



2013 ASSEMBLY BILL 270

August 1, 2013 - Introduced by Representatives LOUDENBECK, KOLSTE, BERNARD SCHABER, BERCEAU, BERNIER, BORN, CZAJA, GENRICH, HEBL, HESSELBEIN, JORGENSEN, KAHL, KAPENGA, T. LARSON, MARKLEIN, MASON, MILROY, MURPHY, MURSAU, OHNSTAD, A. OTT, PASCH, POPE, RIEMER, RINGHAND, SARGENT, SMITH, SPIROS, C. TAYLOR, TITTL, TRANEL and WRIGHT, cosponsored by Senators GROTHMAN, T. CULLEN, LEHMAN and SCHULTZ. Referred to Committee on Government Operations and State Licensing.

1 **AN ACT** *to create* 146.89 (1) (r) 5. to 13. and 146.89 (5) of the statutes; **relating**
2 **to:** additional providers in the volunteer health care provider program and
3 proof of financial responsibility and malpractice insurance requirements for
4 certain advanced practice nurses serving as volunteer health care providers.

Analysis by the Legislative Reference Bureau

Under current law, certain individuals may serve as a volunteer health care provider by providing services at a nonprofit agency or for a school board or school governing body while receiving no income from the practice of his or her health profession. Currently, a licensed physician, dentist, or dental hygienist, a registered nurse, a practical nurse, a nurse-midwife, an optometrist, a physician assistant, a pharmacist, a chiropractor, a podiatrist, a physical therapist, a certified dietitian, a nurse practitioner, or an individual who performs functions of a pharmacy technician may serve as a volunteer health care provider under the program. To participate in the volunteer health care provider program, a health care professional must submit a joint application with a nonprofit agency, school board, or school governing body to the Department of Administration, which may approve the application. A volunteer health care provider providing services through a nonprofit agency must provide services, except for dental services, without charge and is limited under current law to providing certain services. A volunteer health care provider seeking to provide services for a school board or school governing body must also provide proof of satisfactory completion of any relevant competency requirements as specified by the Department of Public Instruction and must consult with any school nurse at the

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school. In a school setting the volunteer health care provider may only provide services to students from 4-year-old kindergarten to grade 6, may only provide the services described under current law, and must provide the services without charge at the school. Current law makes a volunteer health care provider providing services under the program an agent of the state for certain purposes including representation by the attorney general in a civil action or other matter brought before a court or administrative agency; mandatory filing of a notice of claim before bringing a civil claim against the agent; and payment by the state of a judgment of damages and costs against the agent when the agency is found to be acting within the scope of employment.

This bill adds all of the following health care professionals to those who may participate in, and receive the protections of, the volunteer health care provider program: nurse aides, emergency medical technicians, psychologists, certified social workers, licensed marriage and family therapists, licensed professional counselors, advanced practice nurses who are certified to issue prescription orders, medical assistants who hold certain certifications, health educators meeting certain criteria, and dental assistants. Also, the bill exempts certain advanced practice nurses who are certified to issue prescription orders from current law requirements to provide proof of financial responsibility and maintain malpractice insurance while those advanced practice nurses are serving as a volunteer health care provider under the program.

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) 5. to 13. of the statutes are created to read:
- 2 146.89 (1) (r) 5. A nurse aide who satisfies the requirements under s. 146.40
- 3 (2) (a), (am), (c), (e), (em), or (g).
- 4 6. An emergency medical technician, as defined in s. 256.01 (5), who is licensed
- 5 under s. 256.15 (5).
- 6 7. A psychologist who is licensed under ch. 455.
- 7 8. A social worker who holds a certificate granted under ch. 457.
- 8 9. A marriage and family therapist who is licensed under ch. 457 or a
- 9 professional counselor who is licensed under ch. 457.

