



## 2009 ASSEMBLY BILL 273

1       **AN ACT** *to renumber* 45.40 (1); *to amend* 15.085 (1m) (b), 15.406 (3) (intro.),  
2           25.36 (1), 29.193 (2) (b) 2., 29.193 (2) (c) 3., 29.193 (2) (e), 45.40 (2m) (a), 45.40  
3           (2m) (b), 45.40 (3m), 49.45 (9), 49.855 (4m) (b), 50.36 (3) (b), 50.36 (3) (c), 50.39  
4           (3), 146.37 (1g), 180.1901 (1m) (bk), 185.981 (1), 185.981 (2), 185.981 (3),  
5           185.981 (4), 185.982 (1), 343.62 (4) (a) 4., subchapter IV (title) of chapter 448  
6           [precedes 448.60], 448.60 (1), 450.11 (8) (bm), 632.64, 632.99, 655.45 (1), 812.30  
7           (9), 814.29 (1) (d) 1., 895.48 (1m) (a) (intro.) and 2., 905.04 (title), 905.04 (1) (b),  
8           905.04 (1) (c), 905.04 (2) and 905.04 (3); and *to create* 45.40 (1g), 45.40 (1t) and  
9           905.04 (1) (dg) of the statutes; **relating to:** podiatrist–patient privilege,  
10          immunity exemption for podiatrists providing emergency care at athletic  
11          events, allowing podiatrists to determine an illness or injury and complete  
12          forms for the purpose of granting assistance to needy veterans, allowing  
13          podiatrists to determine disability for the purpose of issuing certain hunting  
14          permits, cooperatives organized to provide sickness care, the Podiatrists

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1           Affiliated Credentialing Board, allowing podiatrists to certify driver school  
2           instructors' physical fitness, allowing Medical Assistance recipients to freely  
3           choose among podiatrists, and giving equal weight to certifications of disability  
4           by podiatrists for insurance purposes.

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

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

5           **SECTION 1.** 15.085 (1m) (b) of the statutes is amended to read:

6           15.085 **(1m)** (b) The public members of the physical therapists affiliated  
7           credentialing board, ~~podiatrists~~ podiatry affiliated credentialing board or  
8           occupational therapists affiliated credentialing board shall not be engaged in any  
9           profession or occupation concerned with the delivery of physical or mental health  
10          care.

11          **SECTION 2.** 15.406 (3) (intro.) of the statutes is amended to read:

12          15.406 **(3)** (intro.) ~~PODIATRISTS~~ PODIATRY AFFILIATED CREDENTIALING BOARD.  
13          There is created in the department of regulation and licensing, attached to the  
14          medical examining board, a ~~podiatrists~~ podiatry affiliated credentialing board  
15          consisting of the following members appointed for 4-year terms:

16          **SECTION 3.** 25.36 (1) of the statutes is amended to read:

17          25.36 **(1)** Except as provided in sub. (2), all moneys appropriated or transferred  
18          by law shall constitute the veterans trust fund which shall be used for the lending  
19          of money to the mortgage loan repayment fund under s. 45.37 (5) (a) 12. and for the  
20          veterans programs under ss. 20.485 (2) (m), (mn), (tm), (u), (v), (vo), (vy), (w), (z), and  
21          (zm), 45.03 (19), 45.07, 45.20, 45.21, 45.40 ~~(1)~~ (1m), 45.41, 45.42, 45.43, and 45.82 and

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

15 **SECTION 4.** 29.193 (2) (b) 2. of the statutes is amended to read:

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

21 **SECTION 5.** 29.193 (2) (c) 3. of the statutes is amended to read:

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

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1 or a licensed podiatrist selected by the applicant from a list of licensed physicians  
2 ~~and, licensed chiropractors, and licensed podiatrists~~ 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 6.** 29.193 (2) (e) of the statutes is amended to read:

7 29.193 (2) (e) *Review of decisions.* An applicant denied a permit under this  
8 subsection, except a permit under par. (c) 3., may obtain a review of that decision by  
9 a licensed physician ~~or, a licensed chiropractor,~~ or a licensed podiatrist designated  
10 by the department and with an office located in the department district in which the  
11 applicant resides. The department shall pay for the cost of a review under this  
12 paragraph unless the denied application on its face fails to meet the standards set  
13 forth in par. (c) 1. or 2. A review under this paragraph is the only method of review  
14 of a decision to deny a permit under this subsection and is not subject to further  
15 review under ch. 227.

16 **SECTION 7.** 45.40 (1) of the statutes is renumbered 45.40 (1m).

17 **SECTION 8.** 45.40 (1g) of the statutes is created to read:

18 45.40 (1g) DEFINITIONS. In this section:

19 (a) “Health care provider” includes a podiatrist licensed under s. 448.63.

20 (b) “Illness” or “injury” means a physical or mental health problem that has  
21 been diagnosed by a health care provider acting within the scope of the podiatrist’s  
22 license.

23 **SECTION 9.** 45.40 (1t) of the statutes is created to read:

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

4           **SECTION 10.** 45.40 (2m) (a) of the statutes is amended to read:

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

11           **SECTION 11.** 45.40 (2m) (b) of the statutes is amended to read:

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

18           **SECTION 12.** 45.40 (3m) of the statutes is amended to read:

19           45.40 **(3m)** RULES. The department shall promulgate rules establishing  
20 eligibility criteria and household income limits for payments under subs. (1) (1m),  
21 (2), and (2m).

22           **SECTION 13.** 49.45 (9) of the statutes is amended to read:

23           49.45 **(9)** FREE CHOICE. Any person eligible for medical assistance under s.  
24 49.46, 49.468, 49.47, or 49.471 may use the physician, chiropractor, dentist,  
25 pharmacist, podiatrist, hospital, skilled nursing home, health maintenance

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1 organization, limited service health organization, preferred provider plan or other  
2 licensed, registered or certified provider of health care of his or her choice, except that  
3 free choice of a provider may be limited by the department if the department's  
4 alternate arrangements are economical and the recipient has reasonable access to  
5 health care of adequate quality. The department may also require a recipient to  
6 designate, in any or all categories of health care providers, a primary health care  
7 provider of his or her choice. After such a designation is made, the recipient may not  
8 receive services from other health care providers in the same category as the primary  
9 health care provider unless such service is rendered in an emergency or through  
10 written referral by the primary health care provider. Alternate designations by the  
11 recipient may be made in accordance with guidelines established by the department.  
12 Nothing in this subsection shall vitiate the legal responsibility of the physician,  
13 chiropractor, dentist, pharmacist, podiatrist, skilled nursing home, hospital, health  
14 maintenance organization, limited service health organization, preferred provider  
15 plan or other licensed, registered or certified provider of health care to patients. All  
16 contract and tort relationships with patients shall remain, notwithstanding a  
17 written referral under this section, as though dealings are direct between the  
18 physician, chiropractor, dentist, pharmacist, podiatrist, skilled nursing home,  
19 hospital, health maintenance organization, limited service health organization,  
20 preferred provider plan or other licensed, registered or certified provider of health  
21 care and the patient. No physician, chiropractor, pharmacist, podiatrist, or dentist  
22 may be required to practice exclusively in the medical assistance program.

23 **SECTION 14.** 49.855 (4m) (b) of the statutes is amended to read:

24 49.855 (4m) (b) The department of revenue may provide a certification that it  
25 receives under sub. (1), (2m), (2p), or (2r) to the department of administration. Upon

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1 receipt of the certification, the department of administration shall determine  
2 whether the obligor is a vendor or is receiving any other payments from this state,  
3 except for wages, retirement benefits, or assistance under s. 45.352, 1971 stats., s.  
4 45.40 ~~(1)~~ (1m), this chapter, or ch. 46, 108, or 301. If the department of  
5 administration determines that the obligor is a vendor or is receiving payments from  
6 this state, except for wages, retirement benefits, or assistance under s. 45.352, 1971  
7 stats., s. 45.40 ~~(1)~~ (1m), this chapter, or ch. 46, 108, or 301, it shall begin to withhold  
8 the amount certified from those payments and shall notify the obligor that the state  
9 intends to reduce any payments due the obligor by the amount the obligor is  
10 delinquent under the support, maintenance, or receiving and disbursing fee order or  
11 obligation, by the outstanding amount for past support, medical expenses, or birth  
12 expenses under the court order, or by the amount due under s. 46.10 (4), 49.345 (4),  
13 or 301.12 (4). The notice shall provide that within 20 days after receipt of the notice  
14 the obligor may request a hearing before the circuit court rendering the order under  
15 which the obligation arose. An obligor may, within 20 days after receiving notice,  
16 request a hearing under this paragraph. Within 10 days after receiving a request for  
17 hearing under this paragraph, the court shall set the matter for hearing. A circuit  
18 court commissioner may conduct the hearing. Pending further order by the court or  
19 circuit court commissioner, the department of children and families or its designee,  
20 whichever is appropriate, may not disburse the payments withheld from the obligor.  
21 The sole issues at the hearing are whether the obligor owes the amount certified and,  
22 if not and it is a support or maintenance order, whether the money withheld shall be  
23 paid to the obligor or held for future support or maintenance, except that the obligor's  
24 ability to pay is also an issue at the hearing if the obligation relates to an order under  
25 s. 767.805 (4) (d) 1. or 767.89 (3) (e) 1. and the order specifies that the court found that

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1 the obligor's income was at or below the poverty line established under 42 USC 9902  
2 (2).

3 **SECTION 15.** 50.36 (3) (b) of the statutes is amended to read:

4 50.36 (3) (b) If, as a result of peer investigation or written notice thereof, a  
5 hospital staff member who is licensed by the medical examining board or ~~podiatrists~~  
6 podiatry affiliated credentialing board, for any reasons that include the quality of or  
7 ability to practice, loses his or her hospital staff privileges, has his or her hospital  
8 staff privileges reduced or resigns from the hospital staff, the hospital shall so notify  
9 the medical examining board or ~~podiatrists~~ podiatry affiliated credentialing board,  
10 whichever is applicable, within 30 days after the loss, reduction or resignation takes  
11 effect. Temporary suspension due to incomplete records need not be reported.

12 **SECTION 16.** 50.36 (3) (c) of the statutes is amended to read:

13 50.36 (3) (c) If, as a result of peer investigation or written notice thereof, a  
14 hospital staff member who is licensed by the medical examining board or ~~podiatrists~~  
15 podiatry affiliated credentialing board, for reasons that do not include the quality of  
16 or ability to practice, loses his or her hospital staff privileges for 30 days or more, has  
17 his or her hospital staff privileges reduced for 30 days or more or resigns from the  
18 hospital staff for 30 days or more, the hospital shall so notify the medical examining  
19 board or ~~podiatrists~~ podiatry affiliated credentialing board, whichever is applicable,  
20 within 30 days after the loss, reduction or resignation takes effect. Temporary  
21 suspension due to incomplete records need not be reported.

22 **SECTION 17.** 50.39 (3) of the statutes is amended to read:

23 50.39 (3) Facilities governed by ss. 45.50, 48.62, 49.70, 49.72, 50.02, 51.09, and  
24 252.10, juvenile correctional facilities as defined in s. 938.02 (10p), correctional  
25 institutions governed by the department of corrections under s. 301.02, and the



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1 offices and clinics of persons licensed to treat the sick under chs. 446, 447, and 448  
2 are exempt from ss. 50.32 to 50.39. Sections 50.32 to 50.39 do not abridge the rights  
3 of the medical examining board, physical therapists affiliated credentialing board,  
4 ~~podiatrists~~ podiatry affiliated credentialing board, dentistry examining board,  
5 pharmacy examining board, chiropractic examining board, and board of nursing in  
6 carrying out their statutory duties and responsibilities.

7 **SECTION 18.** 146.37 (1g) of the statutes is amended to read:

8 146.37 **(1g)** Except as provided in s. 153.85, no person acting in good faith who  
9 participates in the review or evaluation of the services of health care providers or  
10 facilities or the charges for such services conducted in connection with any program  
11 organized and operated to help improve the quality of health care, to avoid improper  
12 utilization of the services of health care providers or facilities or to determine the  
13 reasonable charges for such services, or who participates in the obtaining of health  
14 care information under ch. 153, is liable for any civil damages as a result of any act  
15 or omission by such person in the course of such review or evaluation. Acts and  
16 omissions to which this subsection applies include, but are not limited to, acts or  
17 omissions by peer review committees or hospital governing bodies in censuring,  
18 reprimanding, limiting or revoking hospital staff privileges or notifying the medical  
19 examining board or ~~podiatrists~~ podiatry affiliated credentialing board under s. 50.36  
20 or taking any other disciplinary action against a health care provider or facility and  
21 acts or omissions by a medical director in reviewing the performance of emergency  
22 medical technicians or ambulance service providers.

23 **SECTION 19.** 180.1901 (1m) (bk) of the statutes is amended to read:

24 180.1901 **(1m)** (bk) ~~Podiatrists~~ Podiatry affiliated credentialing board under  
25 subch. IV of ch. 448.

**ASSEMBLY BILL 273****SECTION 20**

1           **SECTION 20.** 185.981 (1) of the statutes is amended to read:

2           185.981 (1) Cooperative associations may be organized under this chapter  
3 without capital stock, exclusively to establish and operate in the state or in any  
4 county or counties therein a nonprofit plan or plans for sickness care, including  
5 hospital care, for their members and their dependents through contracts with  
6 physicians, medical societies, chiropractors, optometrists, dentists, dental societies,  
7 hospitals, podiatrists and others.

8           **SECTION 21.** 185.981 (2) of the statutes is amended to read:

9           185.981 (2) Such associations shall operate only on a cooperative nonprofit  
10 basis and for the purpose of establishing, maintaining and operating a voluntary  
11 nonprofit health, dental or vision care plan or plans or for constructing, operating  
12 and maintaining nonprofit hospitals or other facilities whereby sickness care,  
13 including hospital, dental or vision care, is provided at the expense of such  
14 association, its members or both, to such persons or groups of persons as shall become  
15 subscribers to such plan, under contracts which will entitle each such subscriber to  
16 definite medical, surgical, chiropractic, vision, dental or hospital care, appliances  
17 and supplies, by physicians and surgeons licensed and registered under ch. 448,  
18 podiatrists licensed under ch. 448, optometrists licensed under ch. 449, chiropractors  
19 licensed under ch. 446 and dentists licensed under ch. 447 in their offices, in  
20 hospitals, in other facilities and in the home.

21           **SECTION 22.** 185.981 (3) of the statutes is amended to read:

22           185.981 (3) No cooperative association organized for the purposes provided in  
23 ss. 185.981 to 185.983 shall be prevented from contracting with any hospital in this  
24 state for the rendition of such hospital care as is included within such a plan because  
25 such hospital participates in any other such plan, or in a plan organized and operated

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1 under ss. 148.03 and 613.80. No hospital may discriminate against any physician  
2 and surgeon, chiropractor ~~or~~, dentist, or podiatrist with respect to the use of such  
3 hospital's facilities by reason of his or her participation in a sickness care plan of a  
4 cooperative.

5 **SECTION 23.** 185.981 (4) of the statutes is amended to read:

6 185.981 (4) No contract by or on behalf of any such cooperative association shall  
7 provide for the payment of any cash, indemnity or other material benefit by that  
8 association to the subscriber or the subscriber's estate on account of death, illness or  
9 injury, nor be in any way related to the payment of any such benefit by any other  
10 agency, but any such association may stipulate in its plan that it will pay any  
11 nonparticipating physician and surgeon, optometrist, chiropractor, dentist ~~or~~,  
12 podiatrist, or hospital outside of its normal territory for sickness or hospital care  
13 rendered any covered member or a member's covered dependent who is in need of the  
14 benefits of such plan when he or she is outside of the territory of such association in  
15 which the benefits of such plan are normally available. Any such plan may prescribe  
16 monetary limitations with respect to such extraterritorial benefits.

17 **SECTION 24.** 185.982 (1) of the statutes is amended to read:

18 185.982 (1) No sickness care plan or contract issued thereunder by such  
19 cooperative association shall interfere with the manner or mode of the practice of  
20 medicine, optometry, chiropractic ~~or~~, dentistry, or podiatry, the relationship of  
21 physician, chiropractor, optometrist ~~or~~, dentist, or podiatrist and patient, nor the  
22 responsibility of physician, chiropractor, optometrist ~~or~~, dentist, or podiatrist to  
23 patient. A plan may require persons covered to utilize health care providers  
24 designated by the cooperative association. The cooperative association may provide  
25 health care services directly through providers who are employees of the cooperative

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1 association or through agreements with individual providers or groups of providers  
2 organized on a group practice or individual practice basis. In making such  
3 agreements, no plan may refuse to provide coverage for vision care services or  
4 procedures provided by an optometrist licensed under ch. 449 within the scope of the  
5 practice of optometry, as defined in s. 449.01 (1), if the plan provides coverage for the  
6 same services or procedures when provided by another health care provider.

7 **SECTION 25.** 343.62 (4) (a) 4. of the statutes is amended to read:

8 343.62 (4) (a) 4. The applicant submits with the application a statement  
9 completed within the immediately preceding 24 months, except as provided by rule,  
10 by a physician licensed to practice medicine in any state, from an advanced practice  
11 nurse licensed to practice nursing in any state, from a physician assistant licensed  
12 or certified to practice in any state, from a podiatrist licensed to practice in any state,  
13 from a chiropractor licensed to practice chiropractic in any state, or from a Christian  
14 Science practitioner residing in this state, and listed in the Christian Science journal  
15 certifying that, in the medical care provider's judgment, the applicant is physically  
16 fit to teach driving.

17 **SECTION 26.** Subchapter IV (title) of chapter 448 [precedes 448.60] of the  
18 statutes is amended to read:

19 **CHAPTER 448**

20 **SUBCHAPTER IV**

21 **PODIATRISTS PODIATRY AFFILIATED**

22 **CREDENTIALING BOARD**

23 **SECTION 27.** 448.60 (1) of the statutes is amended to read:

24 448.60 (1) "Affiliated credentialing board" means the podiatrists podiatry  
25 affiliated credentialing board.

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1           **SECTION 28.** 450.11 (8) (bm) of the statutes is amended to read:

2           450.11 **(8)** (bm) The ~~podiatrists~~ podiatry affiliated credentialing board, insofar  
3 as this section applies to podiatrists.

4           **SECTION 29.** 632.64 of the statutes is amended to read:

5           **632.64 Certification of disability.** ~~Insurers~~ For the purpose of insurance  
6 policies that they issue, insurers doing a life insurance business in this state shall  
7 afford equal weight to a certification of disability signed by a physician with respect  
8 to matters within the scope of the physician's professional license ~~and,~~ to a  
9 certification of disability signed by a chiropractor with respect to matters within the  
10 scope of the chiropractor's professional license ~~for the purpose of insurance policies~~  
11 ~~they issue, and to a certification of disability signed by a podiatrist with respect to~~  
12 matters within the scope of the podiatrist's professional license. This section does  
13 not require an insurer to treat a certificate of disability as conclusive evidence of  
14 disability.

15           **SECTION 30.** 632.99 of the statutes is amended to read:

16           **632.99 Certifications of disability.** ~~Every~~ For the purpose of insurance  
17 policies that they issue, every insurer doing a health or disability insurance business  
18 in this state shall afford equal weight to a certification of disability signed by a  
19 physician with respect to matters within the scope of the physician's professional  
20 license ~~and,~~ to a certification of disability signed by a chiropractor with respect to  
21 matters within the scope of the chiropractor's professional license ~~for the purpose of~~  
22 insurance policies they issue, and to a certification of disability signed by a podiatrist  
23 with respect to matters within the scope of the podiatrist's professional license. This  
24 section does not require an insurer to treat any certification of disability as  
25 conclusive evidence of disability.

**ASSEMBLY BILL 273****SECTION 31**

1           **SECTION 31.** 655.45 (1) of the statutes is amended to read:

2           655.45 **(1)** For the quarter beginning on July 1, 1986, and for each quarter  
3 thereafter, the director of state courts shall file reports complying with sub. (2) with  
4 the medical examining board, the physical therapists affiliated credentialing board,  
5 the ~~podiatrists~~ podiatry affiliated credentialing board, the board of nursing and the  
6 department, respectively, regarding health care providers licensed by the respective  
7 bodies.

8           **SECTION 32.** 812.30 (9) of the statutes is amended to read:

9           812.30 **(9)** “Need-based public assistance” means aid to families with  
10 dependent children, relief funded by a relief block grant under ch. 49, relief provided  
11 by counties under s. 59.53 (21), medical assistance, supplemental security income,  
12 food stamps, or benefits received by veterans under s. 45.40 ~~(1)~~ (1m) or under 38 USC  
13 501 to 562.

14           **SECTION 33.** 814.29 (1) (d) 1. of the statutes is amended to read:

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

20           **SECTION 34.** 895.48 (1m) (a) (intro.) and 2. of the statutes are amended to read:

21           895.48 **(1m)** (a) Except as provided in par. (b), any physician, physician  
22 assistant, podiatrist, or athletic trainer licensed under ch. 448, chiropractor licensed  
23 under ch. 446, dentist licensed under ch. 447, emergency medical technician licensed  
24 under s. 256.15, first responder certified under s. 256.15 (8), ~~physician assistant~~  
25 ~~licensed under ch. 448~~, registered nurse licensed under ch. 441, or a massage

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1 therapist or bodyworker issued a certificate under ch. 460 who renders voluntary  
2 health care to a participant in an athletic event or contest sponsored by a nonprofit  
3 corporation, as defined in s. 66.0129 (6) (b), a private school, as defined in s. 115.001  
4 (3r), a public agency, as defined in s. 46.856 (1) (b), or a school, as defined in s. 609.655  
5 (1) (c), is immune from civil liability for his or her acts or omissions in rendering that  
6 care if all of the following conditions exist:

7 2. The physician, podiatrist, athletic trainer, chiropractor, dentist, emergency  
8 medical technician, first responder, physician assistant, registered nurse, massage  
9 therapist or bodyworker does not receive compensation for the health care, other  
10 than reimbursement for expenses.

11 **SECTION 35.** 905.04 (title) of the statutes is amended to read:

12 **905.04** (title) **Physician–patient, registered nurse–patient,**  
13 **chiropractor–patient, psychologist–patient, social worker–patient,**  
14 **marriage and family therapist–patient, podiatrist–patient and**  
15 **professional counselor–patient privilege.**

16 **SECTION 36.** 905.04 (1) (b) of the statutes is amended to read:

17 905.04 (1) (b) A communication or information is “confidential” if not intended  
18 to be disclosed to 3rd persons other than those present to further the interest of the  
19 patient in the consultation, examination, or interview, ~~or~~ to persons reasonably  
20 necessary for the transmission of the communication or information, or to persons  
21 who are participating in the diagnosis and treatment under the direction of the  
22 physician, podiatrist, registered nurse, chiropractor, psychologist, social worker,  
23 marriage and family therapist or professional counselor, including the members of  
24 the patient’s family.

25 **SECTION 37.** 905.04 (1) (c) of the statutes is amended to read:

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1           905.04 (1) (c) “Patient” means an individual, couple, family or group of  
2 individuals who consults with or is examined or interviewed by a physician,  
3 podiatrist, registered nurse, chiropractor, psychologist, social worker, marriage and  
4 family therapist or professional counselor.

5           **SECTION 38.** 905.04 (1) (dg) of the statutes is created to read:

6           905.04 (1) (dg) “Podiatrist” means a person licensed under s. 448.63 or a person  
7 reasonably believed by the patient to be a podiatrist.

8           **SECTION 39.** 905.04 (2) of the statutes is amended to read:

9           905.04 (2) GENERAL RULE OF PRIVILEGE. A patient has a privilege to refuse to  
10 disclose and to prevent any other person from disclosing confidential  
11 communications made or information obtained or disseminated for purposes of  
12 diagnosis or treatment of the patient’s physical, mental or emotional condition,  
13 among the patient, the patient’s physician, the patient’s podiatrist, the patient’s  
14 registered nurse, the patient’s chiropractor, the patient’s psychologist, the patient’s  
15 social worker, the patient’s marriage and family therapist, the patient’s professional  
16 counselor or persons, including members of the patient’s family, who are  
17 participating in the diagnosis or treatment under the direction of the physician,  
18 podiatrist, registered nurse, chiropractor, psychologist, social worker, marriage and  
19 family therapist or professional counselor.

20           **SECTION 40.** 905.04 (3) of the statutes is amended to read:

21           905.04 (3) WHO MAY CLAIM THE PRIVILEGE. The privilege may be claimed by the  
22 patient, by the patient’s guardian or conservator, or by the personal representative  
23 of a deceased patient. The person who was the physician, podiatrist, registered  
24 nurse, chiropractor, psychologist, social worker, marriage and family therapist or



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1 professional counselor may claim the privilege but only on behalf of the patient. The  
2 authority so to do is presumed in the absence of evidence to the contrary.

3 **SECTION 41. Initial applicability.**

4 (1) CERTIFICATIONS OF DISABILITY BY PODIATRISTS.

5 (a) *Life insurance.* If a life insurance policy that is in effect on the effective date  
6 of this subsection contains a provision that is inconsistent with the treatment of  
7 section 632.64 of the statutes, the treatment of section 632.64 of the statutes first  
8 applies to that life insurance policy on the date on which it is renewed.

9 (b) *Health or disability insurance.* If a health or disability insurance policy that  
10 is in effect on the effective date of this subsection contains a provision that is  
11 inconsistent with the treatment of section 632.99 of the statutes, the treatment of  
12 section 632.99 of the statutes first applies to that health or disability insurance policy  
13 on the date on which it is renewed.

14 (END)