



2025 ASSEMBLY BILL 12

February 6, 2025 - Introduced by Representatives GUNDRUM, ARMSTRONG, BRILL, GOEBEN, KNODL, KREIBICH, SUBECK, WICHGERS, CALLAHAN, SINICKI and O'CONNOR, cosponsored by Senator CABRAL-GUEVARA. Referred to Committee on Health, Aging and Long-Term Care.

AN ACT *to renumber and amend* 251.07; *to amend* 165.25 (6) (c), 251.07 (title), 252.04 (9) and 895.46 (5) (b); *to create* 251.07 (1) and 252.01 (5) of the statutes; **relating to:** state agency status for certain physician assistants and advanced practice nurses who provide services without compensation for local health departments or school districts.

Analysis by the Legislative Reference Bureau

This bill provides that physician assistants and advanced practice nurse prescribers who are not employed by a local health department but who provide services without compensation for the programs and services provided by a local health department are, for the provision of those services, state agents of the Department of Health Services in certain circumstances for certain legal purposes and protections. For example, under the bill, if a physician assistant or certified advanced practice nurse prescriber who is considered a state agent of DHS is a defendant in any action or special proceeding because of acts they committed within the scope of their agency, any judgment as to damages and costs entered against them shall be paid by DHS.

Further, this bill provides that physician assistants and advanced practice nurse prescribers may be selected by a school district or a local health department to supervise an immunization program and issue orders for the administration of

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immunizations that are in accordance with written protocols issued by DHS. If the physician assistant or advanced practice nurse prescriber is not an employee of the school district or local health department, receives no compensation for his or her services as supervisor of the immunization program, and acts in accordance with written protocols issued by DHS, he or she is a state agent of DHS for the same legal purposes and protections as described above.

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. 165.25 (6) (c) of the statutes is amended to read:

165.25 (6) (c) Physicians, physician assistants, and advanced practice nurse prescribers under s. 251.07 or 252.04 (9) (b) are covered by this section and shall be considered agents of the department of health services for purposes of determining which agency head may request the attorney general to appear and defend them.

SECTION 2. 251.07 (title) of the statutes is amended to read:

251.07 (title) Certain ~~physicians~~ health care providers; state agency status.

SECTION 3. 251.07 of the statutes is renumbered 251.07 (2) and amended to read:

251.07 (2) A physician, physician assistant, or advanced practice nurse prescriber who is not an employee of the local health department and who provides services, without compensation, for those programs and services provided by a local health department that require medical oversight is, for the provision of the services he or she provides, a state agent of the department of health services for the purposes of ss. 165.25 (6), 893.82 (3), and 895.46.

SECTION 4. 251.07 (1) of the statutes is created to read:

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251.07 (1) In this section:

(a) “Advanced practice nurse prescriber” means an advanced practice nurse who is certified under s. 441.16 (2) to issue prescription orders.

(b) “Physician assistant” means a person licensed under s. 448.974.

SECTION 5. 252.01 (5) of the statutes is created to read:

252.01 (5) “Physician assistant” means a person licensed under s. 448.974.

SECTION 6. 252.04 (9) of the statutes is amended to read:

252.04 (9) (a) An immunization program under sub. (8) shall be supervised by a physician, physician assistant, or advanced practice nurse prescriber selected by the school district or local health department, who shall issue written orders for the administration of immunizations that are in accordance with written protocols issued by the department.

(b) If the physician, physician assistant, or advanced practice nurse prescriber under par. (a) is not an employee of the county, city, village or school district, receives no compensation for his or her services under par. (a) and acts under par. (a) in accordance with written protocols issued by the department, he or she is a state agent of the department for the purposes of ss. 165.25 (6), 893.82 (3) and 895.46.

(c) The department may disapprove the selection made under par. (a) or may require the removal of a physician, physician assistant, or advanced practice nurse prescriber selected.

SECTION 7. 895.46 (5) (b) of the statutes is amended to read:

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895.46 (5) (b) A physician, physician assistant, or advanced practice nurse prescriber under s. 251.07 or 252.04 (9) (b).

(END)