

**2013 DRAFTING REQUEST**

**Bill**

Received: **2/19/2013** Received By: **tdodge**  
 Wanted: **As time permits** Same as LRB:  
 For: **Leah Vukmir (608) 266-2512** By/Representing: **Dean Cady**  
 May Contact: Drafter: **tdodge**  
 Subject: **Health - social services** Addl. Drafters:  
 Extra Copies:

Submit via email: **YES**  
 Requester's email: **Sen.Vukmir@legis.wisconsin.gov**  
 Carbon copy (CC) to: **michael.duchek@legis.wisconsin.gov**  
**tamara.dodge@legis.wisconsin.gov**

**Pre Topic:**

No specific pre topic given

**Topic:**

Charity care services by out-of-state health care providers

**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>
/?	tdodge 4/15/2013			_____			
/P1	tdodge 7/16/2013	jdyer 7/17/2013	jmurphy 7/17/2013	_____	sbasford 4/19/2013		State S&L
/1	tdodge 8/23/2013			_____	sbasford 7/17/2013		State S&L

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/2	tdodge 10/23/2013	scalvin 9/4/2013	jmurphy 9/4/2013	_____	lparisi 9/4/2013	sbasford 10/16/2013	State S&L
/3		scalvin 10/24/2013	rschluet 10/25/2013	_____	srose 10/25/2013	srose 10/25/2013	State S&L

FE Sent For:

→ A+ Intro.

<END>

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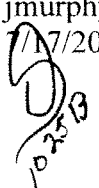

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FE Sent For: *13 sac*  
*10/24/2013*

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/1		1/2 sac 09/04/2013	<i>jm</i> 9/4	_____	sbasford 7/17/2013		State S&L

*Ames*  
9/4

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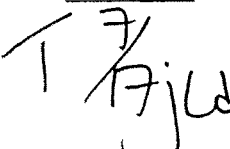
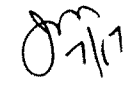
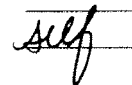
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1/2	tdodge	PI 4/19 jld	21/19	pk			

FE Sent For:

<END>

## Dodge, Tamara

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**From:** Kahler, Pam  
**Sent:** Tuesday, February 19, 2013 11:24 AM  
**To:** Dodge, Tamara; Duchek, Michael  
**Subject:** FW: Charity Care drafting request

Hi, guys. This drafting request is more health-related than insurance-related. Tami, if you take this and want to give the abortion rider draft back to me, that's fine.

---

**From:** Cady, Dean  
**Sent:** Tuesday, February 19, 2013 11:12 AM  
**To:** Kahler, Pam  
**Subject:** Charity Care drafting request

Hey Pam,

Leah asked me to shoot you an Email with a Bill she'd like to have drafted regarding the ability for **out-of-state health care providers to provide charity care services here in Wisconsin**. Leah isn't precisely sure to what extent medical professionals presently can provide care here in Wisconsin, either for free, or perhaps in some situations for a fee, or even if some type of reciprocity exists in certain situations (I believe there is a short timeframe with reciprocity). In any event, three states, Tennessee, Illinois and Connecticut, have done something similar in the area of charity care, giving organizations like Remote Area Medical and National Association of Free Clinics the ability to provide care to under-served patients at no cost.

Obviously the important piece of the legislation will be waiving Wisconsin's medical licensure requirements for the **strict purpose of providing charity care**, and so long as the provider is licensed to provide care within their scope of practice in another state. Leah would like to model her draft on the Tennessee legislation, Volunteer Health Care Services Act (1995), I have attached a pdf of the legislation for you. Two important components of the Bill are "scope and civil liability." With respect to scope, it should be limited to services provided to what the provider is licensed or certified to perform in his/her home state. Also, Leah would like to provide an exemption to civil liability for a provider performing volunteer charity services, absent gross negligence or willful misconduct. Pam, in the 1995 legislation there is no provision regarding liability exemption, but the lawmakers did provide that in subsequent legislation.

The other important provisions from the Tennessee legislation include, the definition of applicable providers, the setting - providing services (without charge) in association with a sponsoring organization, proof of licensure for both the provider and the sponsoring organization and registering with the Department of Health Services (including a \$100 registration fee, paid by the sponsoring organization. The Tennessee bill sets the fee at \$50, I think the fee should cover any associated administrative functions, and \$100 seems sufficient), additionally, the organization is required to report to the Department within 15 days the date, place, nature of the service provided and a complete listing of all providers involved; the Department has the power to revoke registration of a sponsoring organization for failure to comply, and the Department waiver timeframe for providing charity care services will be good for a period of 60 days, within a ninety day or three month cycle.

Thanks much Pam, if you have any questions please give me a call.



Filed for intro on 02/02/95  
House Bill \_\_\_\_\_  
By \_\_\_\_\_

Senate No. SB1436  
By Gilbert

AN ACT to amend Tennessee Code Annotated, Title 63, Chapter 6,  
to enact the Volunteer Health Care Services Act.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1.

(a) Tennessee Code Annotated, Title 63, Chapter 6, is amended by adding Sections 1(b) through 6 of this act as a new, appropriately designated part.

(b) This act shall be known and may be cited as the "Volunteer Health Care Services Act".

SECTION 2.

(a) The general assembly finds that:

- (1) access to high quality health care services is a concern of all persons;
- (2) access to such services is severely limited for some residents of this state, particularly those who reside in remote, rural areas or in the inner city;
- (3) physicians and other health care professionals have traditionally worked to assure broad access to health care services; and

(4) many health care providers from Tennessee and elsewhere are willing to volunteer their services to address the health care needs of Tennesseans who may otherwise not be able to obtain such services.

(b) The general assembly further finds that it is the public policy of this state to encourage and facilitate voluntary provision of health care services.

SECTION 3. As used in this act, unless the context otherwise requires:

(a) "Health care provider" means any physician, surgeon, dentist, nurse, optometrist, or other practitioner of a health care discipline the professional practice of which requires licensure or certification under the provisions of Tennessee Code Annotated, Title 63, or under a comparable provision of law of another state, territory, district or possession of the United States.

(b) "Licensed health care provider" means any health care provider holding a current license or certificate issued under:

(1) Tennessee Code Annotated, Title 63, or

(2) a comparable provision of the law of another state, territory, district or possession of the United States.

(c) "Voluntary provision of health care services" means providing the professional services of a health care provider, in association with a sponsoring organization, without charge to the recipient of such services or to a third party on behalf of a recipient.

(d) "Regularly practice" means to practice for more than sixty (60) days within any ninety (90) day period.

(e) "Sponsoring organization" means any organization that organizes or arranges for the voluntary provision of health care services and which registers with the department of health as a sponsoring organization in accordance with Section 6 of this act.

SECTION 4.

(a) Notwithstanding any provision of law to the contrary, no additional license or certificate otherwise required under the provisions of Tennessee Code Annotated, Title 63, shall be necessary for the voluntary provision of health care services by any person who:

(1) is a duly licensed health care provider, as defined under section 3(b) of this act; or

(2) lawfully practices under an exception to the licensure or certification requirements of any state, territory, district or possession of the United States; provided, that the person does not and will not regularly practice in the state of Tennessee.

(b) The provisions of subsection (a) shall not apply to any person whose license or certificate is suspended or revoked pursuant to disciplinary proceedings in any jurisdiction. Furthermore, the provisions of subsection (a) shall not apply to a licensed health care provider who renders services outside the scope of practice authorized by his or her licensure, certification, or exception to such licensure or certification.

SECTION 5. With regard to a person who voluntarily provides health care services and who is covered by the provisions of Section 4(a), the prohibitions expressed in Tennessee Code Annotated, Section 63-6-202, relative to itinerant physicians, shall not apply and all requirements regarding display of a license or certificate shall be satisfied by the presentation for inspection, upon request, of a photocopy of the applicable license, certificate, or statement of exemption.

SECTION 6.

(a) Before providing volunteer medical services in this state, a sponsoring organization shall register with the department of health by submitting a registration fee of fifty dollars (\$50.00) and filing a registration form that shall contain:

(i) the name of the sponsoring organization;

(ii) name of principal individual or individuals who are the officers or organizational officials responsible for the operation of the sponsoring organization;

(iii) the address, including street, city, zip code and county, of the sponsoring organization's principal office address and the same address information for each principal or official listed in (ii) above;

(iv) telephone numbers for the principal office of the sponsoring agency and each principal or official listed in (ii) above; and

(v) such additional information as the department shall require.

Upon any change in the information required under this subsection 6(a), the sponsoring organization shall notify the department in writing of such change within thirty (30) days of its occurrence.

(b) Within fifteen (15) days of any voluntary provision of health care services by a sponsoring organization registered under subsection 6(a), the sponsoring organization shall file with the department a voluntary services report which shall contain the date, place, type and general description of services provided, together with a listing of all licensed health care providers who participated in the provision of such health care services.

(c) Each sponsoring organization shall maintain a list of health care providers associated with its provision of voluntary health services. For each such health care provider, the organization shall maintain a copy of a current license, certificate, or statement of exemption from licensure or certification and shall further require each health care provider to attest in writing that his or her license or certificate is not suspended or revoked pursuant to disciplinary proceedings in any jurisdiction.

(d) The sponsoring organization shall maintain such records for a period of at least five (5) years following the provision of health care services and shall furnish such

records upon request to any regulatory board established under Tennessee Code Annotated, Title 63.

(e) Compliance with subsections (a) and (b) shall be prima facie evidence that the sponsoring organization has exercised due care in its selection of health care providers.

SECTION 7. The department may revoke the registration of any sponsoring organization who fails to comply with the requirements of Section 6 of this act. Any such revocation shall be conducted in accordance with the Uniform Administrative Procedures Act.

SECTION 8. No contract of professional liability insurance covering a health care provider in this state, issued or renewed on or after the effective date of this act, shall exclude coverage to any provider who engages in the voluntary provision of health care services, provided the sponsoring organization and the health care provider comply with the requirements of this act.

SECTION 9. This act shall take effect on becoming a law, the public welfare requiring it.



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State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-1676?

TJD:.....

RMR JLD

In: 4/15/13

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

D-note (B)

X

Gen

1

AN ACT ...; relating to: allowing health care providers licensed outside the state

2

in the volunteer health care provider program.

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

\* Under current law, certain individuals may serve as volunteer health care provider by providing services through a nonprofit agency or for a school board or school governing body while receiving no income from the practice of his or her health profession. Currently, a licensed physician, dentist, or dental hygienist, a registered nurse, a practical nurse, a nurse-midwife, an optometrist, a physician assistant, a pharmacist, a chiropractor, a podiatrist, a physical therapist, a certified dietician, a nurse practitioner, or an individual who performs functions of a pharmacy technician may serve as a volunteer health care provider under the program. To participate in the volunteer health care provider program, a health care professional must submit a joint application with a nonprofit agency, school board, or school governing body to the Department of Administration, which may approve the application. A volunteer health care provider providing services through a nonprofit agency must provide services, except for dental services, without charge and is limited under current law to providing certain services. A volunteer health care provider seeking to provide services for a school board or school governing body must meet certain requirements and consult with any school nurse and may only provide certain services to certain students without charge at the school.

\*

Current law makes a volunteer health care provider providing services under the program an agency of the state for certain purposes including representation by the attorney general in a civil action or other matter brought before a court or

health

(DRAFT)

administrative agency; mandatory filing of a notice of claim before <sup>of bringing</sup> bringing a civil claim against the agent; and payment by the state of a judgment of damages and costs against the agent when found to be acting within the scope of employment. ✓

This bill allows an individual who holds a valid, unexpired license, certification, or registration ✓ issued by another state or territory that authorizes or qualifies the individual to perform acts that are substantially the same as those acts that an individual who is currently allowed to volunteer in the program is licensed or certified to perform and who performs acts that are within the scope of that license, certification, or registration to participate in, and receive the protections of, the volunteer health care provider program. ✓ An applicant who is licensed, certified, or registered in a state outside of Wisconsin may only make a joint application with a nonprofit agency, and thus, may not provide volunteer services under the program at a school. The bill prohibits the Department of Administration from disapproving an application based solely on the nonprofit agency being organized under the laws of a state other than Wisconsin. ✓

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

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

1 SECTION 1. 146.89 (1) (r) 5. ✓ of the statutes is created to read:

2 146.89 (1) (r) 5. An individual who holds a valid, unexpired license,  
3 certification, or registration issued by another state or territory that authorizes or  
4 qualifies the individual to perform acts that are substantially the same as those acts  
5 that an individual who is described in subd. 1. to 4. ✓ is licensed or certified to perform  
6 and who performs acts that are within the scope of that license, certification, or  
7 registration. ✓

\*\*\*\*NOTE: Please note that by including the out-of-state ✓ providers in the definition of "volunteer health care provider" the individuals are also made agents of the state just as state licensed health care providers who are participating in the program would be. Please advise if you would like to treat the out-of-state providers differently in this regard.

8 SECTION 2. 146.89 (2) (a) ✓ of the statutes is amended to read:

9 146.89 (2) (a) ~~A~~ Subject to par. (am). ✓ volunteer health care provider may  
10 participate under this section only if he or she submits a joint application with a

1 nonprofit agency, school board, or governing body to the department of  
2 administration and that department approves the application. If the volunteer  
3 health care provider submits a joint application with a school board or governing  
4 body, the application shall include a statement by the school board or governing body  
5 that certifies that the volunteer health care provider has received materials that  
6 specify school board or governing body policies concerning the provision of health  
7 care services to students and has agreed to comply with the policies. The department  
8 of administration shall provide application forms for use under this paragraph.

**History:** 1989 a. 206; 1991 a. 269; 1993 a. 28, 490; 1995 a. 27 ss. 4378 to 4380, 9126 (19); 1997 a. 27, 57, 67; 1999 a. 23; 2003 a. 92; 2005 a. 188; 2007 a. 20 s. 9121 (6)  
(a); 2007 a. 201; 2009 a. 93, 134; 2011 a. 32, 216.

9 **SECTION 3.** 146.89 (2) (am) of the statutes is created to read:

10 146.89 (2) (am) A volunteer health care provider described in sub. (1) (r) 5. may  
11 submit a joint application only with a nonprofit agency to participate under this  
12 section.

13 **SECTION 4.** 146.89 (2) (br) of the statutes is created to read:

14 146.89 (2) (br) The department of administration may not disapprove the  
15 application solely on the basis that the nonprofit agency is organized under the laws  
16 of a state other than this state.

\*\*\*\*NOTE: Please note that since I incorporated the out-of-state providers into the existing program I did not add a fee for an out-of-state nonprofit. It is not clear that a nonprofit based outside of Wisconsin would be ineligible for the current program as long as the nonprofit used health care providers licensed in Wisconsin to provide services.

17

(END)

D-note

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

LRB-1676/P1dn

TJD: ^:...

jld

Date

To Dean Cady:

provider  
\* Instead of creating a new volunteer health care program, I adapted Wisconsin's current volunteer health care program to include the out-of-state providers. Therefore, the provisions in the draft are not identical to those in the Tennessee legislation. Please carefully review the draft language and analysis to confirm the draft incorporates the provisions of the Tennessee legislation most important to your office.

Should you have any questions or redraft instructions, please contact me.

Tamara J. Dodge  
Legislative Attorney  
Phone: (608) 267-7380  
E-mail: tamara.dodge@legis.wisconsin.gov

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

LRB-1676/P1dn  
TJD:jld:jf

April 19, 2013

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Should you have any questions or redraft instructions, please contact me.

Tamara J. Dodge  
Legislative Attorney  
Phone: (608) 267-7380  
E-mail: [tamara.dodge@legis.wisconsin.gov](mailto:tamara.dodge@legis.wisconsin.gov)

## Dodge, Tamara

---

**From:** Cady, Dean  
**Sent:** Wednesday, May 29, 2013 1:31 PM  
**To:** Dodge, Tamara  
**Subject:** P Draft 1676

Hey Tami, this is dean from Senator Vukmir's office. I realize I just left you a long-winded VM, but I just talked to Leah and if the liability concerns are consistent with the Tennessee Act, and how this Bill was drafted, Leah said to go ahead and have the draft ready for introduction. I hope this makes sense.

Thankx a mil Tami, and sorry for throwing this all at you.

Any questions give me a shout.

deano



State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-1676/P1  
TJD:jld:jf

RMNR

In: 7/16/13

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

Regen

to participate ✓

- 1 AN ACT *to amend* 146.89 (2) (a); and *to create* 146.89 (1) (r) 5., 146.89 (2) (am)
- 2 and 146.89 (2) (br) of the statutes; **relating to:** allowing health care providers
- 3 licensed outside the state in the volunteer health care provider program. ✓

a licensed

alicensed

**Analysis by the Legislative Reference Bureau**

\*

Under current law, certain individuals may serve as volunteer health care providers by providing services through a nonprofit agency or for a school board or school governing body while receiving no income from the practice of his or her health profession. Currently, a licensed physician, dentist, or dental hygienist, a registered nurse, a practical nurse, a nurse-midwife, an optometrist, a physician assistant, a pharmacist; a chiropractor, a podiatrist, a physical therapist, a certified dietician, a nurse practitioner, or an individual who performs functions of a pharmacy technician may serve as a volunteer health care provider under the program. To participate in the volunteer health care provider program, a health care professional must submit a joint application with a nonprofit agency, school board, or school governing body to the Department of Administration (DOA), which may approve the application. A volunteer health care provider providing services through a nonprofit agency must provide services, except for dental services, without charge and is limited under current law to providing certain services. A volunteer health care provider seeking to provide services for a school board or school governing body must meet certain requirements and consult with any school nurse and may only provide certain services to certain students without charge at the school.

\*

Current law makes a volunteer health care provider providing services under the program an agent of the state for certain purposes including representation by

let +



the attorney general in a civil action or other matter brought before a court or administrative agency; mandatory filing of a notice of claim before bringing a civil claim against the agent; and payment by the state of a judgment of damages and costs against the agent when found to be acting within the scope of employment.

This bill allows an individual who holds a valid, unexpired license, certification, or registration issued by another state or territory that authorizes or qualifies the individual to perform acts that are substantially the same as those acts that an individual who is currently allowed to volunteer in the program is licensed or certified to perform and who performs acts that are within the scope of that license, certification, or registration to participate in, and receive the protections of, the volunteer health care provider program. An applicant who is licensed, certified, or registered in a state outside of Wisconsin may only make a joint application with a nonprofit agency, and thus, may not provide volunteer services under the program at a school. The bill prohibits the DOA from disapproving an application based solely on the nonprofit agency being organized under the laws of a state other than Wisconsin.

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

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

1           **SECTION 1.** 146.89 (1) (r) 5. of the statutes is created to read:

2           146.89 (1) (r) 5. An individual who holds a valid, unexpired license,  
3           certification, or registration issued by another state or territory that authorizes or  
4           qualifies the individual to perform acts that are substantially the same as those acts  
5           that an individual who is described in subds. 1. to 4. is licensed or certified to perform  
6           and who performs acts that are within the scope of that license, certification, or  
7           registration. ✓

\*\*\*\*NOTE: Please note that by including the out-of-state providers in the definition of "volunteer health care provider" the individuals are also made agents of the state just as state licensed health care providers who are participating in the program would be. Please advise if you would like to treat the out-of-state providers differently in this regard.

8           **SECTION 2.** 146.89 (2) (a) of the statutes is amended to read:

9           146.89 (2) (a) ~~A~~ Subject to par. (am), volunteer health care provider may  
10          participate under this section only if he or she submits a joint application with a

1 nonprofit agency, school board, or governing body to the department of  
2 administration and that department approves the application. If the volunteer  
3 health care provider submits a joint application with a school board or governing  
4 body, the application shall include a statement by the school board or governing body  
5 that certifies that the volunteer health care provider has received materials that  
6 specify school board or governing body policies concerning the provision of health  
7 care services to students and has agreed to comply with the policies. The department  
8 of administration shall provide application forms for use under this paragraph.

9 **SECTION 3.** 146.89 (2) (am) of the statutes is created to read:

10 146.89 (2) (am) A volunteer health care provider described in sub. (1) (r) 5. may  
11 submit a joint application only with a nonprofit agency to participate under this  
12 section.

13 **SECTION 4.** 146.89 (2) (br) of the statutes is created to read:

14 146.89 (2) (br) The department of administration may not disapprove the  
15 application solely on the basis that the nonprofit agency is organized under the laws  
16 of a state other than this state. ✓

\*\*\*\*NOTE: Please note that since I incorporated the out-of-state providers into the existing program I did not add a fee for an out-of-state nonprofit. It is not clear that a nonprofit based outside of Wisconsin would be ineligible for the current program as long as the nonprofit used health care providers licensed in Wisconsin to provide services.

## Dodge, Tamara

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**From:** Dodge, Tamara  
**Sent:** Thursday, August 01, 2013 2:16 PM  
**To:** Cady, Dean  
**Subject:** RE: P Draft 1676

Dean,

I didn't get a chance to look at it in detail yet, but I had the same thought you did. I think we can include the out-of-state providers in the volunteer health care program except for the "state agent" provision. For the liability portion then, I can draft something similar to Tennessee. I'll get to this in the next few days so I will have something more concrete by early next week.

Thanks,  
Tami

### Tamara J. Dodge

Attorney  
Wisconsin Legislative Reference Bureau  
P.O. Box 2037  
Madison, WI 53701-2037  
(608) 267 - 7380  
tamara.dodge@legis.wisconsin.gov

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**From:** Cady, Dean  
**Sent:** Wednesday, July 31, 2013 11:41 AM  
**To:** Dodge, Tamara  
**Subject:** RE: P Draft 1676

Hey Tami, I thought I would check in with you to see if we can figure something out about this draft. I do have a thought: is there a possibility of carving out an exemption within the Volunteer HC provisions whereby if a provider comes in to Wisc to provide charity (as drafted) care with a clinic, shows proof of sufficient liability insurance (as well as the clinic) then the provider(s) would not be considered "agents of the state," according to the Volunteer HC provisions, for liability purposes?

That was just a thought but let me know if it makes any sense at all.

Thankx a mil tami.

☺

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**From:** Dodge, Tamara  
**Sent:** Monday, July 22, 2013 4:21 PM  
**To:** Cady, Dean  
**Subject:** RE: P Draft 1676

Dean,

I understand your concern and you're probably correct that the fiscal estimate could be large as the out-of-state providers would be agents of the state. I could draft something exactly like Tennessee. I'd have to look at their law again

though because it requires insurers to cover out-of-state practice in Tennessee but we couldn't really require that if the insurer is not licensed in Wisconsin.

I'll be out of the office tomorrow (Tuesday) but will be back in on Wednesday. In the meantime, I will take a look again at the Tennessee law and the draft and see what possible solutions I come up with.

Tami

**Tamara J. Dodge**

Attorney  
Wisconsin Legislative Reference Bureau  
P.O. Box 2037  
Madison, WI 53701-2037  
(608) 267 - 7380  
[tamara.dodge@legis.wisconsin.gov](mailto:tamara.dodge@legis.wisconsin.gov)

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**From:** Cady, Dean  
**Sent:** Monday, July 22, 2013 4:14 PM  
**To:** Dodge, Tamara  
**Subject:** RE: P Draft 1676

Hey Tami. I was thinking over the weekend about the liability issue and wondered if providers would be considered agents of the state, I imagine the fiscal on this could potentially be massive. So, a question: if a provider comes to Wisc pursuant to this draft/legislation, and has a current license from another state, I assume that provider would be carrying his or her own insurance (in some form or manner), is there some way for the provider to operate vis-à-vis this provision but require appropriate insurance so the State is not on the hook, If you know what I mean? My understanding of that Tenn Law/Act is that providers that operate via "charity care," the state of Tenn is not on the hook if a provider is found to have been grossly negligent or willful misconduct, etc.

Let me know if this makes any sense and I can give you a shout tomorrow.

deano

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**From:** Dodge, Tamara  
**Sent:** Thursday, July 11, 2013 3:40 PM  
**To:** Cady, Dean  
**Subject:** RE: P Draft 1676

Dean,

I looked a little more at the Tennessee volunteer health care services program. Draft 1676 accomplishes something similar to the Tennessee program regarding liability but does so in a different way.

In Tennessee, a volunteer health care provider is not liable for any civil damages for providing volunteer health care services "unless the act or omission was the result of such person's gross negligence or willful misconduct." So, the health care provider is not immune from suit but no one has to pay damages unless the health care provider is grossly negligent or commits willful misconduct, in which case the health care provider or his or her insurance company pays.

In Wisconsin, for volunteer health care providers who have Wisconsin licenses, the provider is considered an agent of the state. So, the provider could be sued but the state indemnifies him or her and represents him or her. The state would be responsible to pay the damages. Draft 1676/P1 treats health care providers licensed outside Wisconsin the same – as agents of the state.

From the health care provider's perspective, I believe these are similar with regards to liability. And, the P1 of this draft treats all providers the same regardless where the license is from.

I'm going to read through the preliminary draft again and move toward sending it out on the assumption that the liability provisions are similar enough to Tennessee that they are okay with Senator Vukmir. Let me know if you want to hold up on the draft and discuss the liability provisions further.

Thanks,  
Tami

**Tamara J. Dodge**

Attorney  
Wisconsin Legislative Reference Bureau  
P.O. Box 2037  
Madison, WI 53701-2037  
(608) 267 - 7380  
[tamara.dodge@legis.wisconsin.gov](mailto:tamara.dodge@legis.wisconsin.gov)

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**From:** Cady, Dean  
**Sent:** Wednesday, May 29, 2013 1:31 PM  
**To:** Dodge, Tamara  
**Subject:** P Draft 1676

Hey Tami, this is dean from Senator Vukmir's office. I realize I just left you a long-winded VM, but I just talked to Leah and if the liability concerns are consistent with the Tennessee Act, and how this Bill was drafted, Leah said to go ahead and have the draft ready for introduction. I hope this makes sense.

Thankx a mil Tami, and sorry for throwing this all at you.

Any questions give me a shout.

deano



State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-1676/1

TJD:jld

RMR Esac

In: 8/23/13

2013 BILL

*gen cat*

1 AN ACT *to amend* 146.89 (2) (a); and *to create* 146.89 (1) (r) 5., 146.89 (2) (am)  
2 and 146.89 (2) (br) of the statutes; **relating to:** allowing health care providers  
3 licensed outside the state to participate in the volunteer health care provider  
4 program.

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

Under current law, certain individuals may serve as volunteer health care providers by providing services through a nonprofit agency or for a school board or school governing body while receiving no income from the practice of his or her health profession. Currently, a licensed physician, a licensed dentist, a licensed dental hygienist, a registered nurse, a practical nurse, a nurse-midwife, an optometrist, a physician assistant, a pharmacist, a chiropractor, a podiatrist, a physical therapist, a certified dietician, a nurse practitioner, or an individual who performs functions of a pharmacy technician may serve as a volunteer health care provider under the program. To participate in the volunteer health care provider program, a health care professional must submit a joint application with a nonprofit agency, school board, or school governing body to the Department of Administration (DOA), which may approve the application. A volunteer health care provider providing services through a nonprofit agency must provide services, except for dental services, without charge and is limited under current law to providing certain services. A volunteer health care provider seeking to provide services for a school board or school governing body must meet certain requirements and consult with any school nurse

**BILL**

and may only provide certain services to certain students without charge at the school.

Current law makes a volunteer health care provider providing services under the program an agent of the state for certain purposes including representation by the attorney general in a civil action or other matter brought before a court or administrative agency; mandatory filing of a notice of claim before bringing a civil claim against the agent; and payment by the state of a judgment of damages and costs against the agent when found to be acting within the scope of employment.

This bill allows an individual who holds a valid, unexpired license, certification, or registration issued by another state or territory that authorizes or qualifies the individual to perform acts that are substantially the same as those acts that an individual who is currently allowed to volunteer in the program is licensed or certified to perform and who performs acts that are within the scope of that license, certification, or registration to participate in and receive the protections of the volunteer health care provider program. An applicant who is licensed, certified, or registered in a state outside of Wisconsin may only make a joint application with a nonprofit agency, and thus, may not provide volunteer services under the program at a school. The bill prohibits the DOA from disapproving an application based solely on the nonprofit agency being organized under the laws of a state other than Wisconsin.

(out-of-state volunteer)

Insert analysis

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

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

1           SECTION 1. 146.89 (1) (r) 5. of the statutes is created to read:  
2           146.89 (1) (r) 5. An individual who holds a valid, unexpired license,  
3           certification, or registration issued by another state or territory that authorizes or  
4           qualifies the individual to perform acts that are substantially the same as those acts  
5           that an individual who is described in subds. 1. to 4. is licensed or certified to perform  
6           and who performs acts that are within the scope of that license, certification, or  
7           registration.

8           SECTION 2. 146.89 (2) (a) of the statutes is amended to read:  
9           146.89 (2) (a) ~~-A-~~ Subject to par. (am), <sup>a</sup>volunteer health care provider may  
10          participate under this section only if he or she submits a joint application with a

**BILL**

1 nonprofit agency, school board, or governing body to the department of  
 2 administration and that department approves the application. If the volunteer  
 3 health care provider submits a joint application with a school board or governing  
 4 body, the application shall include a statement by the school board or governing body  
 5 that certifies that the volunteer health care provider has received materials that  
 6 specify school board or governing body policies concerning the provision of health  
 7 care services to students and has agreed to comply with the policies. The department  
 8 of administration shall provide application forms for use under this paragraph.

9 **SECTION 3.** 146.89 (2) (am) <sup>\*</sup> of the statutes is created to read:

10 146.89 (2) (am) A volunteer health care provider described in sub. (1) (r) 5. may  
 11 submit a joint application only with a nonprofit agency to participate under this  
 12 section.

13 **SECTION 4.** 146.89 (2) (br) <sup>\*</sup> of the statutes is created to read:

14 146.89 (2) (br) The department of administration may not disapprove the  
 15 application solely on the basis that the nonprofit agency is organized under the laws  
 16 of a state other than this state.

17 (END)

*Insert 3-17*



2013-2014 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-1676/2ins  
TJD:.....

1  
NOT

INSERT ANALYSIS

— Under the bill, however, an out-of-state volunteer who has sufficient liability insurance coverage and who submits a joint application with a nonprofit agency that has sufficient liability coverage is not an agent of the state for liability purposes. Instead the bill provides that an out-of-state volunteer who meets those criteria is not liable for any civil damages for any act or omission resulting from providing services through the volunteer health care provider program, unless any the act or omission is the result of the out-of-state volunteer's gross negligence or willful misconduct or the act or omission violates a state statute or rule.

(END INSERT ANALYSIS)

2 INSERT 3-17

✕

3 SECTION 1. 146.89 (4) of the statutes is amended to read:

4 146.89 (4) ~~Volunteer~~ Except as provided in sub. (5), volunteer health care  
5 providers who provide services under this section are, for the provision of these  
6 services, state agents of the department of health services for purposes of ss. 165.25  
7 (6), 893.82 (3) and 895.46. This state agency status applies regardless of whether the  
8 volunteer health care provider has coverage under a policy of health care liability  
9 insurance that would extend to services provided by the volunteer health care  
10 provider under this section; and the limitations under s. 895.46 (1) (a) on the  
11 payment by the state of damages and costs in excess of any insurance coverage  
12 applicable to the agent and on the duty of a governmental unit to provide or pay for  
13 legal representation do not apply. Any policy of health care liability insurance  
14 providing coverage for services of a health care provider may exclude coverage for  
15 services provided by the health care provider under this section.

History: 1989 a. 206; 1991 a. 269; 1993 a. 28, 490; 1995 a. 27 ss. 4378 to 4380, 9126 (19); 1997 a. 27, 57, 67; 1999 a. 23; 2003 a. 92; 2005 a. 188; 2007 a. 20 s. 9121 (6)  
(a); 2007 a. 201; 2009 a. 93, 134; 2011 a. 32, 216.

16 SECTION 2. 146.89 (5) of the statutes is created to read:

1           146.89 (5) (a) A volunteer health care provider who meets all of the following  
2 criteria is not a state agent under sub. (4):

3           1. The volunteer health care provider is described in sub. (1) (r) 5. ✓

4           2. The volunteer health care provider has sufficient liability insurance  
5 coverage, as determined by the department of health services.

6           3. The volunteer health care provider submits a joint application with a  
7 nonprofit agency that has sufficient liability coverage, as determined by the  
8 department of health services.

9           (b) A volunteer health care provider described in par. (a) is not liable for any  
10 civil damages for any act or omission resulting from providing services under this  
11 section, unless any of the following are true:

12           1. The act or omission is the result of the volunteer health care provider's gross  
13 negligence or willful misconduct.

14           2. The act or omission violates a state statute or rule.

15           **SECTION 3.** 165.25 (6) (b) of the statutes is amended to read:

16           165.25 (6) (b) Volunteer health care providers who provide services under s.  
17 146.89, except those described in s. 146.89 (5) (a), practitioners who provide services  
18 under s. 257.03, and health care facilities on whose behalf services are provided  
19 under s. 257.03 are, for the provision of those services, covered by this section and  
20 shall be considered agents of the department of health services for purposes of  
21 determining which agency head may request the attorney general to appear and  
22 defend them.

**History:** 1971 c. 125 s. 522 (1); 1971 c. 215; 1973 c. 333; 1975 c. 81, 199; 1977 c. 29 s. 1656 (27); 1977 c. 187, 260, 273, 344; 1981 c. 20, 62, 96; 1983 a. 27; 1983 a. 36 s. 96 (2), (3), (4); 1983 a. 192; 1985 a. 29, 66; 1987 a. 416; 1989 a. 31, 115, 187, 206, 359; 1991 a. 25, 39, 269; 1993 a. 27, 28, 365; 1995 a. 27 ss. 4453 to 4454m, 9126 (19); 1995 a. 201; 1997 a. 27, 111; 2001 a. 16; 2003 a. 111, 235; 2005 a. 96, 458; 2007 a. 1; 2007 a. 20 ss. 2904, 9121 (6) (a); 2007 a. 76, 79, 96, 130, 225; 2009 a. 2, 28, 42; 2011 a. 32, 35; 2013 a. 20 ss. 164, 166, 167, 180, 1904m; s. 13.92 (1) (bm) 2.

23           **SECTION 4.** 655.003 (3) of the statutes is amended to read:

1           655.003 (3) ~~A~~ Except for a physician or nurse anesthetist who meets the  
 2 criteria under s. 146.89 (5) (a), a physician or a nurse anesthetist who provides  
 3 professional services under the conditions described in s. 146.89, with respect to  
 4 those professional services provided by the physician or nurse anesthetist for which  
 5 he or she is covered by s. 165.25 and considered an agent of the department, as  
 6 provided in s. 165.25 (6) (b).

7 **History:** 1989 a. 187, 206; 1991 a. 214.

**SECTION 5.** 893.82 (2) (d) 1m. of the statutes is amended to read:

8           893.82 (2) (d) 1m. A volunteer health care provider who provides services under  
 9 s. 146.89, except a volunteer health care provider described in s. 146.89 (5) (a), for  
 10 the provision of those services.

**History:** 1973 c. 333; 1977 c. 29; 1979 c. 221; 1979 ~~c.~~ s. 30; 1979 c. 355; Stats. 1979 s. 893.82; 1983 a. 27; 1985 a. 66, 340; 1987 a. 342; 1987 a. 403 s. 256; 1989 a. 187, 206, 359; 1991 a. 39, 269; 1993 a. 27, 28; 1995 a. 158, 201; 1997 a. 133; 2003 a. 111; 2005 a. 96; 2007 a. 79, 130; 2009 a. 42, 278; 2011 a. 32.

11 **SECTION 6.** 895.46 (5) (a) of the statutes is amended to read:

12           895.46 (5) (a) A volunteer health care provider who provides services under s.  
 13 146.89, except a volunteer health care provider described in s. 146.89 (5) (a), for the  
 14 provision of those services.

**History:** 1973 c. 333; Sup. Ct. Order, 67 Wis. 2d 585, 761 (1975); Stats. 1975 s. 895.45; 1975 c. 81, 198, 199; Stats. 1975 s. 895.46; 1977 c. 29; 1979 c. 74, 221; 1981 c. 20; 1981 c. 96 s. 67; 1981 c. 314 s. 136; 1983 a. 6; 1983 a. 27 s. 2202 (32); 1985 a. 29, 66; 1987 a. 342; 1987 a. 403 s. 256; 1989 a. 31, 115, 187, 206, 359; 1991 a. 245, 269; 1993 a. 27, 28, 49, 238, 456, 490; 1995 a. 201, 227, 411; 1997 a. 35; 1999 a. 185; 2003 a. 111; 2005 a. 96; 2007 a. 79, 130; 2009 a. 24, 42, 93, 154; 2011 a. 32.

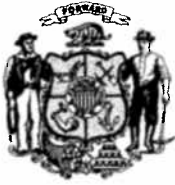
(END INSERT 3-17)

## Barman, Mike

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**From:** Cady, Dean  
**Sent:** Wednesday, October 16, 2013 10:08 AM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB -1676/2 Topic: Charity care services by out-of-state health care providers

Please Jacket LRB -1676/2 for the SENATE.



State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-16762  
TJD:jld&sac:im

3

In 10/23

soon

Due Monday 10/28

RMR

2013 BILL

and requirements on nonprofit agencies in

gen cert

1 AN ACT to amend 146.89 (2) (a), 146.89 (4), 165.25 (6) (b), 655.003 (3), 893.82 (2)

2 (d) 1m. and 895.46 (5) (a); and to create 146.89 (1) (r) 5., 146.89 (2) (am), 146.89

3 (2) (br) and 146.89 (5) of the statutes; relating to: allowing health care

4 providers licensed outside the state to participate in the volunteer health care

5 provider program.

**Analysis by the Legislative Reference Bureau**

Under current law, certain individuals may serve as volunteer health care providers by providing services through a nonprofit agency or for a school board or school governing body while receiving no income from the practice of his or her health profession. Currently, a licensed physician, a licensed dentist, a licensed dental hygienist, a registered nurse, a practical nurse, a nurse-midwife, an optometrist, a physician assistant, a pharmacist, a chiropractor, a podiatrist, a physical therapist, a certified dietician, a nurse practitioner, or an individual who performs functions of a pharmacy technician may serve as a volunteer health care provider under the program. To participate in the volunteer health care provider program, a health care professional must submit a joint application with a nonprofit agency, school board, or school governing body to the Department of Administration (DOA), which may approve the application. A volunteer health care provider providing services through a nonprofit agency must provide services, except for dental services, without charge and is limited under current law to providing certain services. A volunteer health care provider seeking to provide services for a school board or school

no. 11

**BILL** The bill also prohibits an out-of-state volunteer from providing services under the program for more than 60 days in any 90 day period.

governing body must meet certain requirements and consult with any school nurse and may only provide certain services to certain students without charge at the school.

Current law makes a volunteer health care provider providing services under the program an agent of the state for certain purposes including representation by the attorney general in a civil action or other matter brought before a court or administrative agency; mandatory filing of a notice of claim before bringing a civil claim against the agent; and payment by the state of a judgment of damages and costs against the agent when found to be acting within the scope of employment.

This bill allows an individual who holds a valid, unexpired license, certification, or registration issued by another state or territory that authorizes or qualifies the individual to perform acts that are substantially the same as those acts that an individual who is currently allowed to volunteer in the program is licensed or certified to perform and who performs acts that are within the scope of that license, certification, or registration (out-of-state volunteer) to participate in the volunteer health care provider program. An applicant who is licensed, certified, or registered in a state outside of Wisconsin may only make a joint application with a nonprofit agency, and thus, may not provide volunteer services under the program at a school. The bill prohibits the DOA from disapproving an application based solely on the nonprofit agency being organized under the laws of a state other than Wisconsin. Under the bill, however, an out-of-state volunteer who has sufficient liability insurance coverage and who submits a joint application with a nonprofit agency that has sufficient liability coverage is not an agent of the state for liability purposes. Instead the bill provides that an out-of-state volunteer who meets those criteria is not liable for any civil damages for any act or omission resulting from providing services through the volunteer health care provider program, unless the act or omission is the result of the out-of-state volunteer's gross negligence or willful misconduct or the act or omission violates a state statute or rule.

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

Insert A

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

- 1            **SECTION 1.** 146.89 (1) (r) 5. of the statutes is created to read:
- 2            146.89 (1) (r) 5. An individual who holds a valid, unexpired license,
- 3            certification, or registration issued by another state or territory that authorizes or
- 4            qualifies the individual to perform acts that are substantially the same as those acts
- 5            that an individual who is described in subds. 1. to 4. is licensed or certified to perform

**BILL**

1 and who performs acts that are within the scope of that license, certification, or  
2 registration.

3 **SECTION 2.** 146.89 (2) (a) of the statutes is amended to read:

4 146.89 (2) (a) ~~A~~ Subject to par. (am), a volunteer health care provider may  
5 participate under this section only if he or she submits a joint application with a  
6 nonprofit agency, school board, or governing body to the department of  
7 administration and that department approves the application. If the volunteer  
8 health care provider submits a joint application with a school board or governing  
9 body, the application shall include a statement by the school board or governing body  
10 that certifies that the volunteer health care provider has received materials that  
11 specify school board or governing body policies concerning the provision of health  
12 care services to students and has agreed to comply with the policies. The department  
13 of administration shall provide application forms for use under this paragraph.

14 **SECTION 3.** 146.89 (2) (am) of the statutes is created to read:

15 146.89 (2) (am) <sup>1.</sup> A volunteer health care provider described in sub. (1) (r) 5. may  
16 submit a joint application only with a nonprofit agency to participate under this  
17 section.

18 **SECTION 4.** 146.89 (2) (br) of the statutes is created to read:

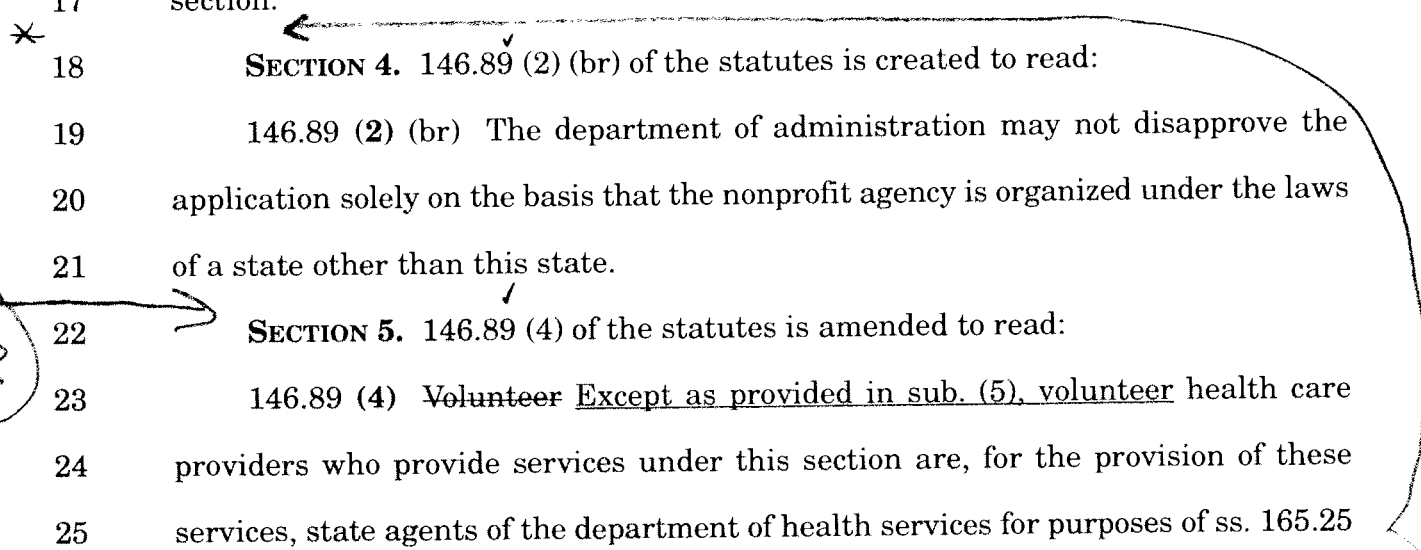
19 146.89 (2) (br) The department of administration may not disapprove the  
20 application solely on the basis that the nonprofit agency is organized under the laws  
21 of a state other than this state.

22 **SECTION 5.** 146.89 (4) of the statutes is amended to read:

23 146.89 (4) ~~Volunteer~~ Except as provided in sub. (5), volunteer health care  
24 providers who provide services under this section are, for the provision of these  
25 services, state agents of the department of health services for purposes of ss. 165.25

2. No volunteer health care provider described in sub. (1)(r)5. may provide services under this section for more than 60 days in any 90 day period.

Insert  
3-22



**BILL****SECTION 5**

1 (6), 893.82 (3) and 895.46. This state agency status applies regardless of whether the  
2 volunteer health care provider has coverage under a policy of health care liability  
3 insurance that would extend to services provided by the volunteer health care  
4 provider under this section; and the limitations under s. 895.46 (1) (a) on the  
5 payment by the state of damages and costs in excess of any insurance coverage  
6 applicable to the agent and on the duty of a governmental unit to provide or pay for  
7 legal representation do not apply. Any policy of health care liability insurance  
8 providing coverage for services of a health care provider may exclude coverage for  
9 services provided by the health care provider under this section.

10 **SECTION 6.** 146.89<sup>1</sup> (5) of the statutes is created to read:

11 146.89 (5) (a) A volunteer health care provider who meets all of the following  
12 criteria is not a state agent under sub. (4):

13 1. The volunteer health care provider is described in sub. (1) (r) 5.

14 2. The volunteer health care provider has sufficient liability insurance  
15 coverage, as determined by the department of health services.

16 3. The volunteer health care provider submits a joint application with a  
17 nonprofit agency that has sufficient liability coverage, as determined by the  
18 department of health services.

19 (b) A volunteer health care provider described in par. (a) is not liable for any  
20 civil damages for any act or omission resulting from providing services under this  
21 section, unless any of the following are true:

22 1. The act or omission is the result of the volunteer health care provider's gross  
23 negligence or willful misconduct.

24 2. The act or omission violates a state statute or rule.

25 **SECTION 7.** 165.25 (6) (b) of the statutes is amended to read:



**BILL**

1           165.25 (6) (b) Volunteer health care providers who provide services under s.  
2   146.89, except those described in s. 146.89 (5) (a), practitioners who provide services  
3   under s. 257.03, and health care facilities on whose behalf services are provided  
4   under s. 257.03 are, for the provision of those services, covered by this section and  
5   shall be considered agents of the department of health services for purposes of  
6   determining which agency head may request the attorney general to appear and  
7   defend them.

8           **SECTION 8.** 655.003 (3) of the statutes is amended to read:

9           655.003 (3) ~~-A- Except for a physician or nurse anesthetist who meets the~~  
10   criteria under s. 146.89 (5) (a), a physician or a nurse anesthetist who provides  
11   professional services under the conditions described in s. 146.89, with respect to  
12   those professional services provided by the physician or nurse anesthetist for which  
13   he or she is covered by s. 165.25 and considered an agent of the department, as  
14   provided in s. 165.25 (6) (b).

15          **SECTION 9.** 893.82 (2) (d) 1m. of the statutes is amended to read:

16          893.82 (2) (d) 1m. A volunteer health care provider who provides services under  
17   s. 146.89, except a volunteer health care provider described in s. 146.89 (5) (a), for  
18   the provision of those services.

19          **SECTION 10.** 895.46 (5) (a) of the statutes is amended to read:

20          895.46 (5) (a) A volunteer health care provider who provides services under s.  
21   146.89, except a volunteer health care provider described in s. 146.89 (5) (a), for the  
22   provision of those services.

23

(END)

**BILL**

current law to providing certain services. A volunteer health care provider seeking to provide services for a school board or school governing body must also provide proof of satisfactory completion of any relevant competency requirements as specified by the Department of Public Instruction and must consult with any school nurse at the school. In a school setting, the volunteer health care provider may only provide services to students from 4-year-old kindergarten to grade 6, may only provide the services described under current law, and must provide the services without charge at the school. Current law makes a volunteer health care provider providing services under the program an agent of the Department of Health Services (DHS) for certain purposes including representation by the attorney general in a civil action or other matter brought before a court or administrative agency; mandatory filing of a notice of claim before bringing a civil claim against the agent, and payment by the state of a judgment of damages and costs against the agent when the agent is found to be acting within the scope of employment.

This bill transfers the powers and duties of the DOA with respect to the volunteer health care provider program to DHS. The bill requires volunteer health care providers to maintain their credentials for their health care profession when providing services in the program. The bill adds all of the following health care professionals to those who may participate in, and receive the protections of, the volunteer health care provider program: psychologists, certified social workers, licensed marriage and family therapists, licensed professional counselors, and advanced practice nurses who have certificates to issue prescription orders. The bill exempts certain advanced practice nurses who are certified to issue prescription orders from current law requirements to provide proof of financial responsibility and maintain malpractice insurance while those advanced practice nurses are serving as a volunteer health care provider under the program. The bill also changes the types of dental services that dentists may perform under the program from simple tooth extraction and any necessary suturing to tooth extractions and other procedures done under local anesthesia only and any necessary suturing.

Insert A

The bill places requirements on the nonprofit agencies that apply jointly with health care professionals to participate in the volunteer health care provider program. Under the bill, the nonprofit agency must assume responsibility for approving the health care professionals and must research and validate the credentials of those health care professionals before submitting the joint application to be a volunteer health care provider. The bill requires the nonprofit agency to enter the list of volunteer health care providers providing services at that agency into an online, electronic system that is developed by DOA. The bill requires the nonprofit agency to monitor its volunteer health care providers and terminate a provider's participation in the program when the agency questions the provider's credentials or disapproves of the practices of that provider. The bill also requires the nonprofit agency to prepare and submit to DHS an annual report including the types and number of health care services provided by the nonprofit agency under the program.

DOA  
(End Insert A)

The bill allows DHS to withdraw an approval of an application to participate in the program for failure of a nonprofit agency to comply with the requirements of the program. The state agency status provided through the program does not apply to

1 nonprofit agency, school board, or governing body to the department of  
2 administration. The department of administration shall provide renewal  
3 application forms that are developed by the department of health services and that  
4 include questions about the activities that the individual has undertaken as a  
5 volunteer health care provider in the previous 12 months.

6 SECTION 3. 146.89 (2) (e) of the statutes is created to read:

7 146.89 (2) (e) The volunteer health care provider shall maintain his or her  
8 credentials for his or her health care profession when providing any services under  
9 this section.

Insert 3-22

10 SECTION 4. 146.89 (3) (e) to (i) of the statutes are created to read:

11 146.89 (3) (e) Under this section, the board of directors of the nonprofit agency  
12 shall assume responsibility for approving individuals to be volunteer health care  
13 providers.

14 (f) Under this section, the board of directors of the nonprofit agency shall  
15 research and validate an individual's credentials before submitting the joint  
16 application to be a volunteer health care provider.

17 (g) The nonprofit agency shall enter the list of volunteer health care providers  
18 providing services at that nonprofit agency into an online, electronic system  
19 developed by the department of administration.

20 (h) The nonprofit agency shall monitor volunteer health care providers  
21 providing services at that nonprofit agency and shall terminate a provider's  
22 participation in the program under this section with that nonprofit agency when the  
23 agency questions the credentials of that provider or when the agency disapproves of  
24 the practices of that provider.

of administration

1 (i) The nonprofit agency shall prepare and submit to the department an annual  
2 report that includes the types and number of health care services provided by the  
3 nonprofit agency under this section. (END Insert 3-22)

4 SECTION 5. 146.89 (4) of the statutes is amended to read:

5 146.89 (4) Volunteer health care providers who provide services under this  
6 section are, for the provision of these services, state agents of the department of  
7 health services for purposes of ss. 165.25 (6), 893.82 (3) and 895.46. This state agency  
8 status does not apply to a volunteer health care provider for whom the department  
9 has withdrawn approval of the application under sub. (2) (d). This state agency  
10 status applies regardless of whether the volunteer health care provider has coverage  
11 under a policy of health care liability insurance that would extend to services  
12 provided by the volunteer health care provider under this section; and the  
13 limitations under s. 895.46 (1) (a) on the payment by the state of damages and costs  
14 in excess of any insurance coverage applicable to the agent and on the duty of a  
15 governmental unit to provide or pay for legal representation do not apply. Any policy  
16 of health care liability insurance providing coverage for services of a health care  
17 provider may exclude coverage for services provided by the health care provider  
18 under this section.

19 SECTION 6. 146.89 (5) of the statutes is created to read:

20 146.89 (5) (a) While serving as a volunteer health care provider under this  
21 section, an advanced practice nurse who has a certificate to issue prescription orders  
22 under s. 441.16 (2) is considered to meet the requirements of s. 655.23, if required  
23 to comply with s. 655.23.