

State of Misconsin 2007 - 2008 LEGISLATURE

2007 SENATE BILL 48

February 19, 2007 – Introduced by Senators Robson, Lehman, Roessler, Wirch, Breske, Olsen, Risser, Schultz, Plale, Lassa, Erpenbach and Kreitlow, cosponsored by Representatives Vukmir, Benedict, Sheridan, Turner, Hahn, Black, Mursau, Musser, Seidel, Townsend, Berceau, F. Lasee, Hraychuck, Gronemus, Boyle, Nygren, Ballweg, Kleefisch, Hilgenberg, Molepske, Gunderson and Sinicki. Referred to Committee on Health and Human Services.

1 AN ACT *to amend* 146.89 (1) (r) of the statutes; **relating to:** expanding types of 2 volunteer health care providers to include pharmacists and pharmacy 3 technicians.

Analysis by the Legislative Reference Bureau

Under the Volunteer Health Care Provider Program (VHCPP) in current law, health care services of a volunteer health care provider and a nonprofit agency whose joint application is approved by the Department of Administration must be provided without charge primarily to low-income persons who are uninsured and, except for the provision of certain dental and dental hygiene services to Medical Assistance (MA) recipients, are not recipients of MA or Medicare Program benefits. Volunteer health care providers include physicians, dentists, dental hygienists, registered nurses, licensed practical nurses, nurse-midwives, optometrists, physician assistants, and dietitians. These volunteers are, for the provision of services under the VHCPP, state agents of the Department of Health and Family Services (DHFS).

Under current law, for a person with status as a state agent of DHFS, the attorney general may, if requested by the secretary of health and family services, appear and defend the person in any civil action or other matter brought before a court as the result of an act committed in the lawful course of the agent's duties. In addition, a civil action or civil proceeding against a state agent for an act committed in the course of the discharge of the agent's duties may not be brought unless the claimant serves on the attorney general written notice within 120 days of the event that caused injury, damage, or death. Lastly, judgments in excess of any insurance

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applicable to the state agent defendant must be paid by the state, and a governmental unit need not provide or pay for legal representation if applicable insurance provides the representation.

This bill expands the types of volunteer health care providers who may provide services under the VHCPP and have status as state agents of DHFS, to include licensed pharmacists and persons who perform functions described for pharmacy technicians in rules promulgated by the Pharmacy Examining Board.

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:

SECTION 1. 146.89 (1) (r) of the statutes is amended to read:

2 146.89 (1) (r) "Volunteer health care provider" means an individual who is

3 licensed as a physician under ch. 448, dentist or dental hygienist under ch. 447,

4 registered nurse, practical nurse, or nurse-midwife under ch. 441, optometrist

5 under ch. 449, or physician assistant under ch. 448, <u>or pharmacist under ch. 450</u>, who

6 is certified as a dietitian under subch. V of ch. 448, or who is a nurse practitioner, as

7 defined in s. 255.06 (1) (d), or who performs functions described for pharmacy

8 <u>technicians in rules promulgated by the pharmacy examining board</u>, and who

9 receives no income from the practice of that health care profession or who receives

10 no income from the practice of that health care profession when providing services

11 at the nonprofit agency or school specified under sub. (3).

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(END)