



2009 ASSEMBLY BILL 195

April 7, 2009 – Introduced by Representatives HILGENBERG, GARTHWAITE, KAUFERT, PASCH, BLACK, BERCEAU, STASKUNAS, CULLEN, RICHARDS, PETROWSKI, HRAYCHUCK, BIES, ZEPNICK, TOWNSEND and TAUCHEN, cosponsored by Senators ROBSON, HOLPERIN, SCHULTZ, TAYLOR, PLALE, LASSA and HANSEN. Referred to Committee on Public Health.

- 1 **AN ACT** *to renumber and amend* 146.89 (1) (r); and *to create* 146.89 (1) (r) 5.
2 of the statutes; **relating to:** the Volunteer Health Care Provider Program.

Analysis by the Legislative Reference Bureau

Currently, under the Volunteer Health Care Provider Program (program), the state indemnifies certain health care providers who provide health care services for a nonprofit agency or elementary school free of charge or, in the case of some dental service, for a discounted fee. In order to serve as a volunteer health care provider under the program, a person must submit a joint application with a nonprofit agency or elementary school and the Department of Administration must approve the application. If volunteering for a nonprofit agency, the agency must primarily serve low-income people. The following people may become volunteer health care providers under the program: physicians, dentists, dental hygienists, registered nurses, practical nurses, nurse-midwives, optometrists, physician assistants, pharmacists, dieticians, nurse practitioners, and pharmacy technicians. If a claim is brought against a volunteer health care provider for acts or omissions committed in the course of providing health care services under the program, the state must provide or pay for legal representation for the volunteer health care provider and must pay damages and costs awarded against the volunteer health care provider to the extent that legal representation, damages, and costs are not covered by any applicable insurance.

This bill allows the following to become volunteer health care providers under the program: chiropractors; physical therapists; speech-language pathologists; occupational therapists; massage therapists; acupuncturists; and phlebotomists, if working under the supervision of physicians.

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

3 146.89 (1) (r) (intro.) “Volunteer health care provider” means an individual who
4 is licensed one of the following and who receives no income from the practice of his
5 or her health care profession or who receives no income from the practice of that
6 health care profession when providing services at the nonprofit agency specified
7 under sub. (3) or for the school board or governing body specified under sub. (3r):

8 1. Licensed as a physician under ch. 448, dentist or dental hygienist under ch.
9 447, or registered nurse, practical nurse, or nurse-midwife under ch. 441, an
10 optometrist under ch. 449, ~~or~~ a physician assistant under ch. 448, ~~or~~ pharmacist
11 under ch. 450, ~~who is certified~~ chiropractor under ch. 446, or physical therapist under
12 subch. III of ch. 448, an occupational therapist under subch. VII of ch. 448, or a
13 speech-language pathologist under subch. II of ch. 459.

14 2. Certified as a dietitian under subch. V of ch. 448, ~~or who is a,~~ an
15 acupuncturist under ch. 451, or a massage therapist or bodyworker under ch. 460.

16 3. A nurse practitioner, as defined in s. 255.06 (1) (d),~~or,~~

17 4. An individual who performs functions described for pharmacy technicians
18 in rules promulgated by the pharmacy examining board,~~and who receives no income~~
19 ~~from the practice of that health care profession or who receives no income from the~~
20 ~~practice of that health care profession when providing services at the nonprofit~~
21 ~~agency or school specified under sub. (3).~~

