



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

1     **AN ACT** *to amend* 146.89 (2) (a), (b), (c) and (d), 146.89 (3) (b) 8. and 146.89 (4);  
2             and *to create* 146.89 (1) (r) 5. to 8., 146.89 (2) (e), 146.89 (3) (e) to (i) and 146.89  
3             (5) of the statutes; **relating to:** additional providers in and requirements for  
4             the 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.

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

11 146.89 (3) (b) 8. Dental services, including simple tooth extractions and other  
12 procedures done under local anesthesia only and any necessary suturing related to  
13 the extractions, performed by a dentist who is a volunteer health provider; and  
14 dental hygiene services, performed by a dental hygienist who is a volunteer health  
15 provider.

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

17 146.89 (3) (e) Under this section, the nonprofit agency shall assume  
18 responsibility for approving individuals to be volunteer health care providers.

19 (f) Under this section, the nonprofit agency shall research and validate an  
20 individual's credentials before submitting the joint application to be a volunteer  
21 health care provider.

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

1           (h) The nonprofit agency shall monitor volunteer health care providers  
2 providing services at that nonprofit agency and shall terminate a provider's  
3 participation in the program under this section with that nonprofit agency when the  
4 agency questions the credentials of that provider or when the agency disapproves of  
5 the practices of that provider.

6           (i) The nonprofit agency shall prepare and submit to the department an annual  
7 report that includes the types and number of health care services provided by the  
8 nonprofit agency under this section.

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

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

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

1           146.89 (5) (a) While serving as a volunteer health care provider under this  
2 section, an advanced practice nurse who has a certificate to issue prescription orders  
3 under s. 441.16 (2) is considered to meet the requirements of s. 655.23, if required  
4 to comply with s. 655.23.

5           (b) While serving as a volunteer health care provider under this section, an  
6 advanced practice nurse who has a certificate to issue prescription orders under s.  
7 441.16 (2) is not required to maintain in effect malpractice insurance.

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(END)