Nelson
Senior Legislative Attorney
Phone: (608) 267-7511
E-mail: robert.nelson@legis.wisconsin.gov

**2007-2008 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2462/linsrn
RPN:.....

1 insert 2-1:

2 **SECTION 1.** ^X25.36 (1) of the statutes is amended to read:

3 ✓25.36 (1) Except as provided in sub. (2), all moneys appropriated or transferred
4 by law shall constitute the veterans trust fund which shall be used for the lending
5 of money to the mortgage loan repayment fund under s. 45.37 (5) (a) 12. and for the
6 veterans programs under ss. 20.485 (2) (m), (mn), (tm), (u), (v), (vo), (vy), (w), (z), and
7 (zm), 45.03 (19), 45.07, 45.20, 45.21, 45.40 ~~(1)~~ (1m), 45.41, 45.42, 45.43, and 45.82 and
8 administered by the department of veterans affairs, including all moneys received
9 from the federal government for the benefit of veterans or their dependents; all
10 moneys paid as interest on and repayment of loans under the post-war
11 rehabilitation fund; soldiers rehabilitation fund, veterans housing funds as they
12 existed prior to July 1, 1961; all moneys paid as interest on and repayment of loans
13 under this fund; all moneys paid as expenses for, interest on, and repayment of
14 veterans trust fund stabilization loans under s. 45.356, 1995 stats.; all moneys paid
15 as expenses for, interest on, and repayment of veterans personal loans; the net
16 proceeds from the sale of mortgaged properties related to veterans personal loans;
17 all mortgages issued with the proceeds of the 1981 veterans home loan revenue bond
18 issuance purchased with moneys in the veterans trust fund; all moneys received from
19 the state investment board under s. 45.42 (8) (b); all moneys received from the
20 veterans mortgage loan repayment fund under s. 45.37 (7) (a) and (c); and all gifts
21 of money received by the board of veterans affairs for the purposes of this fund.

History: 1993 a. 16, 254; 1995 a. 27, 255; 1997 a. 27; 2001 a. 16; 2003 a. 33, 83; 2005 a. 22, 25.

22

23

1 insert 3-23:

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

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

9 History: 2005 a. 22, 25.

9 **SECTION 3.** 45.40 (2m) (b) of the statutes is amended to read:

10 ✓45.40 (2m) (b) The spouse and dependent children of a member of the U.S.
11 armed forces or of the Wisconsin national guard who has been activated or deployed
12 to serve in the U.S. armed forces who are residents of this state, who have suffered
13 a loss of income due to that activation or deployment, and who experience an
14 economic emergency during the member's activation or deployment are eligible to
15 receive assistance under subs. ~~(1)~~ (1m) and (2).

16 History: 2005 a. 22, 25.

16 **SECTION 4.** 45.40 (3m) of the statutes is amended to read:

17 ✓45.40 (3m) RULES. The department shall promulgate rules establishing
18 eligibility criteria and household income limits for payments under subs. ~~(1)~~ (1m),
19 (2), and (2m).

20 History: 2005 a. 22, 25.

20 **SECTION 5.** 49.855 (4m) (b) of the statutes is amended to read:

21 ✓49.855 (4m) (b) The department of revenue may provide a certification that it
22 receives under sub. ~~(1)~~ (1m) (2m), or (2p) to the department of administration. Upon
23 receipt of the certification, the department of administration shall determine
24 whether the obligor is a vendor or is receiving any other payments from this state,

1 except for wages, retirement benefits, or assistance under s. 45.352, 1971 stats., s.
2 45.40 ~~(1)~~ ^(1m) this chapter, or ch. 46, 108, or 301. If the department of administration
3 determines that the obligor is a vendor or is receiving payments from this state,
4 except for wages, retirement benefits, or assistance under s. 45.352, 1971 stats., s.
5 45.40 ~~(1)~~ (1m), this chapter, or ch. 46, 108, or 301, it shall begin to withhold the
6 amount certified from those payments and shall notify the obligor that the state
7 intends to reduce any payments due the obligor by the amount the obligor is
8 delinquent under the support, maintenance, or receiving and disbursing fee order or
9 obligation, by the outstanding amount for past support, medical expenses, or birth
10 expenses under the court order, or by the amount due under s. 46.10 (4) or 301.12 (4).
11 The notice shall provide that within 20 days after receipt of the notice the obligor may
12 request a hearing before the circuit court rendering the order under which the
13 obligation arose. An obligor may, within 20 days after receiving notice, request a
14 hearing under this paragraph. Within 10 days after receiving a request for hearing
15 under this paragraph, the court shall set the matter for hearing. A circuit court
16 commissioner may conduct the hearing. Pending further order by the court or circuit
17 court commissioner, the department of workforce development or its designee,
18 whichever is appropriate, may not disburse the payments withheld from the obligor.
19 The sole issues at the hearing are whether the obligor owes the amount certified and,
20 if not and it is a support or maintenance order, whether the money withheld shall be
21 paid to the obligor or held for future support or maintenance, except that the obligor's
22 ability to pay is also an issue at the hearing if the obligation relates to an order under
23 s. 767.51 (3) (e) 1. or 767.62 (4) (d) 1. [s. 767.89 (3) (e) 1. or 767.805 (4) (d) 1.] and the
24 order specifies that the court found that the obligor's income was at or below the
25 poverty line established under 42 USC 9902 (2).

1 NOTE: NOTE: NOTE: The correct cross-reference is shown in brackets. Corrective legislation is pending. NOTE:
History: 1981 c. 20, 391; 1983 a. 27; 1987 a. 27; 1987 a. 312 s. 17; 1987 a. 421; 1989 a. 31; 1989 a. 56 s. 259; 1991 a. 39; 1993 a. 16, 481; 1995 a. 27 s. 9126 (19); 1995
a. 201, 227, 279; 1995 a. 404 ss. 50 to 59; Stats. 1995 s. 49.855; 1997 a. 3, 27, 35, 237, 252; 1999 a. 9, 32; 2001 a. 16, 61, 105; 2005 a. 22, 25, 304; 2005 a. 443 s. 265.

2

3 insert 5-8:

4 SECTION 6. 812.30 (9) of the statutes is amended to read:

5 ✓ 812.30 (9) "Need-based public assistance" means aid to families with
6 dependent children, relief funded by a relief block grant under ch. 49, relief provided
7 by counties under s. 59.53 (21), medical assistance, supplemental security income,
8 food stamps, or benefits received by veterans under s. 45.40 (1) (1m) or under 38 USC
9 501 to 562.

History: 1993 a. 80; 1995 a. 27, 201; 2001 a. 61; 2005 a. 22.

10 SECTION 7. 814.29 (1) (d) 1. of the statutes is amended to read:

11 ✓ 814.29 (1) (d) 1. That the person is a recipient of means-tested public
12 assistance, including aid to families with dependent children, relief funded by a relief
13 block grant under ch. 49, relief provided by counties under s. 59.53 (21), medical
14 assistance, supplemental security income, food stamps or benefits received by
15 veterans under s. 45.40 (1) (1m) or under 38 USC 501 to 562.

History: Sup. Ct. Order, 67 Wis. 2d 585, 761 (1975); Stats. 1975 s. 814.29; 1981 c. 317; 1983 a. 538; 1989 a. 31; Sup. Ct. Order No. 93-15, 179 Wis. 2d xxxi; 1993 a. 490; 1995 a. 27, 201; 1997 a. 133; Sup. Ct. Order No. 03-06A, 2005 WI 86, 280 Wis. 2d xiii; 2005 a. 22.

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2462/1dn
RPN:bjk&cjs:nwn

May 8, 2007

Although, the request suggested adding certain advanced practice nurses to those who can fill out certain medical forms, perhaps physician's assistants could also be given that right since they act in a similar manner. However, we did not include physician's assistants in this draft.

Robert P. Nelson
Senior Legislative Attorney
Phone: (608) 267-7511
E-mail: robert.nelson@legis.wisconsin.gov

Nelson, Robert P.

From: McKinny, Chris
Sent: Thursday, June 28, 2007 10:23 AM
To: Nelson, Robert P.
Subject: FW: Nurse practitioner bill

Here is the email Bob, please let me know if you need any additional information. Thanks again for all of your help with this-I hope that your day is going well.

Chris

From: Wittwer, Timothy [mailto:Timothy.Wittwer@va.gov]
Sent: Monday, May 14, 2007 1:04 PM
To: Rep.Molepske
Subject: Nurse practitioner bill

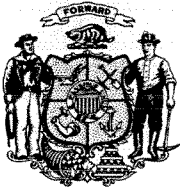
John,

I was reading over the bill that you have drafted. Thank you for doing this.

Under the DOT section, I really want the permission to be able to clear the patient to be able to drive again after he failed a physical and his/her license was suspended for a medical condition. This means having the privilege to sign the DOT re-instatement form. Currently it sounds like we are asking that the nurse practitioner be on the medical review board. That really wasn't my intent. Is this something we can change?

Thanks,

Tim



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-2462

RPN/RNK/ARG:bjk&cjs:nwn

Soon

stays

in 7/12

RMR

2007 BILL

SAW
X-refv

regen. cost.

LPS - Any
question - due
to my markings,
please ask!
bjk

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) (b),

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, review ^{and of medical} ~~health~~ related ~~denial or cancellation of~~ ^{to}

7 motor vehicle operator's licenses, and ^{allowing certified advanced practice} ~~determine~~ disability for the purpose of

8 issuing certain hunting permits. ^{allowing certified advanced practice nurse prescribers to}

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

BILL

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.

If a license is denied or canceled after a special examination, the applicant or licensee may request review of the denial or cancellation by a review board. Review boards consist of DOT's representative and at least two members appointed by DOT from a list of physicians and, for review of cases concerning vision only, a list of optometrists. In cases concerning mental disability or disease and in cases concerning seizure disorders, at least one of the physicians on the review board must have specialized training in psychiatry or neurology, respectively.

This bill provides for the inclusion, along with physicians and optometrists, of certified advanced practice nurse prescribers on DOT review boards. Under this bill, certified advanced practice nurse prescribers may also meet the "specialized training" criteria for cases concerning mental disability or disease or seizure disorders.

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.

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

X

- 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

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1 of money to the mortgage loan repayment fund under s. 45.37 (5) (a) 12. and for the
2 veterans programs under ss. 20.485 (2) (m), (mn), (tm), (u), (v), (vo), (vy), (w), (z), and
3 (zm), 45.03 (19), 45.07, 45.20, 45.21, 45.40 ~~(1)~~ (1m), 45.41, 45.42, 45.43, and 45.82 and
4 administered by the department of veterans affairs, including all moneys received
5 from the federal government for the benefit of veterans or their dependents; all
6 moneys paid as interest on and repayment of loans under the post-war
7 rehabilitation fund; soldiers rehabilitation fund, veterans housing funds as they
8 existed prior to July 1, 1961; all moneys paid as interest on and repayment of loans
9 under this fund; all moneys paid as expenses for, interest on, and repayment of
10 veterans trust fund stabilization loans under s. 45.356, 1995 stats.; all moneys paid
11 as expenses for, interest on, and repayment of veterans personal loans; the net
12 proceeds from the sale of mortgaged properties related to veterans personal loans;
13 all mortgages issued with the proceeds of the 1981 veterans home loan revenue bond
14 issuance purchased with moneys in the veterans trust fund; all moneys received from
15 the state investment board under s. 45.42 (8) (b); all moneys received from the
16 veterans mortgage loan repayment fund under s. 45.37 (7) (a) and (c); and all gifts
17 of money received by the board of veterans affairs for the purposes of this fund.

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

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

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

BILL**SECTION 3**

1 29.193 (2) (c) 3. The department may issue a Class B permit to an applicant
2 who is ineligible for a permit under subd. 1., 2. or 2m. or who is denied a permit under
3 subd. 1., 2. or 2m. if, upon review and after considering the physical condition of the
4 applicant and the recommendation of a licensed physician ~~or~~, a licensed chiropractor,
5 or an advanced practice nurse prescriber certified under s. 441.16 (2) selected by the
6 applicant from a list of licensed physicians ~~and~~, licensed chiropractors, and advanced
7 practice nurse prescribers certified under s. 441.16 (2) compiled by the department,
8 the department finds that issuance of a permit complies with the intent of this
9 subsection. The use of this review procedure is discretionary with the department
10 and all costs of the review procedure shall be paid by the applicant.

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

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

13 45.40 (1g) DEFINITIONS. In this section:

14 (a) "Health care provider" means an advanced practice nurse prescriber
15 certified under s. 441.16 (2), an audiologist licensed under ch. 459, a dentist licensed
16 under ch. 447, an optometrist licensed under ch. 449, or a physician licensed under
17 ch. 448.

18 (b) "Illness" or "injury" means a physical or mental health problem that has
19 been diagnosed by a health care provider.

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

21 45.40 (1t) COMPLETION OF HEALTH CARE FORMS. A health care provider may
22 complete the medical forms necessary for the receipt of aid under this section if the
23 provider has diagnosed the veteran and determined the veteran's medical condition.

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

BILL

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

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

8 45.40 **(2m)** (b) The spouse and dependent children of a member of the U.S.
9 armed forces or of the Wisconsin national guard who has been activated or deployed
10 to serve in the U.S. armed forces who are residents of this state, who have suffered
11 a loss of income due to that activation or deployment, and who experience an
12 economic emergency during the member's activation or deployment are eligible to
13 receive assistance under subs. ~~(1)~~ (1m) and (2).

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

15 45.40 **(3m)** RULES. The department shall promulgate rules establishing
16 eligibility criteria and household income limits for payments under subs. ~~(1)~~ (1m),
17 (2), and (2m).

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

19 49.855 **(4m)** (b) The department of revenue may provide a certification that it
20 receives under sub. (1), (2m), or (2p) to the department of administration. Upon
21 receipt of the certification, the department of administration shall determine
22 whether the obligor is a vendor or is receiving any other payments from this state,
23 except for wages, retirement benefits, or assistance under s. 45.352, 1971 stats., s.
24 45.40 ~~(1)~~ (1m), this chapter, or ch. 46, 108, or 301. If the department of
25 administration determines that the obligor is a vendor or is receiving payments from

BILL

SECTION 10

1 this state, except for wages, retirement benefits, or assistance under s. 45.352, 1971
 2 stats., s. 45.40 (1) (1m), this chapter, or ch. 46, 108, or 301, it shall begin to withhold
 3 the amount certified from those payments and shall notify the obligor that the state
 4 intends to reduce any payments due the obligor by the amount the obligor is
 5 delinquent under the support, maintenance, or receiving and disbursing fee order or
 6 obligation, by the outstanding amount for past support, medical expenses, or birth
 7 expenses under the court order, or by the amount due under s. 46.10 (4) or 301.12 (4).
 8 The notice shall provide that within 20 days after receipt of the notice the obligor may
 9 request a hearing before the circuit court rendering the order under which the
 10 obligation arose. An obligor may, within 20 days after receiving notice, request a
 11 hearing under this paragraph. Within 10 days after receiving a request for hearing
 12 under this paragraph, the court shall set the matter for hearing. A circuit court
 13 commissioner may conduct the hearing. Pending further order by the court or circuit
 14 court commissioner, the department of workforce development or its designee,
 15 whichever is appropriate, may not disburse the payments withheld from the obligor.
 16 The sole issues at the hearing are whether the obligor owes the amount certified and,
 17 if not and it is a support or maintenance order, whether the money withheld shall be
 18 paid to the obligor or held for future support or maintenance, except that the obligor's
 19 ability to pay is also an issue at the hearing if the obligation relates to an order under
 20 ~~s. 767.51 (3) (e) 1. or 767.62 (4) (d) 1.~~ s. 767.89 (3) (e) 1. or 767.805 (4) (d) 1. and the
 21 order specifies that the court found that the obligor's income was at or below the
 22 poverty line established under 42 USC 9902 (2).

insert
6-23

s. 767.805 (4) (d) 1. or 767.89 (3) (e) 1.
~~s. 767.89 (3) (e) 1. or 767.805 (4) (d) 1.~~ delete

SECTION 11. 343.16 (5) (b) of the statutes is amended to read:

343.16 (5) (b) Whenever the department receives the results of a special examination required under this subsection, the department shall give fair

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1 consideration to the recommendation of the examining person or agency together
2 with other evidence in determining if it is in the interest of public safety to issue,
3 renew, deny, or cancel a license. If a license is denied or canceled by the department
4 after a special examination as provided in par. (a), such denial or cancellation shall
5 be reviewed by a reviewing board upon written request of the applicant filed with the
6 department within 10 days after receipt of notice of such denial or cancellation.
7 Notice of denial or cancellation shall be in writing and contain specific reasons. The
8 notice shall contain a statement that the applicant has 10 days within which to file
9 a written request with the department for review of the department's decision by the
10 reviewing board. The applicant shall have the right to appear personally before the
11 review board, to present witnesses and additional information, and to be represented
12 by counsel. The department's representative may administer oaths, issue subpoenas
13 for the attendance of witnesses and the production of relevant documents and may
14 require a reexamination of the applicant. No law enforcement officer or other
15 witness produced by the applicant to testify on the applicant's behalf shall be paid
16 a witness fee nor shall any law enforcement officer called to appear for the
17 department be paid any witness fee. A record including the recommendations of the
18 board shall be made of the proceeding. If a license is denied or canceled, the applicant
19 shall be given specific reasons in writing. Review boards shall consist of the
20 department's representative and at least 2 members appointed by the secretary from
21 a list of physicians licensed to practice medicine in this state and a list of, advanced
22 practice nurse prescribers certified under s. 441.16 (2), and optometrists licensed to
23 practice optometry in this state. Optometrists shall be limited to reviewing cases
24 concerning vision only. In cases concerning mental disability or disease at least one
25 of the physicians or advanced practice nurse prescribers shall have specialized

BILL

SECTION 11

1 training in psychiatry. In cases concerning seizure disorders at least one of the
 2 physicians or advanced practice nurse prescribers shall have specialized training in
 3 neurology. The members of the board shall receive the per diem and expenses
 4 provided in s. 15.08 (7) which shall be charged to the appropriation under s. 20.395
 5 (5) (cq). A decision of the department based on the recommendation of a reviewing
 6 board is subject to judicial review under s. 343.40.

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

8 812.30 (9) "Need-based public assistance" means aid to families with
 9 dependent children, relief funded by a relief block grant under ch. 49, relief provided
 10 by counties under s. 59.53 (21), medical assistance, supplemental security income,
 11 food stamps, or benefits received by veterans under s. 45.40 (1) (1m) or under 38 USC
 12 501 to 562.

13 **SECTION 13.** 814.29 (1) (d) 1. of the statutes is amended to read:

14 814.29 (1) (d) 1. That the person is a recipient of means-tested public
 15 assistance, including aid to families with dependent children, relief funded by a relief
 16 block grant under ch. 49, relief provided by counties under s. 59.53 (21), medical
 17 assistance, supplemental security income, food stamps or benefits received by
 18 veterans under s. 45.40 (1) (1m) or under 38 USC 501 to 562.

19 **SECTION 14. Initial applicability.**

20 (1) The treatment of section 343.16 (5) (b) of the statutes first applies to
 21 requests for review by a review board received by the department of transportation
 22 on the effective date of this subsection.

23 **SECTION 15. Effective dates.** This act takes effect on the day after publication,
 24 except as follows:

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1

(1) The treatment of section 343.16 (5) (b) of the statutes takes effect on the first

2

day of the 4th month beginning after publication.

3

(END)

2007-2008 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2462/2ins

ARG:.....

bjk

INSERT ANAL:

Q 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. ✓

End of insert Anal

INSERT 6-23:

SECTION X. 343.16 (5) (a) of the statutes is amended to read: ✓

✓ 343.16 (5) (a) The secretary may require any applicant for a license or any licensed operator to submit to a special examination by such persons or agencies as the secretary may direct to determine incompetency, physical or mental disability, disease, or any other condition that might prevent such applicant or licensed person from exercising reasonable and ordinary control over a motor vehicle. If the department requires the applicant to submit to an examination, the applicant shall pay for the examination. If the department receives an application for a renewal or duplicate license after voluntary surrender under s. 343.265 or receives a report from a physician, advanced practice nurse prescriber certified under s. 441.16 (2), or optometrist under s. 146.82 (3), or if the department has a report of 2 or more arrests within a one-year period for any combination of violations of s. 346.63 (1) or (5) or a local ordinance in conformity with s. 346.63 (1) or (5) or a law of a federally recognized American Indian tribe or band in this state in conformity with s. 346.63 (1) or (5), or s. 346.63 (1m), 1985 stats., or s. 346.63 (2) or (6) or 940.25, or s. 940.09 where the offense involved the use of a vehicle, the department shall determine, by interview or otherwise, whether the operator should submit to an examination under this section. The examination may consist of an assessment. ✓ The examination may

→ If the examination results from the department receiving a report from a physician, advanced practice nurse prescriber certified under s. 441.16(2), or optometrist under s. 146.82(3),

be conducted by, and the results of the examination certified by, a physician ~~as~~
~~defined in s. 448.01 (5)~~, advanced practice nurse prescriber certified under s. 441.16
~~(2)~~, or optometrist ~~under s. 146.82 (3)~~. If the examination indicates that education
or treatment for a disability, disease or condition concerning the use of alcohol, a
controlled substance or a controlled substance analog is appropriate, the department
may order a driver safety plan in accordance with s. 343.30 (1q). If there is
noncompliance with assessment or the driver safety plan, the department shall
revoke the person's operating privilege in the manner specified in s. 343.30 (1q) (d).

History: 1971 c. 164 s. 83; 1973 c. 90, 176; 1975 c. 36, 199; 1977 c. 29 ss. 1456, 1654 (7) (a), (c); 1977 c. 273, 418; 1979 c. 34 ss. 1067m, 2102 (52) (a); 1979 c. 221, 345; 1981 c. 20; 1983 a. 74, 243, 534, 538; 1985 a. 65, 337; 1987 a. 3, 40, 215; 1989 a. 31, 105, 359; 1991 a. 21, 32, 39, 316; 1993 a. 16, 19, 183, 399; 1995 a. 27 s. 9145 (1); 1995 a. 113, 195, 448; 1997 a. 27, 84, 237; 1999 a. 32, 140; 2001 a. 105; 2003 a. 33; 2005 a. 187, 253, 466.

End of insert 6-23

Barman, Mike

From: McKinny, Chris

Sent: Thursday, August 30, 2007 2:39 PM

To: LRB.Legal

Subject: Draft Review: LRB 07-2462/2 Topic: Nurse practitioners signatures on medical forms;
advanced practice nurses on DOT medical review board;

Please Jacket LRB 07-2462/2 for the ASSEMBLY.

08/30/2007