



2009 ASSEMBLY BILL 828

March 9, 2010 – Introduced by Representatives MOLEPSKE JR. and PASCH. Referred to Committee on Public Health.

1 **AN ACT to amend** 29.171 (4) (a) 4. (intro.), 29.171 (4) (a) 5., 29.171 (4) (c), 29.193
2 (2) (b) 2., 29.193 (2) (c) 3., 29.193 (2) (e), 29.193 (3) (a), 252.11 (1m) and 343.16
3 (5) (a) of the statutes; **relating to:** allowing certified advanced practice nurse
4 prescribers to determine an illness or injury and complete forms for the purpose
5 of medical review related to motor vehicle operator’s licenses, allowing certified
6 advanced practice nurse prescribers to treat minors for sexually transmitted
7 diseases, and allowing certified advanced practice nurse prescribers to
8 determine disability for the purpose of issuing certain hunting permits.

Analysis by the Legislative Reference Bureau

This bill allows certified advanced practice nurse prescribers to provide certain services provided by other health care providers.

TRANSPORTATION

Under current law, the Department of Transportation (DOT) may require an operator’s license applicant or licensee to submit to a special examination to determine incompetency, physical or mental disability, disease, or any other condition that might prevent the applicant or licensee from exercising reasonable and ordinary control over a motor vehicle. If DOT receives a report from a physician, advanced practice nurse prescriber, or optometrist, DOT must determine whether

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the operator should submit to a special examination. When DOT receives the results of a special examination, DOT must consider the recommendation of the examiner together with other evidence in determining if it is in the interest of public safety to issue, renew, deny, or cancel a license.

This bill specifies that a special examination required by DOT may be conducted by, and the results of the examination certified by, a physician, certified advanced practice nurse prescriber, or optometrist.

NATURAL RESOURCES

Under current law, the Department of Natural Resources (DNR) is authorized to issue certain hunting permits that authorize hunting by persons who have a physical disability or who are visually handicapped (specialized permits). Among the privileges granted by these specialized permits is the privilege of hunting with assistance rendered by another person and, under some circumstances, hunting with a crossbow. In order to obtain a specialized permit from DNR, a person must submit an application furnished by DNR that includes a statement or report prepared and signed by a specified medical professional verifying that the applicant is physically disabled. A person may also obtain a specialized permit even if the person would otherwise be ineligible for a specialized permit if DNR, based on the recommendation of a specified medical professional, determines that the issuance of the permit complies with the intent of the law.

This bill authorizes an applicant for a specialized permit to submit a statement, report, or recommendation from a certified advanced practice nurse prescriber, in addition to the medical professionals specified current law, in support of a specialized permit application.

Current law also requires DNR to issue an annual or temporary disabled person fishing license (disabled fishing license) to a resident who produces a certificate from a specified medical professional stating that his or her sight is impaired to a specified degree. Among the privileges of a disabled fishing license is the right to pay a reduced fee for the license and the authority to fish during special fishing seasons designated by DNR. This bill allows advanced practice nurse prescribers, in addition to the medical professionals specified under current law, to furnish the required certificate for a disabled fishing license.

HEALTH CARE

Under current law, physicians may examine, diagnose, and treat a minor with a sexually transmitted disease, which includes syphilis, gonorrhea, and chlamydia, without obtaining consent of the minor's parents or guardian. The physician may not be held civilly liable for not having that consent.

The bill allows an advanced practice nurse prescriber to examine, diagnose, and treat a minor with a sexually transmitted disease without obtaining the parent's or guardian's consent and relieves the advanced practice nurse prescriber from civil liability for not having that consent.

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

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1 **SECTION 1.** 29.171 (4) (a) 4. (intro.) of the statutes is amended to read:

2 29.171 (4) (a) 4. (intro.) Has a permanent substantial loss of function in one or
3 both arms or one or both hands and fails to meet the minimum standards of any one
4 of the following standard tests, administered under the direction of a licensed
5 physician ~~or~~, an advanced practice nurse prescriber certified under s. 441.16 (2), or
6 a licensed chiropractor:

7 **SECTION 2.** 29.171 (4) (a) 5. of the statutes is amended to read:

8 29.171 (4) (a) 5. Has a permanent substantial loss of function in one or both
9 shoulders and fails to meet the minimum standards of the standard shoulder
10 strength tests, administered under the direction of a licensed physician, an advanced
11 practice nurse prescriber certified under s. 441.16 (2), or a licensed chiropractor.

12 **SECTION 3.** 29.171 (4) (c) of the statutes is amended to read:

13 29.171 (4) (c) The department may issue a crossbow permit to an applicant who
14 is ineligible for a permit under par. (a) or who is denied a permit under par. (a) if, upon
15 review and after considering the physical condition of the applicant and the
16 recommendation of a licensed physician, an advanced practice nurse prescriber
17 certified under s. 441.16 (2), or licensed chiropractor selected by the applicant from
18 a list of licensed physicians advanced, practice nurse prescribers certified under s.
19 441.16 (2), and licensed chiropractors compiled by the department, the department
20 finds that issuance of a permit complies with the intent of this subsection. The use
21 of this review procedure is discretionary with the department and all costs of the
22 review procedure shall be paid by the applicant.

23 **SECTION 4.** 29.193 (2) (b) 2. of the statutes, as affected by 2009 Wisconsin Act
24 (Senate Bill 191), is amended to read:

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1 29.193 (2) (b) 2. An applicant shall submit an application on a form prepared
2 and furnished by the department, which shall include a written statement or report
3 prepared and signed by a licensed physician, an advanced practice nurse prescriber
4 certified under s. 441.16 (2), a licensed chiropractor, or a licensed podiatrist prepared
5 no more than 6 months preceding the application and verifying that the applicant
6 is physically disabled.

7 **SECTION 5.** 29.193 (2) (c) 3. of the statutes, as affected by 2009 Wisconsin Act
8 (Senate Bill 191), is amended to read:

9 29.193 (2) (c) 3. The department may issue a Class B permit to an applicant
10 who is ineligible for a permit under subd. 1., 2. or 2m. or who is denied a permit under
11 subd. 1., 2. or 2m. if, upon review and after considering the physical condition of the
12 applicant and the recommendation of a licensed physician, an advanced practice
13 nurse prescriber certified under s. 441.16 (2), a licensed chiropractor, or a licensed
14 podiatrist selected by the applicant from a list of licensed physicians, advanced
15 practice nurse prescribers certified under s. 441.16 (2), licensed chiropractors, and
16 licensed podiatrists compiled by the department, the department finds that issuance
17 of a permit complies with the intent of this subsection. The use of this review
18 procedure is discretionary with the department and all costs of the review procedure
19 shall be paid by the applicant.

20 **SECTION 6.** 29.193 (2) (e) of the statutes, as affected by 2009 Wisconsin Act
21 (Senate Bill 191), is amended to read:

22 29.193 (2) (e) *Review of decisions.* An applicant denied a permit under this
23 subsection, except a permit under par. (c) 3., may obtain a review of that decision by
24 a licensed physician, an advanced practice nurse prescriber certified under s. 441.16
25 (2), a licensed chiropractor, or a licensed podiatrist designated by the department

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1 and with an office located in the department district in which the applicant resides.
2 The department shall pay for the cost of a review under this paragraph unless the
3 denied application on its face fails to meet the standards set forth in par. (c) 1. or 2.
4 A review under this paragraph is the only method of review of a decision to deny a
5 permit under this subsection and is not subject to further review under ch. 227.

6 **SECTION 7.** 29.193 (3) (a) of the statutes is amended to read:

7 29.193 (3) (a) Produces a certificate from a licensed physician, an advanced
8 practice nurse prescriber certified under s. 441.16 (2), or an optometrist stating that
9 his or her sight is impaired to the degree that he or she cannot read ordinary
10 newspaper print with or without corrective glasses.

11 **SECTION 8.** 252.11 (1m) of the statutes is amended to read:

12 252.11 (1m) A physician or other health care professional called to attend a
13 person infected with any form of sexually transmitted disease, as specified in rules
14 promulgated by the department, shall report the disease to the local health officer
15 and to the department in the manner directed by the department in writing on forms
16 furnished by the department. A physician, or an advanced practice nurse prescriber
17 certified under s. 441.16 (2), may treat a minor infected with a sexually transmitted
18 disease or examine and diagnose a minor for the presence of such a disease without
19 obtaining the consent of the minor's parents or guardian. The physician or advanced
20 practice nurse prescriber shall incur no civil liability solely by reason of the lack of
21 consent of the minor's parents or guardian.

22 **SECTION 9.** 343.16 (5) (a) of the statutes is amended to read:

23 343.16 (5) (a) The secretary may require any applicant for a license or any
24 licensed operator to submit to a special examination by such persons or agencies as
25 the secretary may direct to determine incompetency, physical or mental disability,

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1 disease, or any other condition that might prevent such applicant or licensed person
2 from exercising reasonable and ordinary control over a motor vehicle. If the
3 department requires the applicant to submit to an examination, the applicant shall
4 pay for the examination. If the department receives an application for a renewal or
5 duplicate license after voluntary surrender under s. 343.265 or receives a report from
6 a physician, advanced practice nurse prescriber certified under s. 441.16 (2), or
7 optometrist under s. 146.82 (3), or if the department has a report of 2 or more arrests
8 within a one-year period for any combination of violations of s. 346.63 (1) or (5) or
9 a local ordinance in conformity with s. 346.63 (1) or (5) or a law of a federally
10 recognized American Indian tribe or band in this state in conformity with s. 346.63
11 (1) or (5), or s. 346.63 (1m), 1985 stats., or s. 346.63 (2) or (6) or 940.25, or s. 940.09
12 where the offense involved the use of a vehicle, the department shall determine, by
13 interview or otherwise, whether the operator should submit to an examination under
14 this section. The examination may consist of an assessment. If the examination
15 results from the department receiving a report from a physician, advanced practice
16 nurse prescriber certified under s. 441.16 (2), or optometrist under s. 146.82 (3), the
17 examination may be conducted by, and the results of the examination certified by, a
18 physician, advanced practice nurse prescriber certified under s. 441.16 (2), or
19 optometrist. If the examination indicates that education or treatment for a
20 disability, disease or condition concerning the use of alcohol, a controlled substance
21 or a controlled substance analog is appropriate, the department may order a driver
22 safety plan in accordance with s. 343.30 (1q). If there is noncompliance with
23 assessment or the driver safety plan, the department shall revoke the person's
24 operating privilege in the manner specified in s. 343.30 (1q) (d).

(END)