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.

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

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

SECTION 1. 25.36 (1) of the statutes is amended to read:

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

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

29.193 (2) (b) 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 a licensed chiropractor, or an
advanced practice nurse prescriber certified under s. 441.16 (2) prepared no more
than 6 months preceding the application and verifying that the applicant is
physically disabled.

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

29.193 (2) (c) 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 a licensed chiropractor,
or an advanced practice nurse prescriber certified under s. 441.16 (2) selected by the
applicant from a list of licensed physicians and licensed chiropractors, and advanced practice nurse prescribers certified under s. 441.16 (2) 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.

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

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

45.40 (1g) DEFINITIONS. In this section:

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

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

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

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

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

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

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

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

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

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

49.855 (4m) (b) The department of revenue may provide a certification that it receives under sub. (1), (2m), or (2p) to the department of administration. Upon receipt of the certification, the department of administration shall determine whether the obligor is a vendor or is receiving any other payments from this state, except for wages, retirement benefits, or assistance under s. 45.352, 1971 stats., s. 45.40 (1m), this chapter, or ch. 46, 108, or 301. If the department of administration determines that the obligor is a vendor or is receiving payments from this state, except for wages, retirement benefits, or assistance under s. 45.352, 1971 stats., s. 45.40 (1m), this chapter, or ch. 46, 108, or 301, it shall begin to withhold the amount certified from those payments and shall notify the obligor that the state intends to reduce any payments due the obligor by the amount the obligor is delinquent under the support, maintenance, or receiving and disbursing fee order or obligation, by the outstanding amount for past support, medical expenses, or birth
expenses under the court order, or by the amount due under s. 46.10 (4) or 301.12 (4).

The notice shall provide that within 20 days after receipt of the notice the obligor may request a hearing before the circuit court rendering the order under which the obligation arose. An obligor may, within 20 days after receiving notice, request a hearing under this paragraph. Within 10 days after receiving a request for hearing under this paragraph, the court shall set the matter for hearing. A circuit court commissioner may conduct the hearing. Pending further order by the court or circuit court commissioner, the department of workforce development or its designee, whichever is appropriate, may not disburse the payments withheld from the obligor. The sole issues at the hearing are whether the obligor owes the amount certified and, if not and it is a support or maintenance order, whether the money withheld shall be paid to the obligor or held for future support or maintenance, except that the obligor’s ability to pay is also an issue at the hearing if the obligation relates to an order under 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 order specifies that the court found that the obligor’s income was at or below the poverty line established under 42 USC 9902 (2).

SECTION 11. 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. 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), the
examination may be conducted by, and the results of the examination certified by, a
physician, advanced practice nurse prescriber certified under s. 441.16 (2), or
optometrist. 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).

Section 12. 812.30 (9) of the statutes is amended to read:

812.30 (9) “Need–based public assistance” means aid to families with
dependent children, relief funded by a relief block grant under ch. 49, relief provided
by counties under s. 59.53 (21), medical assistance, supplemental security income,
food stamps, or benefits received by veterans under s. 45.40 (4) (1m) or under 38 USC
501 to 562.
SECTION 13. 814.29 (1) (d) 1. of the statutes is amended to read:

814.29 (1) (d) 1. That the person is a recipient of means-tested public assistance, including aid to families with dependent children, relief funded by a relief block grant under ch. 49, relief provided by counties under s. 59.53 (21), medical assistance, supplemental security income, food stamps or benefits received by veterans under s. 45.40 (4) (1m) or under 38 USC 501 to 562.

(END)