

State of Wisconsin



2013 Assembly Bill 270

Date of enactment: April 23, 2014
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2013 WISCONSIN ACT 344

AN ACT *to amend* 146.89 (2) (a), (b), (c) and (d), 146.89 (3) (b) 8. and 146.89 (4); and *to create* 146.89 (1) (r) 5. to 8., 146.89 (2) (e), 146.89 (3) (e) to (i) and 146.89 (5) of the statutes; **relating to:** additional providers in and requirements for 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.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 146.89 (1) (r) 5. to 8. of the statutes are created to read:

146.89 (1) (r) 5. A psychologist who is licensed under ch. 455.

6. A social worker who holds a certificate granted under ch. 457.

7. A marriage and family therapist who is licensed under ch. 457 or a professional counselor who is licensed under ch. 457.

8. An advanced practice nurse who has a certificate to issue prescription orders under s. 441.16 (2).

SECTION 2. 146.89 (2) (a), (b), (c) and (d) of the statutes are amended to read:

146.89 (2) (a) A volunteer health care provider may participate under this section only if he or she submits a joint application with a nonprofit agency, school board, or governing body to the department of administration and that the department approves the application. If the volunteer health care provider submits a joint application with a school board or governing body, the application shall include a statement by the school board or governing body that certifies that the volunteer health care provider has received materials that specify school board or

governing body policies concerning the provision of health care services to students and has agreed to comply with the policies. The department of administration shall provide application forms for use under this paragraph.

(b) The department of administration may send an application to the medical examining board for evaluation. The medical examining board shall evaluate any application submitted by the department of administration and return the application to the department of administration with the board's recommendation regarding approval.

(c) The department of administration shall notify the volunteer health care provider and the nonprofit agency, school board, or governing body of the department's decision to approve or disapprove the application.

(d) Approval of an application of a volunteer health care provider is valid for one year. The department may withdraw approval of an application for failure of the nonprofit agency to comply with this section. If a volunteer health care provider wishes to renew approval, he or she shall submit a joint renewal application with a nonprofit agency, school board, or governing body to the department of administration. The department of administration shall provide renewal application forms that are developed by the department of health services and that include questions about the activities that the individual

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

has undertaken as a volunteer health care provider in the previous 12 months.

SECTION 3. 146.89 (2) (e) of the statutes is created to read:

146.89 (2) (e) The volunteer health care provider shall maintain his or her credentials for his or her health care profession when providing any services under this section.

SECTION 3m. 146.89 (3) (b) 8. of the statutes is amended to read:

146.89 (3) (b) 8. Dental services, including simple tooth extractions and other procedures done under local anesthesia only and any necessary suturing related to the extractions, performed by a dentist who is a volunteer health provider; and dental hygiene services, performed by a dental hygienist who is a volunteer health provider.

SECTION 4. 146.89 (3) (e) to (i) of the statutes are created to read:

146.89 (3) (e) Under this section, the nonprofit agency shall assume responsibility for approving individuals to be volunteer health care providers.

(f) Under this section, the nonprofit agency shall research and validate an individual's credentials before submitting the joint application to be a volunteer health care provider.

(g) The nonprofit agency shall enter the list of volunteer health care providers providing services at that nonprofit agency into an online, electronic system developed by the department of administration.

(h) The nonprofit agency shall monitor volunteer health care providers providing services at that nonprofit agency and shall terminate a provider's participation in the program under this section with that nonprofit agency when the agency questions the credentials of that provider or when the agency disapproves of the practices of that provider.

(i) The nonprofit agency shall prepare and submit to the department an annual report that includes the types

and number of health care services provided by the nonprofit agency under this section.

SECTION 5. 146.89 (4) of the statutes is amended to read:

146.89 (4) Volunteer health care providers who provide services under this section are, for the provision of these services, state agents of the department of ~~health services~~ for purposes of ss. 165.25 (6), 893.82 (3) and 895.46. This state agency status does not apply to a volunteer health care provider for whom the department has withdrawn approval of the application under sub. (2) (d). This state agency status applies regardless of whether the volunteer health care provider has coverage under a policy of health care liability insurance that would extend to services provided by the volunteer health care provider under this section; and the limitations under s. 895.46 (1) (a) on the payment by the state of damages and costs in excess of any insurance coverage applicable to the agent and on the duty of a governmental unit to provide or pay for legal representation do not apply. Any policy of health care liability insurance providing coverage for services of a health care provider may exclude coverage for services provided by the health care provider under this section.

SECTION 6. 146.89 (5) of the statutes is created to read:

146.89 (5) (a) While serving as a volunteer health care provider under this section, an advanced practice nurse who has a certificate to issue prescription orders under s. 441.16 (2) is considered to meet the requirements of s. 655.23, if required to comply with s. 655.23.

(b) While serving as a volunteer health care provider under this section, an advanced practice nurse who has a certificate to issue prescription orders under s. 441.16 (2) is not required to maintain in effect malpractice insurance.