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(FORM UPDATED: 08/11/2010)

# WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

2013-14

(session year)

# **Assembly**

(Assembly, Senate or Joint)

Committee on...

Government Operations and State Licensing (AC-GOSL) (Repealed 10-17-13)

### INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

Appointments ... Appt (w/Record of Comm. Proceedings)

Clearinghouse Rules ... CRule (w/Record of Comm. Proceedings)

Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)

(ab = Assembly Bill)

(ar = Assembly Resolution)

(ajr = Assembly Joint Resolution)

(sb = Senate Bill)

(**sr** = Senate Resolution)

(**sjr** = Senate Joint Resolution)

Miscellaneous ... Misc

#### **Assembly**

### **Record of Committee Proceedings**

### Committee on Government Operations and State Licensing

#### **Assembly Bill 270**

Relating to: additional providers in the volunteer health care provider program and proof of financial responsibility and malpractice insurance requirements for certain advanced practice nurses serving as volunteer health care providers. 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.

August 01, 02013 Licensing Referred to Committee on Government Operations and State

September 25, 2013 Public Hearing Held

Present:

(10) Representative August; Representatives Craig, Knodl, Kooyenga, Hutton, Nass, Neylon,

Hulsey, Ringhand and

Kessler.

Absent:

(0) None.

Excused:

(0) None.

#### Appearances For

- Amy Loudenbeck Representative 31st District
- Deb Kolste Representative 44th District
- Ryan Messinger HealthNet of Rock County
- Rochelle Carlson
- Gina Dennik-Champion Wisconsin Nurses Association

#### Appearances Against

• None.

#### Appearances for Information Only

- Renee O'Day Dept. of Health Services
- Robin Transo In Health Community Wellness Clinic

#### Registrations For

- Greg Hubbard Wisconsin Dental Association
- Michael Welsh Medical College of Wisconsin

#### • Rachel Boller - Aurora Healthcare

#### Registrations Against

• None.

#### Registrations for Information Only

• None.

#### October 09, 2013 Executive Session Held

Present:

(11) Representative

August; Representatives Craig, Knodl, Kooyenga, Hutton, Nass, Neylon,

Sinicki, Hulsey, Ringhand

and Kessler.

Absent:

(0) None.

Excused:

(0) None.

Moved by Representative Sinicki, seconded by Representative Ringhand that **Assembly Substitute Amendment 1** be recommended for adoption.

Ayes:

(11) Representative

August; Representatives Craig, Knodl, Kooyenga, Hutton, Nass, Neylon, Sinicki, Hulsey, Ringhand

and Kessler.

Noes:

(0) None.

ASSEMBLY SUBSTITUTE AMENDMENT 1 ADOPTION RECOMMENDED, Ayes 11, Noes 0

Moved by Representative Kooyenga, seconded by Representative Sinicki that **Assembly Bill 270** be recommended for passage as amended.

Ayes:

(11) Representative

August; Representatives Craig, Knodl, Kooyenga, Hutton, Nass, Neylon, Sinicki, Hulsey, Ringhand

and Kessler.

Noes:

(0) None.

### PASSAGE AS AMENDED RECOMMENDED, Ayes 11, Noes 0

Luke Bacher Committee Clerk



# State of Wisconsin Department of Health Services

Scott Walker, Governor Kitty Rhoades, Secretary

September 11, 2013

The Honorable Debra Kolste 8 North Capitol P.O. Box 8952 Madison, WI 53708

The Honorable Amy Loudenbeck 209 North Capitol P.O. Box 8952 Madison, WI 53708

RE: Assembly Bill 270 Suggestions

Dear Representatives Kolste and Loudenbeck:

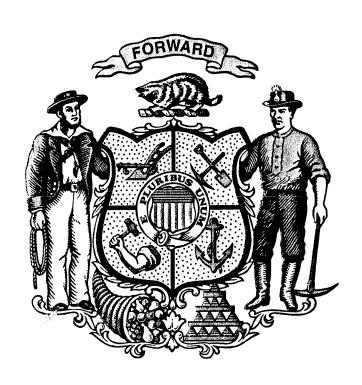
Per our discussions on Assembly Bill 270, below are a few concepts/ideas that have been discussed between DOA and DHS to help add structure to the volunteer health care provider program (VHCPP):

- 1. Place responsibility for approving providers to the non-profit clinic Board of Directors.
- 2. Require non-profit clinic Board of Directors to research and validate providers' credentials to receive coverage from VHCPP.
- 3. Require clinics to enter the list of providers into an online system developed by DOA.
- 4. Require clinics to monitor their providers, and remove them when licensure is questioned or when practices are questionable.
- 5. Require an annual report from the clinics to be covered by VHCPP. Failure to submit would disqualify the clinic from the program. Information would include types and number of services provided by the clinic.
- 6. Provide staffing and financial support for one FTE to manage the program.
- 7. Once staffing levels are determined, evaluate the location and the program and possibly transfer to DHS.
- 8. Clarify what funds are to be used from the state in the event of a claim.

I look forward to working with you and your staff on this issue. Please feel free to contact me or Alex Ignatowski at 266-9622 should you have any questions.

Thank you,

Kevin E. Moore Deputy Secretary



\* \* \* \* \* \*

44TH DISTRICT

WISCONSIN STATE ASSEMBLY

#### Testimony for AB 270 - Expanding the Voluntary Health Care Provider Program

#### **Assembly Committee on Government Operations and State Licensing**

September 24, 2013

Thank you Chairman August and members of the Committee for giving Assembly Bill 270 a public hearing.

This bill expands the list of medical professionals who may provide health services at free clinics on a volunteer basis under medical malpractice insurance provided by the state.

Representative Loudenbeck and I worked together to produce this bill after extensive discussions with directors of free medical clinics, the Wisconsin Nursing Association, the Department of Health Services and Department of Administration.

Representative Loudenbeck and I both have free medical clinics in our districts, but free clinics operate in every region of the state, and all of them rely on medical professionals to donate their services.

Healthnet of Rock County and Open Arms Free Clinic of Walworth County are busy places and they will stay busy for the foreseeable future. The same goes for clinics in every corner of Wisconsin.

The free clinics save every one of us money, because people without insurance and no available free clinic will eventually show up in emergency rooms. Emergency room care is the most expensive, least effective medical care. Emergency rooms treat symptoms, not underlying causes. That means that many patients will show up in emergency rooms repeatedly.

The cost of that care is borne by all of us through increased insurance costs and higher hospital charges. Free medical clinics are more effective than emergency rooms and they absorb costs that would otherwise be paid by you and me.

The clinics also contribute to the health of the general public by helping prevent the spread of contagious disease. The savings in public health care dollars from this service can't be calculated, but it is enormous.

Free medical clinics would be more effective and more able to absorb patient loads if the Voluntary Health Care Provider list were expanded. The directors of our free clinics tell us that nurse practitioners with prescribing authority cannot practice at those clinics to the full scope of their licenses. The full services of these prescribing nurse practitioners are sorely needed to take some of the pressure off of physicians at the clinics.

These nurse practitioners are particularly crucial, but the bill expands the list to other medical providers as well.

I ardently hope that this committee approves this bill and that it becomes law. By expanding the list of available providers, we can expand the amount of health care that these heavily used free clinics can offer.

Under the current list, no liability claim has ever been paid by the state.

Expanding the list provides an effective way to save public health care dollars, help control health care costs, protect the public health and expand medical care to more of those with no other access.

Thank you again for this hearing. I would be happy to try to answer any questions.



# WISCONSIN STATE LEGISLATURE



# HealthNet of Rock County, Inc.

23 W. Milwaukee Street \* Janesville, WI \* 53548

Phone: 608-756-4638 \* Fax: 608-756-4928

September 25, 2013

My name is Rochelle Carlson, and I am a Nurse Practitioner. I have been an Advanced Practice Nurse Prescriber in the State of Wisconsin since 1998. I work full time and commute 2 hours a day. I also volunteer my time as a Nurse Practitioner at HealthNet and have done so for the last two and a half years. I see patients at HealthNet about one evening a month. Usually I will see around five patients during an evening when I am there.

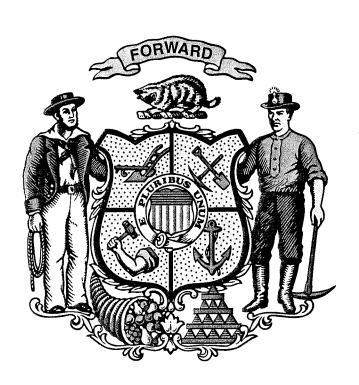
One might ask, is it worth it? Is it worth my time in an otherwise busy schedule to volunteer? Do I really make a difference when I see around 60 patients in a year? The answer is yes! It is worth my time precisely because I believe that I do make a difference.

During my volunteer service at HealthNet I have successfully treated patients with chronic illnesses such as Diabetes, Hypertension, and Depression. I know this because blood pressures have lowered to an acceptable level, blood sugars have become controlled, and patients' moods have improved. Management of chronic illnesses lowers the risk that patients will end up in an Emergency Room with a catastrophic event such as a stroke, a gangrenous foot requiring an amputation, or an anoxic brain injury from a suicide attempt.

As a provider I need to make the most out of every patient visit since unpredictable transportation and clinic access are barriers to return appointments. Anticipating patients' needs and working with efficiency requires me to practice to the full extent of my license as an Advanced Practice Nurse Prescriber. Right now the Volunteer Health Care Providers law restricts my ability to practice as the licensed independent provider that I am due to the malpractice limitations. I believe that more Advanced Practice Nurse Prescribers would be willing to volunteer if they did not have the determents of either a limited practice or paying for malpractice insurance to volunteer.

HealthNet patients appreciate me as their provider and will request to see me. They will even wait for a clinic appointment to see me rather than being seen sooner by one of the physicians. I have gained their trust as a Nurse Practitioner. I know that I am not unique in the care that I provide. In my work I supervise other nurse practitioners, and I daily hear of nurse practitioners who make a difference in the lives of their patients.

Please support the creation of 146.89 (1) (r) 5. to 13. and 146.89 (5) of the statues: relating to: additional providers in the volunteer health care provider program and proof of financial responsibility and malpractice requirements for certain advanced practice nurses serving as volunteer health care providers. I believe this bill will encourage other Advanced Practice Nurse Prescribers to volunteer their services, and they will provide needed healthcare to medically underserved individuals in the State of Wisconsin. You can make a difference by voting in support for this bill.





6117 Monona Drive • Suite 1 • Madison, Wisconsin 53716-3995 • (608) 221-0383 • FAX (608) 221-2788 info@wisconsinnurses.org • www.wisconsinnurses.org

TO:

Representative Tyler August, Chairperson and Members of the Committee on

**Government Operations and State Licensing** 

FROM:

Gina Dennik-Champion, MSN, RN, MSHA

Wisconsin Nurses Association Executive Director

DATE:

September 25, 2013

RE:

Support of Assembly Bill 270 - Relating to: additional providers in the volunteer health care provider program and proof of financial responsibility and malpractice insurance requirements for certain advanced practice nurses serving as volunteer health care

providers

On behalf of the Wisconsin Nurses Association (WNA), I would like to thank Chairperson August and Members of the Committee on Government Operations and State Licensing for holding a public hearing on AB 270. This bill provides for the inclusion of additional volunteer health care providers into the Volunteer Health Care Provider Program as described in Wisconsin State Statute 146.89 (1) (r).

My name is Gina Dennik-Champion. I am a registered nurse and serve as the Executive Director of the Wisconsin Nurses Association (WNA). WNA is the professional association for Wisconsin's 80,000 registered nurses including advanced practice registered nurses. WNA advocates for access to comprehensive quality health care services for all people.

WNA supports AB 270, as it includes advanced practice nurse prescribers (APNPs), which are identified in Section 1 on page 3, lines 1-2, and Section 2, page 3, lines 12-18. APNPs are professional nurses licensed as registered nurses who are educated at the graduate degree level. The APNP's scope of services provided includes:

- comprehensive health history
- advanced physical assessment
- the selection and performance of appropriate diagnostic and therapeutic procedures
- ordering and interpretation of laboratory tests
- diagnosis of clinical conditions
- prescription of and administration of pharmacological agents, treatments and nonpharmacologic therapies
- provision of education and counseling for individuals, families and groups
- consulting with other health care professionals and/or making appropriate referrals for patients and families
- serving as the primary provider of record

In order to for an APNP to prescribe a drug, order radiographic and laboratory tests and procedures, and durable medical equipment, she or he must meet the conditions identified in Wisconsin State Statute 441.16 and Administrative Code for Nurses N.8. One of the requirements to practice as an APNP is to maintain malpractice insurance, currently \$1 million/\$3 million. Most employers pay the malpractice

insurance for the APNP. However, coverage cannot extend beyond the work setting. For an APNP to serve as a volunteer in a "free clinic" she or he must purchase a separate malpractice insurance policy. This is not always desirable and deters APNPs from providing care in these free clinic settings.

AB 270 removes the requirement for the APNP to maintain malpractice insurance and provides for the Department of Administration to address any legal claims filed.

It is for these reasons WNA supports AB 270. This legislation is very timely given the increased demand for health services among the uninsured. APNPs are one more category of providers that can support the health care needs of those patients entering the free clinic setting.

On behalf of WNA, I want thank you Chairperson August for holding this hearing and Representative Laudenbeck for sponsoring this bill. WNA respectfully requests the Committee on Government Operations and State Licensing support AB 270 and vote its passage out of Committee.



# WISCONSIN STATE LEGISLATURE



# Testimony for Assembly Bill 270 | September 25, 2013 Assembly Committee on Government Operations and State Licensing Rep. Amy Loudenbeck – AD31

Thank you Chairman August and Committee members for holding a public hearing on AB 270.

Rep. Kolste has already provided a great summary of the bill. I do want to add that over sixty free clinics are operating in Wisconsin and that the bill has thirty six co-sponsors. Feedback to date on this bill from various stakeholders has been very positive. We are looking forward to your feedback and guidance today on the bill.

Since the bill was introduced, Representative Kolste and I have had the opportunity to review suggestions from the Department of Health Services and the Department of Administration and are in the process of drafting a substitute amendment.

After today's hearing and committee discussion and feedback, we will finalize the substitute amendment. We hope to introduce the substitute amendment by the end of this week, and I would like to outline the changes that we are already planning to make to the bill that you have before you today.

- 1. Limit the list of additional professionals to be covered under the bill to include a psychologist who is licensed under ch. 455, a social worker who holds a certificate granted under ch. 457, a marriage and family therapist who is licensed under ch. 457 or a professional counselor who is licensed under ch. 457, and an advanced practice nurse who has a certificate to issue prescription orders under s. 441.16 (2);
- 2. Require participating Voluntary Health Care Provider Program (VHCPP) clinics to research and validate provider credentials;
- 3. Require VHCPP clinics to enter providers into an online system developed by DOA;
- 4. Require VHCPP clinics to monitor providers and remove providers when warranted; and
- 5. Require VHCPP clinics to file an annual report to include types and number of services provided by clinics covered by VHCPP.

Beyond the aforementioned changes to be addressed in the substitute amendment, there has been discussion between the authors, DHS and DOA regarding agency oversight and financial responsibility related to the current VHCPP program. We have researched this issue with the assistance of the Legislative Fiscal Bureau.

It is our understanding that DOA administers the program reporting and provides medical malpractice insurance for the program as part of their risk management responsibilities under Chapter 16.865 – Department of Administration; statewide risk management coordination.

Under current law, DHS is responsible for paying the medical malpractice insurance premium and in the event of a claim the Attorney General would be responsible for providing legal counsel if directed by DHS under 165.25(6)(b).

It is important to note that under 893.82(6), the amount recoverable by any person or entity for any damages, injuries or death in any civil action or civil proceeding against a state officer, employee or agent, . . . . shall not exceed \$250,000 and that no punitive damages may be allowed or recoverable in any such action. As mentioned already by Rep. Kolste, there have never been any claims paid under the current VHCPP program.

Finally, DOA and DHS have suggested that the substitute amendment include staffing and financial support for one FTE to manage the program. DOA and DHS have also recommended that we evaluate the possible transfer of the program to DHS. We have not yet incorporated these recommendations into the substitute amendment because it is unclear what level of staff may be needed to administer the program.

Thank you again for this opportunity and we would be happy to take questions from committee members.

#### **Statutory References:**

# 16.865 Department of administration; statewide risk management coordination. The department shall:

- (1) Be responsible for statewide risk management coordination in order to: (a) Protect the state from losses which are catastrophic in nature and minimize total cost to the state of all activities related to the control of accidental loss. (b) Place emphasis on the reduction of loss through professional attention to scientific loss control techniques and by motivational incentives, prompt claims payments and other loss prevention measures.
- (2) Identify and evaluate exposure to loss to the state, its employees or injury to the public by reason of fire or other accidents and fortuitous events at state-owned properties or facilities.
- (3) Recommend changes in procedures, program conditions or capital improvement for all agencies which would satisfactorily eliminate or reduce the existing exposure.
- (4) Manage the state employees' worker's compensation program and the statewide self-funded programs to protect the state from losses of and damage to state property and liability and, if retained by the department of workforce development under s. 102.65 (3), process, investigate, and pay claims under ss. 102.44 (1), 102.49, 102.59, and 102.66 as provided in s. 102.65 (3).
- (5) Arrange appropriate insurance contracts for the transfer of risk of loss on the part of the state or its employees, to the extent such loss cannot reasonably be assumed by the individual agencies or the self-funded programs. The placement of insurance may be by private negotiation rather than competitive bid, if such insurance has a restricted number of interested carriers. The department shall approve all insurance purchases.
- (6) Train, upgrade and guide appropriate personnel in the agencies in implementation of sound risk management practices.
- (7) Have the authority to contract for investigative and adjustment services as provided in s. 20.865 (1) (fm) which can be performed more economically or efficiently by such contract.
- (8) Annually in each fiscal year, allocate as a charge to each agency a proportionate share of the estimated costs attributable to programs administered by the agency to be paid from the appropriation under s. 20.505 (2) (k). The department may charge premiums to agencies to finance costs under this subsection and pay the costs from the appropriation on an actual basis. The department shall deposit all collections under this subsection in the appropriation account under s. 20.505 (2) (k). Costs assessed under this subsection may include judgments, investigative and adjustment fees, data processing and staff support costs, program administration costs, litigation costs, and the cost of insurance contracts under sub. (5). In this subsection, "agency" means an office, department, independent agency, institution of higher education, association, society, or other body in state government created or authorized to be created by the constitution or any law, that is entitled to expend moneys appropriated by law, including the legislature and the courts, but not including an authority created in subch. Il of ch. 114 or in ch. 231, 232, 233, 234, 237, 238, or 279.

**NOTE:** Sub. (8) is shown as amended eff. 1-1-15 by 2013 Wis. Act 20. Prior to 1-1-15, as affected by 2011 Wis. Acts 10 and 229 and as merged by the legislative reference bureau under s. 13.92 (2) (i), it reads:

- (8) Annually in each fiscal year, allocate as a charge to each agency a proportionate share of the estimated costs attributable to programs administered by the agency to be paid from the appropriation under s. 20.505 (2) (k). The department may charge premiums to agencies to finance costs under this subsection and pay the costs from the appropriation on an actual basis. The department shall deposit all collections under this subsection in the appropriation account under s. 20.505 (2) (k). Costs assessed under this subsection may include judgments, investigative and adjustment fees, data processing and staff support costs, program administration costs, litigation costs, and the cost of insurance contracts under sub. (5). In this subsection, "agency" means an office, department, independent agency, institution of higher education, association, society, or other body in state government created or authorized to be created by the constitution or any law, that is entitled to expend moneys appropriated by law, including the legislature and the courts, but not including an authority created in subch. II of ch. 149 or in ch. 231, 232, 233, 234, 237, 238, or 279.
- (9) Notwithstanding s. 20.001 (3) (c), if the department makes any payment from the appropriation under s. 20.505 (2) (a), lapse to the general fund from the appropriation account under s. 20.505 (2) (k) an amount equal to the payment. The department shall effect the lapse required under this subsection in accordance with a schedule determined by the department, but the total amount of each lapse shall be effected no later than 6 years after the date of the payment to which it relates.

#### 893.82 Claims against state employees; notice of claim; limitation of damages.

893.82(6) (6) The amount recoverable by any person or entity for any damages, injuries or death in any civil action or civil proceeding against a state officer, employee or agent, or against a nonprofit corporation operating a museum under a lease agreement with the state historical society, including any such action or proceeding based on contribution or indemnification, shall not exceed \$250,000. No punitive damages may be allowed or recoverable in any such action.

### 165.25 Duties of department of justice. The department of justice shall:

(6) Attorney for state

165.25(6)(b) Volunteer health care providers who provide services under s. 146.89, practitioners who provide services under s. 257.03, and health care facilities on whose behalf services are provided under s. 257.03 are, for the provision of those services, 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.



# WISCONSIN STATE LEGISLATURE



# HealthNet of Rock County, Inc.

23 W. Milwaukee Street \* Janesville, WI \* 53548

Phone: 608-756-4638 \* Fax: 608-756-4928

#### 146.89 (1)(r) 5. To 13. And 146.89 (5)

#### Statement of Need - Volunteer Health Care Provider Program Revisions

The Volunteer Health Care Provider Program (VHCPP) is an invaluable resource for clinics that provide free care to patients across Wisconsin. HealthNet of Rock County, Inc. is a free clinic serving low income, uninsured residents of Rock County. Last year we had over 9,000 patient visits to our medical and dental clinics and the need continues to grow. All of our medical and dental providers donate their time as we have a limited budget to pay for staff such as nurses and dental assistants, so we also rely heavily on volunteer support staff as well. Without volunteer medical professionals, we would not be able to serve the 900 enrolled patients that seek services at our clinic throughout the year as 97% of all funding we receive goes back in to patient care, meaning only 3% of our funding is used to pay for staff and overhead costs. The VHCPP allows us to recruit medical professionals by allowing licensed individuals to serve at our clinic and not be required to purchase personal malpractice insurance to do so. This is especially important for professionals that are retired but still want to keep their license active or individuals that have liability coverage that is only valid through their place of employment but want to give back to their community through volunteering.

The current program recognizes 14 licensed professions and one unlicensed medical profession as covered entities. The proposed revision would expand the number to include additional licensed medical professionals in the state to serve at free clinics. Expanding this program allows us to tap into these community resources and in return allow for more uninsured / low-income patients to be served, hence keeping patients out of emergency rooms and reducing the burden to current county resources. The more professionals that can be included on this bill the better as it allows us to continue expanding services and serving more individuals that need us the most. Additionally, the revision will clarify the role of advanced practice nurses with prescribing authority to practice up to their license at free clinics and ultimately further expanding services offered at free clinics. Currently under the legislation, advanced practice nurses may not prescribe at free clinics as this is not a covered duty under the VHCPP, though they are licensed in the state as well as overseen by the DEA to do so in private practice.

These revisions will have an incredible impact on our clinic. We currently have 31 medical providers as well as countless support staff serving in pharmacist, pharmacy technician, and nursing roles that generously donate their time; however we are still scheduling appointments well into January 2014. These proposed revisions will allow us to tap into more medical professionals that may have stayed away for concern over liability coverage and increase the number of appointment slots available to our patients. We would also be able to expand our available services with the addition of critical mental health and advocate roles that social workers, therapists, and counselors bring to the table.

The Volunteer Health Care Provider Program is our most valuable resource at our clinic as well as the other free clinics across the state of Wisconsin. It provides peace of mind to the providers that serve so they can focus on providing patients the best care possible.

Presented by; Ryan Messinger, HealthNet Clinical Operations Director 9/25/2013



# WISCONSIN STATE LEGISLATURE





### WISCONSIN LEGISLATIVE COUNCIL

Terry C. Anderson, Director Laura D. Rose, Deputy Director

TO:

REPRESENTATIVE AMY LOUDENBECK

FROM:

Anna Henning, Staff Attorney

RE:

Assembly Substitute Amendment 1 to 2013 Assembly Bill 270, Relating to the

Volunteer Health Care Provider Program

DATE: October 1, 2013

This memorandum describes Assembly Substitute Amendment 1 ("the substitute amendment") to 2013 Assembly Bill 270 ("the bill"). As is described in greater detail below, the bill expands the list of professionals who may participate in the volunteer health provider program. The substitute amendment adds a more limited list of professionals who may participate in the program and makes certain changes to the program's administration.

#### **VOLUNTEER HEALTH CARE PROVIDER PROGRAM**

The volunteer health care provider program was created in 1990 as a pilot program to provide protections from legal liability for physicians and certain other health care professionals who volunteer their services. [1989 Wisconsin Act 206.] Over the years, the program has been expanded to apply throughout the state and to allow participation by various types of health care professionals.

Under current law, a person in a specified health care profession may submit a joint application, together with a participating school<sup>1</sup> or nonprofit agency,<sup>2</sup> to the Department of

¹ Joint applications for volunteer work in schools may be made with school boards for public elementary schools, or with school boards or governing bodies of certain charter or private schools. [s. 146.89 (1) (d) and (g), Stats.] A volunteer health care provider who provides services under the program in a school must provide services to students from four-year old kindergarten to grade six and must provide only the following health care services: diagnostic tests, health education, information about available health resources, office visits, patient advocacy, prescriptions, referrals to health care specialists, and dental services, first aid for illness or injury, the administration of drugs that may be provided under current law to a pupil, health screenings, and any other health services designated by the Department of Public Instruction by rules. A volunteer health care provider may not provide hospitalization, surgery, a referral for abortion, a contraceptive article, a pregnancy test, or certain instruction in human growth and development. [s. 146.89 (3r), Stats.]

Administration (DOA) to participate in the program as a volunteer health care provider. If an application to participate in the program is approved, that approval is valid for one year, and may be renewed. [s. 146.89 (2) (d), Stats.]

The following health care professionals are eligible to participate in the program under current law: state-licensed physicians, dentists, dental hygienists, registered nurses, practical nurses, nurse-midwives, optometrists, physician assistants, pharmacists, chiropractors, podiatrists, and physical therapists; state-certified dietitians; certain nurse practitioners; and persons who perform certain functions of pharmacy technicians. To be eligible, a health care provider must receive no income from his or her volunteer work with the school or nonprofit agency. [s. 146.89 (1) (r), Stats.]

Participating volunteer health care providers are considered agents of the state for limited purposes. As such, they are entitled to representation by the Wisconsin Attorney General's office in legal proceedings arising from their volunteer services. In addition, certain notice requirements and liability limitations apply in the event that a volunteer health care provider is sued. [s. 146.89 (4), Stats.]

#### 2013 ASSEMBLY BILL 270

The bill adds several categories to the list of health care professionals eligible to participate in the volunteer health care provider program. The categories of professions added under the bill include:

- Certain nurse aides.
- Licensed emergency medical technicians.
- Licensed psychologists.
- Licensed social workers.
- Licensed marriage and family therapists.
- Licensed professional counselors.
- Advanced practice nurses who are certified to issue prescription orders.
- Certain medical assistants.
- Certain health educators.
- Certain dental assistants.

<sup>&</sup>lt;sup>2</sup> Joint applications for volunteer work in nonprofit agencies may be made with nonprofit agencies that provide diagnostic tests, health education, information about available health care resources, office visits, patient advocacy, prescriptions, referrals to health care specialists, certain dental services, and certain types of outpatient surgery. A participating nonprofit agency generally may not provide emergency medical services, hospitalization, or surgery through the program. [s. 146.89 (3) (b) and (c), Stats.] "Free clinics" operating throughout the state are typical of the types of nonprofit agencies that participate in the program.

In addition, the bill specifies that an advanced practice nurse who is certified to issue prescription orders and who participates in the program is considered to satisfy a statutory requirement to carry insurance or qualify as self-insured, if applicable.

#### ASSEMBLY SUBSTITUTE AMENDMENT 1

The substitute amendment adds a more limited set of professions to the list of those eligible to participate in the volunteer health care provider program than is added under the bill. In addition, the substitute amendment makes several changes relating to the administration of the program that are not included in the bill.

#### Additional Categories of Professionals Eligible to Participate

The substitute amendment adds the following categories of professionals to those eligible to participate in the volunteer health care provider program under current law:

- Licensed psychologists.
- Licensed social workers.
- Licensed marriage and family therapists.
- Licensed professional counselors.
- Advanced practice nurses who are certified to issue prescription orders.<sup>3</sup>

### Transfer of Administration from DOA to the Department of Health Services (DHS)

The substitute amendment transfers the primary administration of the volunteer health care provider program from DOA to DHS. For example, under the substitute amendment, joint applications from volunteer health care providers and schools or nonprofit agencies would be submitted to DHS rather than DOA, and DHS would be the agency responsible for approving or disapproving such applications and providing application forms.

#### New Credentialing and Monitoring Role for Participating Nonprofit Agencies

The substitute amendment creates a new role for participating nonprofit agencies. Under the substitute amendment, the board of directors of a participating nonprofit agency must assume responsibility for approving individuals to be volunteer health care providers. A board of directors must research and validate an individual's credentials before submitting a joint application to DHS for participation in the program. The substitute amendment also requires participating nonprofit agencies to monitor those providers and terminate a provider's participation in the program if the agency questions the provider's credentials or disapproves of the provider's practices.

<sup>&</sup>lt;sup>3</sup> As does the bill, the substitute amendment also specifies that an advanced practice nurse who is certified to issue prescription orders and who participates in the program is considered to satisfy a statutory requirement to carry insurance or qualify as self-insured, if applicable.

In addition, under the substitute amendment, every participating nonprofit agency must enter a list of volunteer health care providers serving at that agency into an online, electronic system developed by DOA. Finally, the agency must prepare and submit to DHS an annual report that includes the types and number of health care services provided by the agency through the program.

The substitute amendment authorizes DHS to withdraw its approval of an application for participation in the program based on a nonprofit agency's lack of compliance with the requirements under the substitute amendment.

If you have any questions, please feel free to contact me directly at the Legislative Council staff offices.

AH:jal



# WISCONSIN STATE LEGISLATURE





# WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

### 2013 Assembly Bill 270

### Assembly Substitute Amendment 1

Memo published: October 9, 2013

Contact: Anna Henning, Staff Attorney (266-0292)

2013 Assembly Bill 270 relates to the categories of professionals who may participate in the volunteer health provider program.

#### **CURRENT LAW**

Under current law, a person in a specified health care profession may submit a joint application, together with a participating school or nonprofit agency, to the Department of Administration (DOA) to participate in the volunteer health provider program. Participating volunteer health care providers are considered agents of the state for limited purposes. As such, they are entitled to representation by the Wisconsin Attorney General's office in legal proceedings arising from their volunteer services. In addition, certain notice requirements and liability limitations apply in the event that a volunteer health care provider is sued. [s. 146.89 (4), Stats.]

The following health care professionals are eligible to participate in the program under current law: state-licensed physicians, dentists, dental hygienists, registered nurses, practical nurses, nurse-midwives, optometrists, physician assistants, pharmacists, chiropractors, podiatrists, and physical therapists; state-certified dietitians; certain nurse practitioners; and persons who perform certain functions of pharmacy technicians. [s. 146.89 (1) (r), Stats.]

### 2013 ASSEMBLY BILL 270

Assembly Bill 270 adds several categories to the list of health care professionals eligible to participate in the volunteer health care provider program. The categories of professions added under the bill include:

- Certain nurse aides.
- Licensed emergency medical technicians.
- Licensed psychologists.
- Licensed social workers.
- Licensed marriage and family therapists.

- Licensed professional counselors.
- Advanced practice nurses who are certified to issue prescription orders.
- Certain medical assistants.
- Certain health educators.
- Certain dental assistants.

In addition, the bill specifies that an advanced practice nurse who is certified to issue prescription orders and who participates in the program is considered to satisfy a statutory requirement to carry insurance or qualify as self-insured, if applicable.

#### ASSEMBLY SUBSTITUTE AMENDMENT 1

Assembly Substitute Amendment 1 adds a more limited set of professions to the list of those eligible to participate in the volunteer health care provider program than is added under the bill. In addition, the substitute amendment makes several changes relating to the administration of the program that are not included in the bill.

#### Additional Categories of Professionals Eligible to Participate

The substitute amendment adds the following categories of professionals to those eligible to participate in the volunteer health care provider program under current law:

- Licensed psychologists.
- Licensed social workers.
- Licensed marriage and family therapists.
- Licensed professional counselors.
- Advanced practice nurses who are certified to issue prescription orders.<sup>1</sup>

#### Transfer of Administration from DOA to the Department of Health Services (DHS)

The substitute amendment transfers the primary administration of the volunteer health care provider program from DOA to DHS. For example, under the substitute amendment, joint applications from volunteer health care providers and schools or nonprofit agencies would be submitted to DHS rather than DOA, and DHS would be the agency responsible for approving or disapproving such applications and providing application forms.

#### New Credentialing and Monitoring Role for Participating Nonprofit Agencies

The substitute amendment creates a new role for participating nonprofit agencies. Under the substitute amendment, the board of directors of a participating nonprofit agency must assume responsibility for approving individuals to be volunteer health care providers. A board of directors must research and validate an individual's credentials before submitting a joint application to DHS for

<sup>&</sup>lt;sup>1</sup> As does the bill, the substitute amendment also specifies that an advanced practice nurse who is certified to issue prescription orders and who participates in the program is considered to satisfy a statutory requirement to carry insurance or qualify as self-insured, if applicable.

participation in the program. The substitute amendment also requires participating nonprofit agencies to monitor those providers and terminate a provider's participation in the program if the agency questions the provider's credentials or disapproves of the provider's practices.

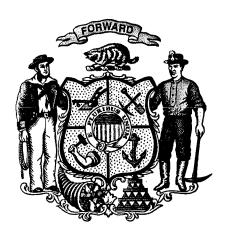
In addition, under the substitute amendment, every participating nonprofit agency must enter a list of volunteer health care providers serving at that agency into an online, electronic system developed by DOA. Finally, the agency must prepare and submit to DHS an annual report that includes the types and number of health care services provided by the agency through the program.

The substitute amendment authorizes DHS to withdraw its approval of an application for participation in the program based on a nonprofit agency's lack of compliance with the requirements under the substitute amendment.

#### **BILL HISTORY**

Assembly Substitute Amendment 1 to Assembly Bill 270 was introduced by Representative Loudenbeck on September 27, 2013. On October 9, 2013, the Assembly Committee on Government Operations and Licensure voted to recommend adoption of the amendment and passage of the bill, as amended, on votes of Ayes, 11; Noes, 0.

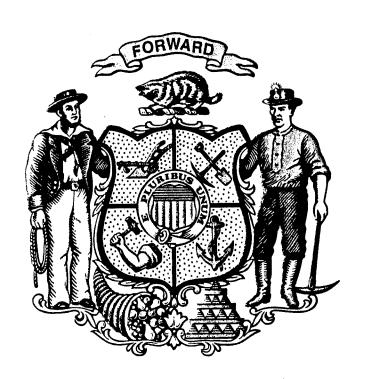
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Chippewa Valley Free Clinic Executive Director, Maribeth Woodford Clinic Director, Maribeth Woodford Clinic Director, Teddi Martin Church Health Services, Inc. Beaver Dam Church Health Services, Inc. Heidi Weiss, RN					City on a Hill Clinic Karrol Mirenda, RN	Agape Community Center	Lutheran Church Bread of Healing (BOH)	Bread of Healing at Cross Rick Cesar	BSP Free Clinic Kathy	Asthma Clinic Ann Schlimgen	American Community Mahmud Medical Center, Inc. Safavi	Albrecht Free Clinic (site #1) Lynn Pasbrig, Emma Jacque	Organization Name Contact Person	Last Updated  5/31/2013
836 Richard Drive, Eau Claire, WI 54701 Soneida St. Beaver Dam, WI 53916 10 S. Main St. Mayville, WI 53050							Milwaukee, WI 53205 6100 N 42nd Street		er Level	4633 D Verona Rd (in Madison Plaza) Madison, WI 53711	1421 S. Park St. Madison, WI 53703	1110 Oak Street Suite 1200 West Bend, WI 53095	Address	updates
920-887-1766 920-387-2995	920-887-1766 920-387-2995	920-887-1766		715-839-8477	414-831-6670			414-977-0001	608-827-2308	608.446.3344	608-441-6888 (Leave Message) 608-957-3000	262-334-8339	Phone#	
		920-887-2322	920-887-2322	715-839-8521	414-931-1804			414-755-6971	608-827-2344			262-306-7717	Fax#	
Call for hours.		society appointment only	ss and patients are	Open Tuesdays and Thursdays only, offering Maribeth@cvfreeclinic.org walk-in services, mental health, diabetic, ophthalmologic, and foot clinics	Second Saturday of each month from 12:00 - delasantos@cityonahilimilwaukee.org 3:30. Offering monthly BP and BS screenings, foot care and health education topics and limited physician visits to the uninsured. Cholesterol Screening 2-3 times per year. Vision screening every other month starting with January. Physical Therapy every other month starting with February. Lunch and food pantry available to participants in health screenings.		Call for hours.	Call for hours.	ys 1:00 PM - 6:00	Tuesdays 5:00 PM - 7:00 PM	Tue - Sat: By Appointment Sun: Closed If it is an emergency, please call 911 immediately.	-5p.m. EXISTING nee with vouch rk vi.N* 30p.m. 30p.m. with vouch rk vi.k*	Special Info	
laura@communityclinicofdoorcounty.org	HeidiW@churchclinic.org	info@churchclinic.org	info@churchclinic.org stacyn@churchclinic.org	Maribeth@cvfreeclinic.org	ddelasantos@cityonahilmilwaukee.org	mmilion have an effective and an experience of the control of the		bread of healing@yahoo.com	kathleen.williams@deancare.com	ann.schlimgen@deancare.com			E-Mail Address	
									deanfoundation@deancare.com	denticundation Biotencare.com	http://www.acmedicalcenters.org/	http://www.albrechtfreeclinic.org/	Website	

	Open Door Free Clinic-Unity Church	Open Arms Free Clinic	NEW Community Clinic	MEDIC	MCW-Issac Coggs Saturday Clinic	Marquette Clinic for Women & Children	Living Healthy Community Clinic	Liberty Star Medical	rea Free Clinic	La Clinica Family Health and Dental	InHealth Community Wellness Clinic	Health Clinic	f			Granville Neighborhood Health Center	Good Neighbor Clinic	Free Clinic of Pierce St. Croix Counties	Free Clinic of the Greater Menomonie Area, Inc.	Dental Clinic – Waukesha	Community Outreach Health	Community Chronic Disease Management Clinic (CCDM)	Community Connections Free Clinic	Organization Name
	Georgia Seis		Bonnie Kuhr	Sharon Younkin	Adam Ronan, Co-Director	Linda Booker	Linda Booker	David B. Gattuso, MD	Paul Baumgartner	Nancy Pulver	Robin Transo	Mary Schneider	Jean Randles	Barb Tylenda	Kathleen Schneider	Melissa Wolfgram, Rebekah Carev	Joan Mack, RN	Mary Steelen, Mary Conroy- Johnson	Cindy Ritchie, Dennis Ciesielski	i Terrill	Linda Smith,	Heather Puente	D, Hess	Contact Person
•	1025 E. Oklahoma Ave Milwaukee, WI 53207	797 East Geneva St, Elkhom,	622 Bodart St. Green Bay, WI	2202 S. Park St. Madison, WI 53713	2770 North 5 <sup>th</sup> St Milwaukee, WI 53212	1821 N 16 <sup>th</sup> St. Milwaukee, WI 53205	510 Doctors Court Oshkosh, WI 54901	1905 Center Avenue Suite #5 Janesville, WI 53546	856 B Armour Rd Oconomowoc, WI 53066	400 S Town Line Rd Wautoma, WI 54982	109 East Bluff Street Boscobel, Wisconsin 53805	Mequon, WI 53097	Janesville, WI 53548	904 State St. Racine, WI 53404	9330 W. Lincoln Ave West Allis, WI 53227	Deer Road 53224	1906 North Street Prairie du Sac, WI 53578	1687 E. Division St. P.O. Box 745 River Falls, WI 54022	2321 Stout Rd. Menomonie, WI 54751	10565 Lawndale Dr. Cedarburg, WI 53012	W180N8085 Town Hall Rd Menomonee Falls, wl 53051	205 E. Concordia Milwaukee 53212	101 E. Fountain Street P. O. Box 184 Dodgeville, WI 53533	Street Address
	414 481-1778	262-379-1401	920-437-9773	608-265-4972		414-755-6970	920-424-1242	608-563-4213	262-569-4990	920-787-5514	608-375-4324	202-243-1333	608-314-1921	262-632-2400	414-546-3733 414-546-3746	262 385-5138	608-643-4749 608-644-0504	715-307-3948	715-308-3808 715-231-2710	262-546-0613	262-257-3394	414-588-9178	608-930-2232	Phone #
	414 481-1778	262-379-1095	920-437-0984			414-755-6970	920-424-2045	866-998-1030	262-569-1712			2101-042-202	608-756-4928	262-632-7988					715-233-7860		262-253-7162	414-270-4806	608 935-5168	Fax#
	Call for hours. Mailings: 3965 S. Lake Dr 206 Georgia Seis St Francis, W I 53235	Every Thursday 2 PM - 7 PM		Open Saturdays only. Doors open at 8 am, first come first served. First appt. at 9 am	Call for hours.	Call for hours.	Call for hours.	Hours are Monday through Friday 8:00 AM - 6:00 PM and Saturday 10:00 AM - 5:00 PM	Call for hours.	Call for hours.	Serving Grant and Crawford Counties - Call for hours.	Call to Inches.	Call for hours.	Call for hours.	Call for hours.	Call for hours.	Call for hours.	Open on Tuesday evenings. Registration begins at 4:15 PM. No appointments.	Red Cedar Medical Center, Level A. Clinic hours are Tuesday only, registration between 5:00 and 7:00 PM.	Call for hours.	Call for hours.	CCDM screens and manages the care of hypertension and non-insulin dependent diabetes	Hours are 5:30 to 8:00 p.m. every Tuesday and Thursday, except holidays.	Special Info
	gaseis@merr.com		newcomm@netnet.net	medic@med.wisc.edu	adamronan@hotmail.com	maryann.lough@marguette.edu	whitman@uwosh.edu	doc@libertystarmedical.com	maryreich@lakeareafreedinic.org	nancy@famhealth.com	pertranso@mchsi.com	ssuenie/Journalisestinarys.org	executive-director@healthnet-rock.org	barbtylenda@tds.net	schneidg98@yahoo.com	granvillehealthcenter@gmail.com	gnccrc@gmail.com	mconroyi@sbcglobal.net maryr.steele@att.net	Ritchie Cindy@mayo.edu daciesie@amail.com	ttconsult@mindspring.com	linda.smith@froedterthealth.org		info@ccfcdodge.org	
		www.openarmsfreeclinic.org						http://www.libertystarmedical.com/	,				healthnet-rock.org				www.goodneighborclinic.org	www.freedinicpiercestcroix.org			,			Website

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			415 S. 8 <sup>th</sup> St Watertown, WI	611 W. National Ave. #400 Milwaukee, WI 53204	1301 Cheri Boulevard Suite 116 Marinette, WI 54143	Site: 130 west Central Street Chippewa Falls, WI	1906 North St. Prairie du Sac, WI 53578	1004 E. Main St. Merrill, WI 54452	826 N. East Ave Waukesha, WI 53186	1965 Oshkosh Ave Oshkosh, WI 54902		916 Ferry St. LaCrosse, WI 54601	1730 S. 13th Street, Milwaukee 414-383-3220	. North Ave Milwaukee,	620 W. Brown St Waupun, WI 53963		710 Pennsylvania Ave Sheboygan, WI 53082	1730 N. 7 <sup>th</sup> St. Milwaukee, WI 53205	1541 Annex Road Jefferson, WI 53549		301 E. 2nd St. Richland Center, Wi 53581	1335 W Vliet St Milwaukee 53205	Ŋ,		
			920-206-7797	(414) 384-1400	715-732-1349	/15-/20-1443	608-643-4749 ext 14	715-539-9566	262-544-6777	920-230-2273	608-269-1770	608-791-9544	414-383-3220	414-588-2865	920-324-6540	920-926-4841	920-458-3723	414-265-6360	920-674-7442	715-736-3733 (736-FREE)	608 647-6161 x4135	414-342-1065	414-882-2392	608-819-8544	Phone #
				414-672-7012	715-732-1386	/15 /20-4656	608-644-0504	715-539-9606	262-544-6667	920-231-2502	608-269-1017	608-791-9570	414-383-3363			920-926-8874	920-694-0035	414-265-8151	920-674-7460	715-736-3734		414-344-9407	414-769-2291	608-819-8547	Fax#
	The state of the s		Call for hours.	Call for hours.	Call for hours.	Open Tuesdays 4 - 8 pm Mailing address: PO Box 271 Chippewa Falls 54729	Call for hours.	Call for hours.	Call for hours.	Call for hours.	Call for hours.	Call for hours.	Urgent Care is available to people on a walk-enelson1@columbia-stmarys.org in basis according to eligibility criteria. Call for criteria.	Call for hours.	Call for hours.	Monday - Friday 9:00 AM - 4:00 PM	Call for hours.	Call for hours.	Hours of Service: Monday 10 AM - 7 PM Tuesday 9 AM - 12 PM Wednesday 9 AM - 6 PM Thursday 10 AM - 7 PM Friday 9 AM - 5 PM	We are open for patient care on the 2nd and 4th Tuesdays of each month. Our doors open at 5 PM, providers start patient visits at 6 PM and we close at 9 PM.	Open tuesdays 8 - noon for those without insurance.	Hours vary week to week. Call first.	Call for hours.	Call for hours.	Special Info
	A COLUMN TO THE PARTY OF THE PA			steve.ohly@aurora.org	tcfc@bamc.org	mar/(cucnippewaopendoor.org		The state of the s	peggyb@simdc.net		raftery.patricia@mayo.edu	brekke.sandra@mayo.edu:	enelson1@columbia-stmarys.org	sfcboard@ncw.edu	samaritan@agnesian.com	samaritan@agnesian.com	pam_sandee@usc.salvationarmy.org	nancy szudzik@usc.salvationarmy.org	gails@jeffersoncountywi.gov	and ClinicDirector@rlafc.org	Nicole.Mccormick@richlandmedcenter.com http://www.rcfreeclinic.com/	mc.repairers5812@sbcqlobal.net	wrenche@ci.cudahy.wi.us	drmike@ourladyofhopeclinic.org	E-Mail Address
							www.goodneighborclinic.org		www.simdc.net											http://riafc.org/	http://www.rcfreeclinic.com/			See http://ourladyofhopeclinic.org/ for more information	Website



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During the 2013-2014 Legislative Session Legislative Bill/Resolution

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### 2013-2014 Legislative Session

### Assembly Bill 270

Relating to: additional providers in the volunteer health care provider program and proof of financial responsibility and malpractice insurance requirements for certain advanced practice nurses serving as volunteer health care providers. (FE)

Bill Text and History Print

Lobbying Principals Lobbying Efforts

1
Independent Insurance Agents of Wisconsin

Tuesday, September 24, 2013

[LogOn]

2 Lundisclosed

Notified Date: 9/23/2013

Medical College of Wisconsin

**For** 

Notified Date: 8/9/2013

Wisconsin Dental Association

**For** 

Notified Date: 9/12/2013

Wisconsin Primary Health Care Association (WPHCA)

4 For

Notified Date: 9/9/2013

Wisconsin School Social Workers Association

**Other** 

Notified Date: 8/26/2013

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