

**2013 Assembly Bill 270 (LRB -1880)**

An Act to create 146.89 (1) (r) 5. to 13. and 146.89 (5) of the statutes; relating to: additional providers in the volunteer health care provider program and proof of financial responsibility and malpractice insurance requirements for certain advanced practice nurses serving as volunteer health care providers. (FE)

**2013**

08-01. A. Introduced by Representatives **Loudenbeck, Kolste, Bernard Schaber, Berceau, Bernier, Born, Czaja, Genrich, Hebl, Hesselbein, Jorgensen, Kahl, Kapenga, T. Larson, Marklein, Mason, Milroy, Murphy, Mursau, Ohnstad, A. Ott, Pasch, Pope, Riemer, Ringhand, Sargent, Smith, Spiros, C. Taylor, Tittl, Tranel and Wright**; cosponsored by Senators **Grothman, T. Cullen, Lehman and Schultz** ..... 284

08-01. A. Read first time and referred to Committee on Government Operations and State Licensing ..... 284

08-22. A. Fiscal estimate received

09-03. A. Fiscal estimate received

09-25. A. Public hearing held

09-27. A. Assembly Substitute Amendment 1 offered by Representative Loudenbeck (**LRB s0118**) ..... 321

10-09. A. Executive action taken

10-10. A. Report Assembly Substitute Amendment 1 adoption recommended by Committee on Government Operations and State Licensing, Ayes 11, Noes 0 ..... 344

10-10. A. Report passage as amended recommended by Committee on Government Operations and State Licensing, Ayes 11, Noes 0 ..... 344

10-10. A. Referred to Committee on Rules ..... 344

10-10. A. Assembly Amendment 1 to Assembly Substitute Amendment 1 offered by Representative Loudenbeck (**LRB a0933**) ..... 343

10-10. A. Assembly Amendment 2 to Assembly Substitute Amendment 1 offered by Representative Loudenbeck (**LRB a0937**) ..... 343

10-10. A. Placed on calendar 10-15-2013 by Committee on Rules

10-14. A. Representative Strachota added as a coauthor ..... 351

10-15. A. Fiscal estimate received

10-15. A. Placed at the foot of the calendar of 10-15-2013 ..... 355

10-15. A. Read a second time ..... 360

10-15. A. **Assembly Amendment 1 to Assembly Substitute Amendment 1 adopted** ..... 360

10-15. A. **Assembly Amendment 2 to Assembly Substitute Amendment 1 adopted** ..... 360

10-15. A. **Assembly Substitute Amendment 1 adopted** ..... 360

10-15. A. Ordered to a third reading ..... 360

10-15. A. Rules suspended ..... 360

10-15. A. Read a third time and **passed** ..... 360

10-15. A. Representatives Hintz and Hulsey added as coauthors ..... 360

10-15. A. Ordered immediately messaged ..... 360

10-16. S. Received from Assembly ..... 427

10-16. S. Read first time and referred to committee on Government Operations, Public Works, and Telecommunications ..... 427

**2014**

01-15. S. Public hearing held

01-22. S. Executive action taken

01-22. S. Report concurrence recommended by Committee on Government Operations, Public Works, and Telecommunications, Ayes 7, Noes 0 ..... 589

01-22. S. Available for scheduling

01-23. S. Representative Shankland added as a coauthor ..... 604

03-14. S. Placed on calendar 3-18-2014 pursuant to Senate Rule 18(1) ..... 779

03-18. S. Senate Amendment 1 offered by Senator Erpenbach (**LRB a2152**)

03-18. S. Senate Amendment 1 withdrawn and returned to author

03-18. S. Senator Lassa added as a cosponsor

03-18. S. Read a second time

03-18. S. Ordered to a third reading

03-18. S. Rules suspended

03-18. S. Read a third time and **concurred in**

03-18. S. Ordered immediately messaged

03-18. A. Received from Senate concurred in

2013

ENROLLED BILL

13en A B-270

ADOPTED DOCUMENTS:

Orig  Engr

A SubAmdt 1

13 s 0118 / 1

Amendments to above (if none, write "NONE"):

AA1 a 0933 / 1  
AA2 a 0937 / 1

Corrections - show date (if none, write "NONE"):

None

Topic

Rel

3-26-12

Date

J. R. Miller

Enrolling Drafter



State of Wisconsin  
2013 - 2014 LEGISLATURE



LRBs0118/1  
TJD:cjs:jf

**ASSEMBLY SUBSTITUTE AMENDMENT 1,  
TO ASSEMBLY BILL 270**

September 27, 2013 - Offered by Representative LOUDENBECK.

1 **AN ACT to amend** 146.89 (2) (a), (b), (c) and (d) and 146.89 (4); and **to create**  
2 146.89 (1) (r) 5. to 8., 146.89 (2) (e), 146.89 (3) (e) to (i) and 146.89 (5) of the  
3 statutes; **relating to:** additional providers in and requirements for the  
4 volunteer health care provider program and proof of financial responsibility  
5 and malpractice insurance requirements for certain advanced practice nurses  
6 serving as volunteer health care providers.

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

7 **SECTION 1.** 146.89 (1) (r) 5. to 8. of the statutes are created to read:  
8 146.89 (1) (r) 5. A psychologist who is licensed under ch. 455.  
9 6. A social worker who holds a certificate granted under ch. 457.  
10 7. A marriage and family therapist who is licensed under ch. 457 or a  
11 professional counselor who is licensed under ch. 457.

1           8. An advanced practice nurse who has a certificate to issue prescription orders  
2 under s. 441.16 (2).

3           **SECTION 2.** 146.89 (2) (a), (b), (c) and (d) of the statutes are amended to read:

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

14           (b) The department of ~~administration~~ may send an application to the medical  
15 examining board for evaluation. The medical examining board shall evaluate any  
16 application submitted by the department of ~~administration~~ and return the  
17 application to the department of ~~administration~~ with the board's recommendation  
18 regarding approval.

19           (c) The department of ~~administration~~ shall notify the volunteer health care  
20 provider and the nonprofit agency, school board, or governing body of the  
21 department's decision to approve or disapprove the application.

22           (d) Approval of an application of a volunteer health care provider is valid for  
23 one year. The department may withdraw approval of an application for failure of the  
24 nonprofit agency to comply with this section. If a volunteer health care provider  
25 wishes to renew approval, he or she shall submit a joint renewal application with a

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.

(NS AAI) ✓

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.

AA2-1 ✓

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.

AA2-2 ✓

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.

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.

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.

1           (b) While serving as a volunteer health care provider under this section, an  
2 advanced practice nurse who has a certificate to issue prescription orders under s.  
3 441.16 (2) is not required to maintain in effect malpractice insurance.

4   **(END)**



**ASSEMBLY AMENDMENT 1,  
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,  
TO ASSEMBLY BILL 270**

October 10, 2013 - Offered by Representative LOUDENBECK.

1 At the locations indicated, amend the substitute amendment as follows:

2 ✓ 1. Page 3, line 9: after that line insert:

3 SECTION 3m. 146.89 (3) (b) 8. of the statutes is amended to read:

4 146.89 (3) (b) 8. Dental services, including simple tooth extractions and other  
5 procedures done under local anesthesia only and any necessary suturing related to  
6 the extractions, performed by a dentist who is a volunteer health provider; and  
7 dental hygiene services, performed by a dental hygienist who is a volunteer health  
8 provider.

9 (END)

AA1 ✓





State of Wisconsin  
2013 - 2014 LEGISLATURE



LRBa0937/1  
TJD:jld:jf

**ASSEMBLY AMENDMENT 2,  
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,  
TO ASSEMBLY BILL 270**

October 10, 2013 – Offered by Representative LOUDENBECK.

1 At the locations indicated, amend the substitute amendment as follows:

2 ✓ **1.** Page 3, line 11: delete “board of directors of the”.  
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3 ✓ **2.** Page 3, line 14: delete “board of directors of the”.  
~~~~~

4 (END)