



ERIK SEVERSON

STATE REPRESENTATIVE • 28TH ASSEMBLY DISTRICT

Testimony on Assembly Bill 619 Assembly Committee on Health

January 22, 2014

I would like to thank the members of the committee for attending this hearing on Assembly Bill 619, and Senator Vukmir for her leadership on this important issue.

Under current law, health care providers who offer their services under the umbrella of a non-profit organization that is not based in Wisconsin are barred from volunteering in our state. Assembly Bill 619 allows these individuals to follow the same application and permitting process as those who volunteer for in-state non-profits, and prohibits the Department of Administration from denying an application solely on the location of the non-profit organization.

Currently, health care providers who offer charity care in Wisconsin are considered agents of the state for liability purposes. Under Assembly Bill 619, any volunteer providers offering care are required to show proof of liability insurance as well as proof of licensure, and as such would not be considered agents of the state.

Assembly Bill 619 is modeled after the Volunteer Health Care Services Act, first enacted by the State of Tennessee. This legislation allows licensed out-of-state healthcare providers affiliated with non-profit organizations such as Remote Area Medical and the National Association of Free Clinics, to come to Wisconsin and offer care to some of our most vulnerable citizens.

Thank you again members for attending this public hearing and I look forward to working with you on the passage of this legislation.



LEAH VUKMIR

STATE SENATOR

January 22nd, 2014

Good morning Chairman and Committee members, I would like to thank you for giving me this opportunity to talk to you about Assembly Bill 619 that Representative Severson and I have introduced, and is before you today. This legislation targets two of the three prongs of healthcare most often discussed; access and cost. AB 619 seeks to offer increased access to quality care at no cost to the patient, hence, "Charity Care." Health care reform has always been center stage ever since I was first elected to the Legislature and it is my opinion that given the present chaos with ObamaCare this legislation is even more important. AB 619 will provide a mechanism for delivering quality care to those that otherwise would not seek out treatment, or in many cases visit the emergency room at the nearest hospital.

Assembly Bill 619 is designed after Tennessee's Volunteer Health Care Services Act, which permits licensed out-of-state providers to offer charity care services. Our legislation would allow non-profit organizations like Remote Area Medical and National Association of Free Clinics the ability to come to Wisconsin and facilitate charity care. I like to think of this legislation as, "doctors without borders but for states." For example, say I am a physician currently practicing in Minneapolis and cannot take the time to go to Tanzania to provide care, but I could go to northern Wisconsin for a short period of time.

Specifically, Assembly Bill 619 does the following:

1. It allows a licensed health care professional from out-of-state the ability to provide charity care services (within their particular scope of practice) here in Wisconsin. Licensure would be waived so long as the health care professional is currently licensed in his/her home state, for a period no longer than 60 days in any 90 day period;
2. Provides immunity from civil liability absent gross acts of negligence, willful misconduct or where the act or omission violates state statutes;
3. The health care provider may offer services in conjunction with a not-for-profit organization that has been approved by the Department of Administration (DOA) to participate in the "volunteer health care provider program";
4. Requires that the participating organization to provide DOA a list of participating health care professionals and to monitor their providers and terminate in cases where the organization questions the credentials or disapproves of the practices by the participant; and
5. Requires that the organization report annually to DOA the number and types of services that were performed the facility.

It's also important to note, at present participants in Wisconsin's volunteer health care provider program are considered agents of the state for liability purposes however, health providers offering charity care pursuant to this legislation will NOT be considered agents of the state as they are required to show proof of current insurance.

Assembly Bill 619, in my opinion is a unique vehicle that seeks to provide increased access to quality health care, at no cost, to the under-served areas in Wisconsin and hopefully ameliorate the amount of patients accessing the emergency room for routine care.

Thank you Chairman, Committee members for your consideration.

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Wisconsin Dental Association Testimony on Assembly Bill 619

Wednesday, January 22, 2014

225 Northwest

Good morning chairperson Severson and members of the Assembly Health Committee, my name is Mara Brooks and I'm the Director of Government Relations for the Wisconsin Dental Association which represents about 85% of all dentists in the state. I'm here today to simply seek some clarification by means of asking questions regarding Assembly Bill 619 and to seek a potential exemption for dentistry due to some of the provisions we already have in place in our own practice act that encourage the practice of dentistry for charity purposes from out of state dentists and dental hygienists.

Questions for AB 619/SB 391

Volunteer Health Care Provider Liability Program for Out of State Providers

Q: Does the bill also allow out of state providers to practice here 60 of every 90 days without a license? If yes, then this could allow the out of state providers to practice up to 8 months of a year without being licensed, correct?

Q: So does this bill create two licensure standards - one for practitioners from out of state who come here and practice for payment and one for out of state practitioners who come here to volunteer, correct?

Q: Don't most health care professional practice acts require an in-state license to practice the profession even for charity care purposes? There is no specific provision in this bill that states that this would override the existing practice act requirements so I'm seeking clarification to see if that is the case or not? If so, does it do so for all the professional practice acts?

Q: If Wisconsin licensure is not required for volunteer health care providers, what entity would have jurisdiction over any necessary disciplinary action against an out of state provider who provides charity care under the VHCP? Would our state boards have regulatory authority over these providers? It is our understanding that the Dentistry Examining Board, for example, only has jurisdiction over those individuals who are licensed in this state.

Q: Dentistry is a little different from the other provider groups in that the non-profit agencies and volunteer dental providers who qualify for the current VHCP can actually be seeing Medicaid patients and billing Medicaid for the care provided - would this allow an out of state provider to come here and

provide Medicaid services in conjunction with a non-profit agency and never require the individual to be licensed in our state?

Q: Would this bill allow out of state providers to come in and run mobile dental clinics at schools and bill Medicaid for their services without ever being licensed in the state?

Q: Dentists (under Chapter 447.02(3)) already have a no cost 10-day temporary dental licensure provision for out of state dentists or dental hygienists who come here to volunteer and who receive no remuneration. This was passed to allow out of state dentists to come to Wisconsin to participate in our Mission of Mercy program but it has been used by dentists and dental hygienists who have come here to provide charity care in conjunction with other programs. Given that we already have this process in place, is there an opportunity here to exempt dentistry from the content of this bill which seems to get at the same intention as our current temporary licensure.

Q: The bill provides immunity but not necessarily liability coverage to out of state providers- correct? So, basically this would provide immunity for anything done by an out of state provider as long as that provider also has sufficient liability coverage but also would provide immunity if the act or omission is not the result of gross negligence, willful misconduct or an act that violates state statutes - correct? (Scenario of how this plays out?)

Thank you for your time and attention. These are just some of the questions we have as we look to see how this could impact the profession of dentistry and the oversight and regulations that exist to protect the public as part of the state licensure process. I'd be happy to have a dialogue on any of the questions I've listed or explain the current situation in our Dental Practice Act and why we have concerns about the provisions in AB 619.