

---

# Wisconsin Legislative Council

## AMENDMENT MEMO

---



**Memo published:** November 6, 2019

**Contact:** Andrea Brauer, Staff Attorney

**2019 Assembly Bill 287**

**Assembly Amendment 1**

### 2019 ASSEMBLY BILL 287

Assembly Bill 287 expands the provider types that can make decisions for purposes of a living will, do-not-resuscitate order, and power of attorney for health care.

### ASSEMBLY AMENDMENT 1

Assembly Amendment 1 expands the provider types, which can make a determination that a person is incapacitated for admission to a hospice. **Currently**, such a determination may be made only by two physicians, or by one physician and one licensed psychologist. **Under the amendment**, the determination may be made by two physicians, or by one physician and one of the following individuals:

1. A licensed psychologist;
2. A registered nurse who is currently certified as a nurse practitioner by a national certifying body approved by the Board of Nursing; or
3. A licensed physician assistant (PA) who a physician responsible for overseeing the PA's practice affirms is competent to conduct evaluations of the capacity of patients to manage health care decisions.

The amendment does not affect the other applicable criteria for determining that a person is incapacitated, including that the providers must still personally examine the patient and cannot be a relative or have a claim to a portion of the person's estate.

### BILL HISTORY

Representative Snyder offered Assembly Amendment 1 on September 25, 2019. On October 30, 2019, the Assembly Committee on Health recommended adoption of the amendment and passage of the bill, as amended, each on a vote of Ayes, 13; Noes, 1.

AB:ksm