

**2019 DRAFTING REQUEST**

**Bill**

For: **Alberta Darling (608) 266-5830** Drafter: **tdodge**  
 By: **Rachel** Secondary Drafters:  
 Date: **1/15/2019** May Contact:

Same as LRB: **-2401** ←

Submit via email: **YES**  
 Requester's email: **Sen.Darling@legis.wisconsin.gov**  
 Carbon copy (CC) to: **tamara.dodge@legis.wisconsin.gov**  
**sarah.walkenhorstbarber@legis.wisconsin.gov**

**Pre Topic:**

No specific pre topic given

**Topic:**

Services to homeless individuals under Volunteer Health Care Provider program

**Instructions:**

See attached

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	tdodge 2/14/2019	anienaja 2/15/2019			
/P1	tdodge 3/4/2019	anienaja 3/4/2019	dwalker 2/15/2019		State
/P2			lparisi 3/4/2019		State
/1			lparisi 3/8/2019	mbarman 3/26/2019	State

FE Sent For:

At Intro

<END>

## Dodge, Tamara

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**From:** Keith, Rachel  
**Sent:** Tuesday, January 15, 2019 10:25 AM  
**To:** Dodge, Tamara; Walkenhorst Barber, Sarah  
**Subject:** Drafting Request

Hi Tammy and Sarah,

Who should I work with for a drafting request related to the Wisconsin Primary Care Program- Volunteer Health Care Program (VHCP)?

Essentially the problem we are trying to solve is this:

The VHCP is a program that provides liability coverage for licensed health professionals who volunteer their services to provide outpatient care at free clinics. The language in statute reads, "Under this section, the nonprofit agency shall provide health care services primarily to low-income persons who are uninsured and who are not recipients of any of the following:..." MA or Medicare. [http://docs.legis.wisconsin.gov/document/statutes/146.89\(3\)\(d\)](http://docs.legis.wisconsin.gov/document/statutes/146.89(3)(d))

In a DHS clarification on their website, DHS states, "To participate in the VHCP program, the nonprofit agency can provide services to individuals who are underinsured or have insurance, but the nonprofit agency must ensure more than 50% of their patient population is uninsured."

Right now, free and charitable clinics serve many homeless individuals who are enrolled in MA. Additionally, some of the free and charitable clinics are operating mobile clinics that serve the homeless. Because these clinics serve primarily the homeless who are on MA, physicians and health care providers who serve these clinics are not covered under the VHCP.

Our goal is to ensure that the VHCP applies to providers who serve in free clinics that serve the homeless.

One change that was suggested was to include language that states that individuals can access the VHCP if the nonprofit is composed of primarily (at least 51%) of volunteer licensed providers.

Another change that was suggested was to include language that explicitly states that free and charitable clinics that serve primarily homeless individuals are also eligible for the VHCP.

Can you please advise? What language do you think can best help us accomplish this goal? Feel free to give me a call to discuss. I tried to give you a ring but reached your voicemails.

Thank you,

**Rachel Keith**  
*Office of State Senator Alberta Darling*  
608-266-5830



State of Wisconsin  
2019 - 2020 LEGISLATURE

LRB-1418?

TJD:...

Dep  
GWD

Due Fri  
2/15

In: 2/14

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

SA  
Xref  
Pw f

Gen.

- 1 AN ACT ...; relating to: participation in the Volunteer Health Care Provider
- 2 program by agencies serving homeless individuals.

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

This bill allows nonprofit agencies and their volunteer health care providers that provide services to persons who are recipients of Medical Assistance to participate in the Volunteer Health Care Provider program if the Medical Assistance recipients served are primarily homeless individuals. Except for health care providers credentialed in another state who have separate requirements and liability exemptions under current law, volunteer health care providers providing services under the program are currently agents 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. Currently, 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 for the services. 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 Health Services for approval. A volunteer health care provider providing services through a nonprofit agency must provide services without charge except that certain dental services may be provided to Medical Assistance recipients under the program.

the following: 1)

2)  
3)

For further information see the *state* 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 (3) (a) of the statutes is amended to read:

2           ~~X~~ **146.89 (3) (a)** The volunteer health care provider shall provide services under  
3           par. (b) without charge, except as provided in sub. ~~(3g)~~ or (3m), at the nonprofit  
4           agency, if the joint application of the volunteer health care provider and the nonprofit  
5           agency has received approval under sub. (2) (a).

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; 2013 a. 241, 344; 2015 a. 55, 188; 2015 a. 195 ss. 25, 26, 82.

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

7           ~~X~~ **146.89 (3) (d) 2.** Except as provided in sub. ~~(3g)~~ or (3m), Medical Assistance  
8           under subch. IV of ch. 49.

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; 2013 a. 241, 344; 2015 a. 55, 188; 2015 a. 195 ss. 25, 26, 82.

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

10           ~~X~~ **146.89 (3g)** A nonprofit agency and volunteer health care providers providing  
11           services at the nonprofit agency that provide services to persons who are recipients  
12           of Medical Assistance may participate in the program under this section if the  
13           Medical Assistance recipients served are primarily homeless individuals.

14           **(END)**

## Dodge, Tamara

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**From:** Keith, Rachel  
**Sent:** Friday, March 01, 2019 3:32 PM  
**To:** Dodge, Tamara  
**Subject:** RE: VHCP Bill Draft

Thank you!

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**From:** Dodge, Tamara <Tamara.Dodge@legis.wisconsin.gov>  
**Sent:** Friday, March 01, 2019 3:31 PM  
**To:** Keith, Rachel <Rachel.Keith@legis.wisconsin.gov>  
**Subject:** RE: VHCP Bill Draft

Rachel,

Sure, I can add that language.

Tami

**Tamara J. Dodge**  
Senior Legislative Attorney  
Wisconsin Legislative Reference Bureau  
P.O. Box 2037  
Madison, WI 53701-2037  
**(608) 504 - 5808**  
[tamara.dodge@legis.wisconsin.gov](mailto:tamara.dodge@legis.wisconsin.gov)

*Please note my new direct phone number (as of June 13, 2018).*

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**From:** Keith, Rachel <[Rachel.Keith@legis.wisconsin.gov](mailto:Rachel.Keith@legis.wisconsin.gov)>  
**Sent:** Friday, March 01, 2019 3:14 PM  
**To:** Dodge, Tamara <[Tamara.Dodge@legis.wisconsin.gov](mailto:Tamara.Dodge@legis.wisconsin.gov)>  
**Subject:** VHCP Bill Draft

Hi Tammy,

Can I please have a change to LRB 1418? Stakeholders were concerned about the definition of homeless and wanted to ensure that the program didn't get too broad. Accordingly, they suggested we amend line 13 to read, "served are primarily homeless individuals, as self-reported."

Thank you!

**Rachel Keith**  
*Office of State Senator Alberta Darling*  
608-266-5830



State of Wisconsin  
2019 - 2020 LEGISLATURE

LRB-1418/P1

TJD:amn

In: 314

Due Today  
if possible

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

- 1 AN ACT *to amend* 146.89 (3) (a) and 146.89 (3) (d) 2.; and *to create* 146.89 (3g)  
2 of the statutes; **relating to:** participation in the Volunteer Health Care  
3 Provider program by agencies serving homeless individuals.

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

This bill allows nonprofit agencies and their volunteer health care providers that provide services to persons who are recipients of Medical Assistance to participate in the Volunteer Health Care Provider program if the Medical Assistance recipients served are primarily homeless individuals. Except for health care providers credentialed in another state who have separate requirements and liability exemptions under current law, volunteer health care providers providing services under the program are currently agents of the state for certain purposes, including the following: 1) representation by the attorney general in a civil action or other matter brought before a court or administrative agency; 2) mandatory filing of a notice of claim before bringing a civil claim against the agent; and 3) payment by the state of a judgment of damages and costs against the agent when found to be acting within the scope of employment. Currently, 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 for the services. 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 Health Services for approval. A volunteer health care provider providing services through a nonprofit agency must provide services without charge except that certain dental services may be provided to Medical Assistance recipients under the program.





## Dodge, Tamara

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**From:** Keith, Rachel  
**Sent:** Friday, March 08, 2019 10:26 AM  
**To:** Dodge, Tamara  
**Subject:** Can we have this as /1?  
**Attachments:** 19-1418\_P2.pdf

Hi Tami,

Thank you for helping draft this bill! Can we please have this as /1?

FYI, Rep. Thiesfeldt will be leading on 1418.

**Rachel Keith**  
*Office of State Senator Alberta Darling*  
608-266-5830



State of Wisconsin  
2019 - 2020 LEGISLATURE

LRB-1418/P2  
TJD:amn

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

11  
No  
changes

- 1 AN ACT *to amend* 146.89 (3) (a) and 146.89 (3) (d) 2.; and *to create* 146.89 (3g)  
2 of the statutes; **relating to:** participation in the Volunteer Health Care  
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3           par. (b) without charge, except as provided in sub. (3g) or (3m), at the nonprofit  
4           agency, if the joint application of the volunteer health care provider and the nonprofit  
5           agency has received approval under sub. (2) (a).

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7           146.89 (3) (d) 2. Except as provided in sub. (3g) or (3m), Medical Assistance  
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12          of Medical Assistance may participate in the program under this section if the  
13          Medical Assistance recipients served are primarily homeless individuals, as  
14          self-reported.

15                               (END)

## Barman, Mike

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**From:** Dodge, Tamara  
**Sent:** Monday, March 25, 2019 11:39 PM  
**To:** LRB.Legal  
**Cc:** Walkenhorst Barber, Sarah  
**Subject:** FW: Draft Review: LRB -1418/1

PAs,

Senator Darling's office sent this request to have -1418 jacketed yesterday and this is all set to go so you can do that.

I already drafted a companion bill for Rep. Thiesfeldt, so you do not need to do anything about that.

I'm copying Sarah on this email, so in case you have any questions you can ask her. She can deal with them or contact me.

Tami

**Tamara J. Dodge**  
Senior Legislative Attorney  
Wisconsin Legislative Reference Bureau  
P.O. Box 2037  
Madison, WI 53701-2037  
**(608) 504 - 5808**  
tamara.dodge@legis.wisconsin.gov

*Please note my new direct phone number (as of June 13, 2018).*

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**From:** Keith, Rachel <Rachel.Keith@legis.wisconsin.gov>  
**Sent:** Monday, March 25, 2019 4:57 PM  
**To:** LRB.Legal <lrblegal@legis.wisconsin.gov>  
**Cc:** Dodge, Tamara <Tamara.Dodge@legis.wisconsin.gov>  
**Subject:** Draft Review: LRB -1418/1

Please Jacket LRB -1418/1 for the SENATE.

Rep. Thiesfeldt will be ASM lead.