



2005 ASSEMBLY BILL 829

November 14, 2005 – Introduced by Representatives RICHARDS, VUKMIR, BENEDICT, ZEPNICK, KRAWCZYK, MUSSER, FIELDS, TURNER, JESKEWITZ, TOWNSEND, BERCEAU, HUNDERTMARK, HEBL, PARISI, BALLWEG, OTT, KREIBICH, HAHN, SEIDEL and GUNDERSON, cosponsored by Senators PLALE, CARPENTER and DARLING. Referred to Committee on Education Reform.

1 **AN ACT** *to renumber and amend* 146.89 (1) and 895.48 (1m); *to amend* 146.89
2 (2) (a), 146.89 (2) (c), 146.89 (2) (d), 146.89 (3) (b) (intro.), 146.89 (3) (c) and
3 146.89 (3) (d) (intro.); and *to create* 146.89 (1) (d), 146.89 (1) (g), 146.89 (1) (h),
4 146.89 (3r) and 895.48 (1m) (b) of the statutes; **relating to:** expanding the
5 Volunteer Health Care Provider Program to include provision of services to
6 students from 4-year-old kindergarten to grade 6 in public elementary schools,
7 charter schools, and private schools that participate in the Milwaukee Parental
8 Choice Program and expanding the definition of volunteer health care provider.

Analysis by the Legislative Reference Bureau

Under current law, if the Department of Administration (DOA) has approved a joint application of a health care provider and a nonprofit agency, the health care provider acting within the scope of his or her licensure or certification may provide, without charge to low-income, uninsured persons at the agency, diagnostic tests, health education, office visits, patient advocacy, prescriptions, information about available health care resources, referrals to health care specialists, and, for dentists, simple tooth extractions and necessary related suturing. The health care provider, for the provision of these services, is a state agent of the Department of Health and Family Services; as such, for a civil action arising out of an act committed in the

ASSEMBLY BILL 829

lawful course of the health care provider's duties, certain time limitations for filing the action apply, legal counsel is provided to the health care provider, judgments against the health care provider are paid by the state, and amounts recoverable are capped at \$250,000.

Under current law, a school board that meets certain requirements may provide an instructional program in human growth and development in grades kindergarten to 12.

This bill expands the Volunteer Health Care Provider Program to authorize provision of services, without charge, from four-year-old kindergarten to grade six in a public elementary school, a charter school, or a private school participating in the Milwaukee Parental Choice Program (MPCP), if DOA approves the joint application of a health care provider and a school board or the governing body of a charter school or a private school participating in MPCP. After providing to the school board or relevant governing body proof of satisfactory completion of any relevant competency requirements, the volunteer health care provider may provide without charge to students from four-year-old kindergarten to grade six of the school, regardless of income, health care services that are diagnostic tests; health education; information about available health care resources; office visits; patient advocacy; referrals to health care specialists other than reproductive health care specialists; first aid for illness or injury; in compliance with the written instructions of a pupil's parent or guardian, the administration of any drug, other than a contraceptive drug, that may lawfully be sold over the counter; health screenings; any other health care services designated by the Department of Public Instruction (DPI); and, for dentists, simple tooth extractions and necessary related suturing. However, the volunteer health care provider may not provide hospitalization or surgery, except as designated by DPI by rule, and may not provide abortion referrals, contraceptives, or pregnancy tests. Lastly, the volunteer health care provider may provide instruction in human growth and development if the instructional program meets requirements in current law and if the provider provides no instruction concerning human sexuality, reproduction, family planning, human immunodeficiency virus and acquired immunodeficiency syndrome, prenatal development, childbirth, adoption, available prenatal and postnatal support, or male and female responsibility.

The bill also expands the definition of "volunteer health care provider" to include a nurse practitioner (a licensed registered nurse whose practice includes delegated medical services under the supervision of a physician, dentist, or podiatrist).

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

1 **SECTION 1.** 146.89 (1) of the statutes is renumbered 146.89 (1) (intro.) and
2 amended to read:

ASSEMBLY BILL 829

1 146.89 (1) (intro.) In this section, “volunteer;
2 (r) “Volunteer health care provider” means an individual who is licensed as a
3 physician under ch. 448, dentist or dental hygienist under ch. 447, registered nurse,
4 practical nurse, or nurse-midwife under ch. 441, optometrist under ch. 449, or
5 physician assistant under ch. 448 or, who is certified as a dietitian under subch. V
6 of ch. 448, or who is a nurse practitioner, as defined in s. 255.06 (1) (d), and who
7 receives no income from the practice of that health care profession or who receives
8 no income from the practice of that health care profession when providing services
9 at the nonprofit agency or school specified under sub. (3).

10 **SECTION 2.** 146.89 (1) (d) of the statutes is created to read:

11 146.89 (1) (d) “Governing body” means the governing body of any of the
12 following:

- 13 1. A charter school, as defined in s. 115.001 (1).
- 14 2. A private school, as defined in s. 115.001 (3r), that participates in the
15 Milwaukee Parental Choice Program under s. 119.23.

16 **SECTION 3.** 146.89 (1) (g) of the statutes is created to read:

17 146.89 (1) (g) “School” means any of the following:

- 18 1. A public elementary school.
- 19 2. A charter school, as defined in s. 115.001 (1).
- 20 3. A private school, as defined in s. 115.001 (3r), that participates in the
21 Milwaukee Parental Choice Program under s. 119.23.

22 **SECTION 4.** 146.89 (1) (h) of the statutes is created to read:

23 146.89 (1) (h) “School board” has the meaning given in s. 115.001 (7).

24 **SECTION 5.** 146.89 (2) (a) of the statutes is amended to read:

ASSEMBLY BILL 829**SECTION 5**

1 146.89 (2) (a) A volunteer health care provider may participate under this
2 section only if he or she submits a joint application with a nonprofit agency, school
3 board, or governing body to the department of administration and that department
4 approves the application. If the volunteer health care provider submits a joint
5 application with a school board or governing body, the application shall include a
6 statement by the school board or governing body that certifies that the volunteer
7 health care provider has received materials that specify school board or governing
8 body policies concerning the provision of health care services to students and has
9 agreed to comply with the policies. The department of administration shall provide
10 application forms for use under this paragraph.

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

12 146.89 (2) (c) The department of administration shall notify the volunteer
13 health care provider and the nonprofit agency, school board, or governing body of the
14 department's decision to approve or disapprove the application.

15 **SECTION 7.** 146.89 (2) (d) of the statutes is amended to read:

16 146.89 (2) (d) Approval of an application of a volunteer health care provider is
17 valid for one year. If a volunteer health care provider wishes to renew approval, he
18 or she shall submit a joint renewal application with a nonprofit agency, school board,
19 or governing body to the department of administration. The department of
20 administration shall provide renewal application forms that are developed by the
21 department of health and family services and that include questions about the
22 activities that the individual has undertaken as a volunteer health care provider in
23 the previous 12 months.

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

ASSEMBLY BILL 829

1 146.89 (3) (b) (intro.) ~~The~~ Under this section, the nonprofit agency may provide
2 the following health care services:

3 **SECTION 9.** 146.89 (3) (c) of the statutes is amended to read:

4 146.89 (3) (c) ~~The~~ Under this section, the nonprofit agency may not provide
5 emergency medical services, hospitalization, or surgery, except as provided in par.
6 (b) 8.

7 **SECTION 10.** 146.89 (3) (d) (intro.) of the statutes is amended to read:

8 146.89 (3) (d) (intro.) ~~The~~ Under this section, the nonprofit agency shall provide
9 health care services primarily to low-income persons who are uninsured and who are
10 not recipients of any of the following:

11 **SECTION 11.** 146.89 (3r) of the statutes is created to read:

12 146.89 (3r) All of the following apply to a volunteer health care provider whose
13 joint application with a school board or relevant governing body is approved under
14 sub. (2):

15 (a) Before providing health care services in a school, the volunteer health care
16 provider shall provide to the school board or relevant governing body proof of
17 satisfactory completion of any competency requirements that are relevant to the
18 volunteer health care provider, as specified by the department of public instruction
19 by rule.

20 (b) Under this subsection, the volunteer health care provider may provide only
21 to students from 4-year-old kindergarten to grade 6 the following health care
22 services:

23 1. Except as specified in par. (c), the health care services specified in sub. (3)
24 (b) 1. to 5. and 7., other than referrals to reproductive health care specialists, and in
25 sub. (3) (b) 8.

ASSEMBLY BILL 829**SECTION 11**

1 2. First aid for illness or injury.

2 3. Except as specified in par. (c), the administration of drugs, as specified in s.
3 118.29 (2) (a) 1. to 3.

4 4. Health screenings.

5 5. Any other health care services designated by the department of public
6 instruction by rule.

7 (c) Under this subsection, the volunteer health care provider may not provide
8 any of the following:

9 1. Hospitalization.

10 2. Surgery, except as provided in par. (b) 2. and 5.

11 3. A referral for abortion, as defined in s. 48.375.

12 4. A contraceptive article, as defined in s. 450.155 (1) (a).

13 5. A pregnancy test.

14 (d) Any health care services provided under par. (b) shall be provided without
15 charge at the school and shall be available to all students from 4-year-old
16 kindergarten to grade 6 regardless of income.

17 (e) Under this subsection, a volunteer health care provider may provide
18 instruction in human growth and development if the instructional program is in
19 compliance with requirements of s. 118.019, except that the volunteer health care
20 provider may not provide instruction on a topic specified under s. 118.019 (2) (e).

21 **SECTION 12.** 895.48 (1m) of the statutes is renumbered 895.48 (1m) (a), and
22 895.48 (1m) (a) (intro.), as renumbered, is amended to read:

23 895.48 (1m) (a) (intro.) Any Except as provided in par. (b), any physician or
24 athletic trainer licensed under ch. 448, chiropractor licensed under ch. 446, dentist
25 licensed under ch. 447, emergency medical technician licensed under s. 146.50, first

ASSEMBLY BILL 829

1 responder certified under s. 146.50 (8), physician assistant licensed under ch. 448,
2 registered nurse licensed under ch. 441, or a massage therapist or bodyworker issued
3 a certificate under ch. 460 who renders voluntary health care to a participant in an
4 athletic event or contest sponsored by a nonprofit corporation, as defined in s.
5 66.0129 (6) (b), a private school, as defined in s. 115.001 (3r), a public agency, as
6 defined in s. 46.856 (1) (b), or a school, as defined in s. 609.655 (1) (c), is immune from
7 civil liability for his or her acts or omissions in rendering that care if all of the
8 following conditions exist:

9 **SECTION 13.** 895.48 (1m) (b) of the statutes is created to read:

10 895.48 **(1m)** (b) Paragraph (a) does not apply to health care services provided
11 by a volunteer health care provider under s. 146.89.

12 **SECTION 14. Initial applicability.**

13 (1) VOLUNTEER HEALTH CARE PROVIDER PROGRAM. This act first applies to
14 applications submitted under section 146.89 (2) (a) of the statutes, as affected by this
15 act, on the effective date of this subsection.

16 (END)