

Wisconsin Expands Scope of Volunteer Health Care Provider Program

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On December 16, 2009, changes to Wisconsin's Volunteer Health Care Provider Program (VHCPP) took effect. These amendments allow chiropractors, podiatrists and physical therapists to participate in the program and grant all providers who participate in it the status of state agents for insurance purposes.

The VHCPP allows health care providers who wish to provide their services free of charge to certain nonprofit agencies or elementary schools to submit a joint application to the state and the school district or agency with which they wish to partner. Upon approval of the application, providers can then administer certain types of health care services as agents of the state, giving them additional protections in the event of a malpractice claim. Specifically, potential claimants must give notice of their claims against such providers in writing to the state's attorney general within 120 days of the event allegedly causing injury, and, in the event of a claim, the state will defend and indemnify the volunteer provider.

The amended VHCPP specifies that the volunteer health care provider will be treated as an agent of the state, and covered by the state in the event that liability arises, regardless of whether the provider carries his or her own malpractice insurance. In the event of a claim arising against the volunteer for acts or omissions committed in the course of providing services under the program, the state will cover the expense of legal representation, damages and other associated costs. The changes also specifically allow professional malpractice insurance policies to exclude coverage for services provided by a volunteer under the VHCPP.

Further, the new language adds chiropractors, podiatrists and physical therapists to the list of health care providers who may participate in the VHCPP. The list had previously been limited to physicians, dentists, dental hygienists, registered nurses, practical nurses, nurse midwives, optometrists, physician assistants, pharmacists, dietitians, nurse practitioners and pharmacy technicians.

The amended VHCPP allows more types of health care providers to perform public service through the program without being concerned about the potential cost of a malpractice claim and without the burden of having to pay for additional liability insurance to cover their volunteer activities. Further, the requirement that claimants

provide written notice of their potential claim within 120 days provides a significant deterrent to the filing of lawsuits.

For more information, please contact Lora L. Zimmer or your regular [Hinshaw attorney](#).

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