

2015 DRAFTING REQUEST

Bill

Received: 1/27/2015 Received By: rkite
Wanted: As time permits Same as LRB:
For: Kathleen Bernier (608) 266-9172 By/Representing: Chad Zuleger
May Contact: Drafter: rkite
Subject: Nat. Res. - fish and game Addl. Drafters:
Extra Copies:

Submit via email: YES
Requester's email: Rep.Bernier@legis.wisconsin.gov
Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Verification of disability for approvals issued to disabled persons

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>
/?	rkite 2/4/2015			_____			
/P1	rkite 2/25/2015	wjackson 2/10/2015	jfrantze 2/10/2015	_____	srose 2/10/2015		
/1		jdyer 2/26/2015	rschluet 2/26/2015	_____	sbasford 2/26/2015	mbarman 3/2/2015	

FE Sent For:

NOT
NEEDED

<END>

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FE Sent For:

<END>

Kite, Robin

From: Hanaman, Cathlene
Sent: Tuesday, January 27, 2015 1:40 PM
To: Kite, Robin; Shea, Elisabeth
Subject: FW: Bill draft request - Disabled military hunting licenses, signing authority

From: Zuleger, Chad
Sent: Tuesday, January 27, 2015 1:37 PM
To: Hanaman, Cathlene
Subject: Bill draft request - Disabled military hunting licenses, signing authority

Hi Cathlene,

Currently disabled veterans (and veterans in general as well as disabled non-veterans) are able to get a fee waiver for small game/hunting licenses (ss. 29.193 and 29.1945). Criteria for certifying the 'disability' however requires the signature of a Medical Doctor or Chiropractor.

Rep. Bernier would like to have a bill drafted that would simply expand the authorized signature, verifying the qualified disability for issuance of fee waiver for a hunting license, to both Physician Assistants (PA) and Nurse Practitioners (NP). The idea being suggested to Rep. Bernier is that oftentimes veterans live in areas where having access to MDs and Chiropractors requires an hour drive. By allowing a NP or PA to verify the veteran's disability that veteran, who may have his/her primary care physician be through a VA hospital, could simply go to the nearest medical facility without having to travel or correspond with the VA doctor or chiropractor to get this simple task accomplished.

I'm not certain I have hit the correct statutory references or all of the related statutes (and hoped you might be able to help me with that).

This is a pretty straightforward bill concept, but please let me know if I've missed any reference or opened any issues of concern.

Thanks,

Chad

Chad Zuleger
Office of State Representative Kathy Bernier
68th Assembly District
(608) 266-9172



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

In
2/4

Gen cat

1 **AN ACT ...; relating to:** the authority of physician assistants and advanced
2 practice nurse prescribers regarding testing and information required for
3 making disability determinations under certain hunting and fishing approvals
4 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.

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.

Current law requires the department of veterans affairs (DVA) to issue ^a ~~(a)~~ voucher to each person who is a qualified veteran ^{a voucher} that entitles the qualified veteran to receive a fee waiver for certain hunting and fishing licenses (veteran fee waiver). This bill provides that if DVA requires a licensed physician to administer a test or to provide certain information in order to determine whether an applicant qualifies for a veteran fee waiver, DVA must also allow the test to be performed or the information to be provided by a licensed physician assistant or a certified advanced practice nurse prescriber.

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:

History: 1997 a. 248 ss. 135 to 142, 323, 410; 1997 a. 249 ss. 3 to 13; 1997 a. 322 ss. 2, 3; 1999 a. 9, 32; 2001 a. 17; 2009 a. 109, 113, 119, 132, 375; 2011 a. 168, 252; 2011 a. 260 s. 80; 2013 a. 61.

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.

History: 1997 a. 248 ss. 135 to 142, 323, 410; 1997 a. 249 ss. 3 to 13; 1997 a. 322 ss. 2, 3; 1999 a. 9, 32; 2001 a. 17; 2009 a. 109, 113, 119, 132, 375; 2011 a. 168, 252; 2011 a. 260 s. 80; 2013 a. 61.

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

1 29.193 (2) (c) 3. The department may issue a Class B permit to an applicant
2 who is ineligible for a permit under subd. 1., 2. or 2m. or who is denied a permit under
3 subd. 1., 2. or 2m. if, upon review and after considering the physical condition of the
4 applicant and the recommendation of a licensed physician, a licensed physician
5 assistant, a licensed chiropractor, ~~or~~ a licensed podiatrist, or a certified advanced
6 practice nurse prescriber selected by the applicant from a list of licensed physicians,
7 licensed physician assistants, licensed chiropractors, ~~and~~ licensed podiatrists, and
8 certified advanced practice nurse prescribers compiled by the department, the
9 department finds that issuance of a permit complies with the intent of this
10 subsection. The use of this review procedure is discretionary with the department
11 and all costs of the review procedure shall be paid by the applicant.

History: 1997 a. 248 ss. 135 to 142, 323, 410; 1997 a. 249 ss. 3 to 13; 1997 a. 322 ss. 2, 3; 1999 a. 9, 32; 2001 a. 17; 2009 a. 109, 113, 119, 132, 375; 2011 a. 168, 252; 2011 a. 260 s. 80; 2013 a. 61.

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

13 29.193 (2) (cd) 2. b. The person has a permanent substantial loss of function
14 in one or both arms and fails to meet the minimum standards of the standard upper
15 extremity pinch test, the standard grip test, or the standard nine-hole peg test,
16 administered under the direction of a licensed physician ~~or~~, a licensed physician
17 assistant, a licensed chiropractor, or a certified advanced practice nurse prescriber.

History: 1997 a. 248 ss. 135 to 142, 323, 410; 1997 a. 249 ss. 3 to 13; 1997 a. 322 ss. 2, 3; 1999 a. 9, 32; 2001 a. 17; 2009 a. 109, 113, 119, 132, 375; 2011 a. 168, 252; 2011 a. 260 s. 80; 2013 a. 61.

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

19 29.193 (2) (cd) 2. c. The person has a permanent substantial loss of function in
20 one or both shoulders and fails to meet the minimum standards of the standard
21 shoulder strength test, administered under the direction of a licensed physician ~~or~~,

1 a licensed physician assistant, a licensed chiropractor, or a certified advanced
2 practice nurse prescriber.

History: 1997 a. 248 ss. 135 to 142, 323, 410; 1997 a. 249 ss. 3 to 13; 1997 a. 322 ss. 2, 3; 1999 a. 9, 32; 2001 a. 17; 2009 a. 109, 113, 119, 132, 375; 2011 a. 168, 252; 2011 a. 260 s. 80; 2013 a. 61.

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

4 29.193 (2) (e) *Review of decisions.* An applicant denied a permit under this
5 subsection, except a permit under par. (c) 3., may obtain a review of that decision by
6 a licensed physician, a licensed physician assistant, a licensed chiropractor, ~~or~~ a
7 licensed podiatrist, or a certified advanced practice nurse prescriber designated by
8 the department and with an office located in the department district in which the
9 applicant resides. The department shall pay for the cost of a review under this
10 paragraph unless the denied application on its face fails to meet the standards set
11 forth in par. (c) 1. or 2. A review under this paragraph is the only method of review
12 of a decision to deny a permit under this subsection and is not subject to further
13 review under ch. 227.

History: 1997 a. 248 ss. 135 to 142, 323, 410; 1997 a. 249 ss. 3 to 13; 1997 a. 322 ss. 2, 3; 1999 a. 9, 32; 2001 a. 17; 2009 a. 109, 113, 119, 132, 375; 2011 a. 168, 252; 2011 a. 260 s. 80; 2013 a. 61.

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

15 29.193 (3) (a) Produces a certificate from a licensed physician ~~or~~, a licensed
16 physician assistant, a licensed optometrist, or a certified advanced practice nurse
17 prescriber stating that his or her sight is impaired to the degree that he or she cannot
18 read ordinary newspaper print with or without corrective glasses.

History: 1997 a. 248 ss. 135 to 142, 323, 410; 1997 a. 249 ss. 3 to 13; 1997 a. 322 ss. 2, 3; 1999 a. 9, 32; 2001 a. 17; 2009 a. 109, 113, 119, 132, 375; 2011 a. 168, 252; 2011 a. 260 s. 80; 2013 a. 61.

19 **SECTION 8.** 29.1945 (3) (c) of the statutes is created to read:

20 29.1945 (3) (c) If the procedure established by the department of veterans
21 affairs under par. (b) for determining who qualifies as a veteran requires a licensed
22 physician to administer or supervise a medical test, or to provide a report,
23 recommendation, or certification, with respect to a determination of disability, the

1 procedure shall also allow the test to be administered or supervised by, or the report,
2 recommendation, or certification to be made by, a licensed physician assistant or a
3 certified advanced practice nurse prescriber.

4 (END)

Kite, Robin

From: Zuleger, Chad
Sent: Tuesday, February 24, 2015 4:03 PM
To: Kite, Robin
Subject: RE: legislative draft review

Robin,

Okay, let's remove section 8 and draft as a /1. I spoke with DNR and that section is not necessary for the purposes Rep. Bernier bill.

Here's the form we're looking at:

http://dnr.wi.gov/files/PDF/forms/9400/9400604_fillExt.pdf

Thanks,

Chad

From: Kite, Robin
Sent: Tuesday, February 24, 2015 2:32 PM
To: Zuleger, Chad
Subject: RE: legislative draft review

Chad:

DNR is correct that a person is eligible for a hunting or fishing license if the person is a qualified veteran who served in a war period. But current law defines a veteran as a veteran defined in s. 45.01 (12) (a) to (f). To meet the definition of veteran under s. 45.01 (12) (e), the person must have been honorably discharged for a disability. If it is unlikely that DNR would ever require a person to undergo a medical exam to determine disability for purposes of this definition, then I agree with DNR that the provision referred to in the draft is not needed. Let me know if you would like me to prepare a redraft to take this provision out of the draft.

Thanks.

Robin

From: Zuleger, Chad
Sent: Tuesday, February 24, 2015 2:19 PM
To: Kite, Robin
Subject: FW: legislative draft review

Hi Robin,

Please see input from DNR below regarding section 8 related to veterans. What is your take on DNR's comment?

Give me a call when you can.

Thanks,

Chad

Chad Zuleger

Office of State Representative Kathy Bernier

68th Assembly District

(608) 266-9172

29.1945 Approvals for veterans and military members.

- (1) In this section, "war period" means any of the following:
- (a) A period between September 11, 2001, and the ending date of Operation Enduring Freedom or an operation that is a successor to Operation Enduring Freedom, as established by the department of veterans affairs by rule.
 - (b) A period between March 19, 2003, and the ending date of Operation Iraqi Freedom or an operation that is a successor to Operation Iraqi Freedom, as established by the department of veterans affairs by rule.
- (2) The department of veterans affairs shall issue a voucher for a hunting or fishing license to each person who applies for the voucher and who is a qualified veteran. The voucher entitles a qualified veteran receiving the voucher to the waiver of the fee, including the issuing fee, and any applicable surcharge imposed under s. 29.563 (13) (a) for a single hunting or fishing license. The license may be a resident small game hunting license, a resident deer hunting license, a resident archer hunting license, or a resident annual fishing license. To qualify for the fee waiver, the qualified veteran must submit the voucher to the department of natural resources within 365 days after the date on which the qualified veteran is discharged or released. A voucher may not be presented to a person who is subject to an appointment or a contract as authorized under s. 29.024 (6) (a) 2. to 4. but must be submitted directly to the department of natural resources. Upon receiving the voucher, the department of natural resources shall waive the fees and any applicable surcharge and issue the license. On an annual basis, the department of veterans affairs shall pay to the department of natural resources an amount that equals the total of fees and surcharges that have been waived by the department of natural resources under this subsection.
- (3) For purposes of this section, a qualified veteran is a resident who is one of the following:
- 1. A veteran, as defined in s. 45.01 (12) (a) to (f), who served in a war period.
 - 2. A member of a reserve component of the U.S. armed forces or of the national guard, as defined in 32 USC 101 (3), who has served in a war period and who has served under honorable conditions for at least one year beginning on the member's date of enlistment in a reserve component of the U.S. armed forces or in the national guard.
 - 3. A person who served in a war period who was discharged from a reserve component of the U.S. armed forces or from the national guard, as defined in 32 USC 101 (3), if that discharge was an honorable discharge or a general discharge under honorable conditions.
- (b) For purposes of this section, the department of veterans affairs shall establish a procedure for determining who qualifies as a veteran. Before issuing a license, the department of natural resources shall request the department of veterans affairs to verify whether the applicant is a qualified veteran. If the department of veterans affairs verifies that the applicant for a license is a qualified veteran, the department of natural resources shall issue the license without charging a fee.

History: 2013 a. 20.

From: Gary, Timothy J - DNR [<mailto:Timothy.Gary@wisconsin.gov>]

Sent: Friday, February 20, 2015 12:51 PM

To: Zuleger, Chad

Subject: RE: legislative draft review

Chad,

Section 8 creates s. 29.1945 (3) (c).

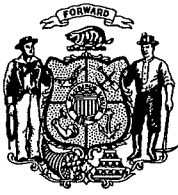
This language may not be necessary, as the qualification required for the free hunting/fishing license is that the person has served in a "war period" and was honorably discharged within the past 365 days. Eligibility for the one-time, free license is not based on a medical condition or disability status; DNR staff doesn't believe it's necessary to achieve your goal. Check with LRB and legislative council, too.

Sincerely,

We are committed to service excellence.

Visit our survey at <http://dnr.wi.gov/customersurvey> to evaluate how I did.

Tim Gary
Legislative Liaison
Phone: (608) 266-2120
Timothy.Gary@wisconsin.gov



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PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

2015 BILL

IN
8/25

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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); and *to*
3 *create* 29.1945 (3) (c) of the statutes; **relating to:** the authority of physician
4 assistants and advanced practice nurse prescribers regarding testing and
5 information required for making disability determinations under certain
6 hunting and fishing approvals 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.

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.

Current law requires the Department of Veterans Affairs (DVA) to issue to each person who is a qualified veteran a voucher that entitles the qualified veteran to receive a fee waiver for certain hunting and fishing licenses (veteran fee waiver). This bill provides that if DVA requires a licensed physician to administer a test or to provide certain information in order to determine whether an applicant qualifies for a veteran fee waiver, DVA must also allow the test to be performed or the information to be provided by a licensed physician assistant or a certified advanced practice nurse prescriber.

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:

1 29.193 (2) (c) 3. The department may issue a Class B permit to an applicant
2 who is ineligible for a permit under subd. 1., 2. or 2m. or who is denied a permit under
3 subd. 1., 2. or 2m. if, upon review and after considering the physical condition of the
4 applicant and the recommendation of a licensed physician, a licensed physician
5 assistant, a licensed chiropractor, ~~or~~ a licensed podiatrist, or a certified advanced
6 practice nurse prescriber selected by the applicant from a list of licensed physicians,
7 licensed physician assistants, licensed chiropractors, ~~and~~ licensed podiatrists, and
8 certified advanced practice nurse prescribers compiled by the department, the
9 department finds that issuance of a permit complies with the intent of this
10 subsection. The use of this review procedure is discretionary with the department
11 and all costs of the review procedure shall be paid by the applicant.

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

13 29.193 (2) (cd) 2. b. The person has a permanent substantial loss of function
14 in one or both arms and fails to meet the minimum standards of the standard upper
15 extremity pinch test, the standard grip test, or the standard nine-hole peg test,
16 administered under the direction of a licensed physician ~~or~~, a licensed physician
17 assistant, a licensed chiropractor, or a certified advanced practice nurse prescriber.

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

19 29.193 (2) (cd) 2. c. The person has a permanent substantial loss of function in
20 one or both shoulders and fails to meet the minimum standards of the standard
21 shoulder strength test, administered under the direction of a licensed physician ~~or~~,
22 a licensed physician assistant, a licensed chiropractor, or a certified advanced
23 practice nurse prescriber.

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

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

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

12 29.193 (3) (a) Produces a certificate from a licensed physician or, a licensed
13 physician assistant, a licensed optometrist, or a certified advanced practice nurse
14 prescriber stating that his or her sight is impaired to the degree that he or she cannot
15 read ordinary newspaper print with or without corrective glasses.

16 **SECTION 8.** 29.1945 (3) (c) of the statutes is created to read:

17 29.1945 (3) (c) If the procedure established by the department of veterans
18 affairs under par. (b) for determining who qualifies as a veteran requires a licensed
19 physician to administer or supervise a medical test, or to provide a report,
20 recommendation, or certification, with respect to a determination of disability, the
21 procedure shall also allow the test to be administered or supervised by, or the report,
22 recommendation, or certification to be made by, a licensed physician assistant or a
23 certified advanced practice nurse prescriber.

24 (END)

Barman, Mike

From: Zuleger, Chad
Sent: Monday, March 02, 2015 5:14 PM
To: LRB.Legal
Subject: Draft Review: LRB -1476/1 Topic: Verification of disability for approvals issued to disabled persons

Please Jacket LRB -1476/1 for the ASSEMBLY.

Thanks,

Chad

Chad Zuleger
Office of State Representative Kathy Bernier
68th Assembly District
(608) 266-9172