



2015 SENATE BILL 88

March 27, 2015 – Introduced by Senators LEMAHIEU, MARKLEIN, OLSEN, PETROWSKI, WIRCH and VINEHOUT, cosponsored by Representatives BERNIER, BALLWEG, E. BROOKS, CZAJA, DOYLE, EDMING, HEATON, JACQUE, KAHL, KLEEFISCH, KREMER, KULP, T. LARSON, MURSAU, NOVAK, A. OTT, RIPP, SPIROS, STEFFEN, TITTL and VORPAGEL. Referred to Committee on Sporting Heritage, Mining, and Forestry.

1 **AN ACT to amend** 29.193 (1m) (a) 2. (intro.), 29.193 (2) (b) 2., 29.193 (2) (c) 3.,
2 29.193 (2) (cd) 2. b., 29.193 (2) (cd) 2. c., 29.193 (2) (e) and 29.193 (3) (a) of the
3 statutes; **relating to:** the authority of physician assistants and advanced
4 practice nurse prescribers regarding testing and information required for
5 making disability determinations under certain hunting and fishing approvals
6 issued by the Department of Natural Resources.

Analysis by the Legislative Reference Bureau

Under current law, the Department of Natural Resources (DNR) issues various permits that extend certain privileges to disabled persons who hold a hunting or fishing license (specialized permits). Among those privileges is the privilege to hunt with assistance rendered by another person or to shoot or hunt from a stationary vehicle. Generally, in order to obtain a specialized permit, a person must submit an application furnished by DNR that includes a statement or report prepared and signed by a licensed physician or other specified medical professional, such as a chiropractor or podiatrist, verifying that the applicant has a particular disability. For certain permits that require testing, current law specifies the type of medical professional who is authorized to direct the administration of those tests.

Current law also authorizes DNR to issue an annual disabled person fishing license to a person who is receiving certain disability benefits under federal law or whose sight is impaired as certified by a licensed physician or optometrist.

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This bill allows licensed physician assistants and advanced practice nurse prescribers, in addition to the medical professionals specified in current law, to provide the information required by DNR to determine if a person's disability qualifies him or her for a specialized permit. The bill also allows a physician assistant or advanced practice nurse prescriber to certify that a person's sight is impaired for the purpose of obtaining a disabled person fishing license.

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

1 **SECTION 1.** 29.193 (1m) (a) 2. (intro.) of the statutes is amended to read:

2 29.193 (**1m**) (a) 2. (intro.) Has a permanent substantial loss of function in one
3 or both arms or one or both hands and fails to meet the minimum standards of any
4 one of the following standard tests, administered under the direction of a licensed
5 physician ~~or~~, a licensed physician assistant, a licensed chiropractor, or a certified
6 advanced practice nurse prescriber:

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

8 29.193 (**2**) (b) 2. An applicant shall submit an application on a form prepared
9 and furnished by the department, which shall include a written statement or report
10 prepared and signed by a licensed physician, a licensed physician assistant, a
11 licensed chiropractor, ~~or~~ a licensed podiatrist, or a certified advanced practice nurse
12 prescriber prepared no more than 6 months preceding the application and verifying
13 that the applicant is physically disabled.

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

15 29.193 (**2**) (c) 3. The department may issue a Class B permit to an applicant
16 who is ineligible for a permit under subd. 1., 2. or 2m. or who is denied a permit under
17 subd. 1., 2. or 2m. if, upon review and after considering the physical condition of the
18 applicant and the recommendation of a licensed physician, a licensed physician
19 assistant, a licensed chiropractor, ~~or~~ a licensed podiatrist, or a certified advanced

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1 practice nurse prescriber selected by the applicant from a list of licensed physicians,
2 licensed physician assistants, licensed chiropractors, and licensed podiatrists, and
3 certified advanced practice nurse prescribers compiled by the department, the
4 department finds that issuance of a permit complies with the intent of this
5 subsection. The use of this review procedure is discretionary with the department
6 and all costs of the review procedure shall be paid by the applicant.

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

8 29.193 (2) (cd) 2. b. The person has a permanent substantial loss of function
9 in one or both arms and fails to meet the minimum standards of the standard upper
10 extremity pinch test, the standard grip test, or the standard nine-hole peg test,
11 administered under the direction of a licensed physician ~~or~~, a licensed physician
12 assistant, a licensed chiropractor, or a certified advanced practice nurse prescriber.

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

14 29.193 (2) (cd) 2. c. The person has a permanent substantial loss of function in
15 one or both shoulders and fails to meet the minimum standards of the standard
16 shoulder strength test, administered under the direction of a licensed physician ~~or~~,
17 a licensed physician assistant, a licensed chiropractor, or a certified advanced
18 practice nurse prescriber.

19 **SECTION 6.** 29.193 (2) (e) of the statutes is amended to read:

20 29.193 (2) (e) *Review of decisions.* An applicant denied a permit under this
21 subsection, except a permit under par. (c) 3., may obtain a review of that decision by
22 a licensed physician, a licensed physician assistant, a licensed chiropractor, ~~or~~ a
23 licensed podiatrist, or a certified advanced practice nurse prescriber designated by
24 the department and with an office located in the department district in which the
25 applicant resides. The department shall pay for the cost of a review under this

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1 paragraph unless the denied application on its face fails to meet the standards set
2 forth in par. (c) 1. or 2. A review under this paragraph is the only method of review
3 of a decision to deny a permit under this subsection and is not subject to further
4 review under ch. 227.

5 **SECTION 7.** 29.193 (3) (a) of the statutes is amended to read:

6 29.193 (3) (a) Produces a certificate from a licensed physician ~~or, a licensed~~
7 physician assistant, a licensed optometrist, or a certified advanced practice nurse
8 prescriber stating that his or her sight is impaired to the degree that he or she cannot
9 read ordinary newspaper print with or without corrective glasses.

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(END)