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(FORM UPDATED: 08/11/2010)

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

**1999-00**

(session year)

**Assembly**

(Assembly, Senate or Joint)

**Committee on ... Judiciary and Personal Privacy  
(AC-JPP)**

**COMMITTEE NOTICES ...**

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

**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**

\* Contents organized for archiving by: Mike Barman (LRB) (May/2012)







Office of the President

April 6, 1999

Representative Michael D. Huebsch  
State Capitol - Room 112 North  
P.O. Box 8952  
Madison, WI 53708-8952

Dear Representative Huebsch:

On behalf of the Medical College of Wisconsin, I am writing in support of Assembly Bill 98. This bill provides immunity from civil liability for a physician who prescribes an antibiotic drug for treatment of a sexually transmitted disease to a patient for use by another.

The increase in the occurrence of sexually transmitted diseases requires innovative treatment approaches. Immunity from civil liability for a physician who prescribes an antibiotic for use by the partner of an infected patient is one step in this direction. Studies have found that patients are reluctant to disclose the names of partners because of concern about discrimination and loss of confidentiality for the partner. This provision in the state statutes will eliminate these concerns.

If you have any questions or would like more information, please contact me at (414)-456-8225.

Thank you for your consideration.

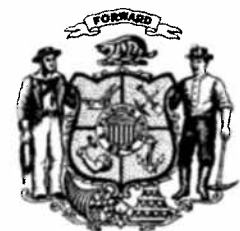
Sincerely,

T. Michael Bolger  
President and CEO  
Medical College of Wisconsin

/erf



# WISCONSIN STATE LEGISLATURE





Office of the President

April 6, 1999

Representative Terese Berceau  
State Capitol  
P.O. Box 8953  
Madison, WI 53708-8953

Dear Representative Berceau:

On behalf of the Medical College of Wisconsin, I would like to thank you for sponsoring Assembly Bill 98. The increase in the occurrence of sexually transmitted diseases requires innovative treatment approaches. Immunity from civil liability for a physician who prescribes an antibiotic for use by the partner of an infected patient is one step in this direction.

Thank you again for your sponsorship.

Sincerely,

T. Michael Bolger  
President and CEO  
Medical College of Wisconsin

/erf

cc: Committee on Judiciary and Personal Privacy



Office of the President

April 6, 1999

Representative Barbara Gronemus  
State Capitol - Room 112 North  
P.O. Box 8952  
Madison, WI 53708-8952

Dear Representative Gronemus:

On behalf of the Medical College of Wisconsin, I would like to thank you for sponsoring Assembly Bill 98. The increase in the occurrence of sexually transmitted diseases requires innovative treatment approaches. Immunity from civil liability for a physician who prescribes an antibiotic for use by the partner of an infected patient is one step in this direction.

Thank you again for your sponsorship.

Sincerely,

T. Michael Bolger  
President and CEO  
Medical College of Wisconsin

/erf

cc: Committee on Judiciary and Personal Privacy



Office of the President

April 6, 1999

Representative John W. Lehman  
State Capitol - Room 409 North  
P.O. Box 8952  
Madison, WI 53708-8952

Dear Representative Lehman:

On behalf of the Medical College of Wisconsin, I would like to thank you for sponsoring Assembly Bill 98. The increase in the occurrence of sexually transmitted diseases requires innovative treatment approaches. Immunity from civil liability for a physician who prescribes an antibiotic for use by the partner of an infected patient is one step in this direction.

Thank you again for your sponsorship.

Sincerely,

T. Michael Bolger  
President and CEO  
Medical College of Wisconsin

/erf

cc: Committee on Judiciary and Personal Privacy





Office of the President

April 6, 1999

Representative Terry M. Musser  
State Capitol - Room 11 West  
P.O. Box 8953  
Madison, WI 53708-8953

Dear Representative Musser:

On behalf of the Medical College of Wisconsin, I would like to thank you for sponsoring Assembly Bill 98. The increase in the occurrence of sexually transmitted diseases requires innovative treatment approaches. Immunity from civil liability for a physician who prescribes an antibiotic for use by the partner of an infected patient is one step in this direction.

Thank you again for your sponsorship.

Sincerely,

T. Michael Bolger  
President and CEO  
Medical College of Wisconsin

/erf

cc: Committee on Judiciary and Personal Privacy



Office of the President

April 6, 1999

Representative Martin L. Reynolds  
State Capitol - Room 126 North  
P.O. Box 8953  
Madison, WI 53708-8953

Dear Representative Reynolds:

On behalf of the Medical College of Wisconsin, I would like to thank you for sponsoring Assembly Bill 98. The increase in the occurrence of sexually transmitted diseases requires innovative treatment approaches. Immunity from civil liability for a physician who prescribes an antibiotic for use by the partner of an infected patient is one step in this direction.

Thank you again for your sponsorship.

Sincerely,

T. Michael Bolger  
President and CEO  
Medical College of Wisconsin

/erf

cc: Committee on Judiciary and Personal Privacy



Office of the President

April 6, 1999

Representative Tom Sykora  
17 S. Fairchild St. - Room 602  
P.O. Box 8953  
Madison, WI 53708-8953

Dear Representative Sykora:

On behalf of the Medical College of Wisconsin, I would like to thank you for sponsoring Assembly Bill 98. The increase in the occurrence of sexually transmitted diseases requires innovative treatment approaches. Immunity from civil liability for a physician who prescribes an antibiotic for use by the partner of an infected patient is one step in this direction.

Thank you again for your sponsorship.

Sincerely,

T. Michael Bolger  
President and CEO  
Medical College of Wisconsin

/erf

cc: Committee on Judiciary and Personal Privacy



Office of the President

April 6, 1999

Representative Sheldon A Wasserman, M.D.  
State Capitol - Room 111 North  
P.O. Box 8953  
Madison, WI 53708-8953

Dear Representative Wasserman:

On behalf of the Medical College of Wisconsin, I would like to thank you for sponsoring Assembly Bill 98. The increase in the occurrence of sexually transmitted diseases requires innovative treatment approaches. Immunity from civil liability for a physician who prescribes an antibiotic for use by the partner of an infected patient is one step in this direction.

Thank you again for your sponsorship.

Sincerely,

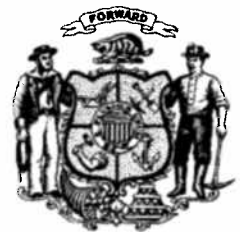
T. Michael Bolger  
President and CEO  
Medical College of Wisconsin

/erf

cc: Committee on Judiciary and Personal Privacy



# WISCONSIN STATE LEGISLATURE





Health Department Bureau of Administration

Seth L. Foldy, MD  
Commissioner of Health

Frank P. Zeidler Municipal Building, 841 North Broadway, Room 112, Milwaukee, WI 53202-3653 Phone (414) 286-3521 FAX (414) 286-5990

February 11, 1999

Dr. Seth Foldy  
Commissioner of Health  
City of Milwaukee Health Department  
841 North Broadway, Room 112  
Milwaukee, WI 53202

Re: 1999 Assembly Bill 98

Dear Dr. Foldy,

I have reviewed Dr. Wasserman's proposed bill to amend 448.015 (4) and to create 448.03 (5) (d), at your request. As medical director of the state's largest sexually transmitted disease (STD) clinic, as a family physician, and as a public health administrator for the state's largest local public health department, I strongly support the proposed statutory language.

Sexually Transmitted Diseases affect large numbers of Wisconsin citizens. In 1997, for example, there were over 11,000 case reports of Chlamydia and nearly 5000 case reports of gonorrhea. There are many more cases that go unreported, and many other types of STDs, so the actual burden on our society is much greater than even these numbers suggest. Since everyone with an STD has contracted it from a sex partner, it's clear that any barriers to treatment of partners will mean that these partners will continue to infect others.

Dr. Wasserman's proposed bill will remove one barrier, and should thus make a real contribution to fighting STDs and therefore improving public health in our state. It is also clearly consistent with the recent national recommendations by the Institute of Medicine for fighting the "Hidden Epidemic" of sexually transmitted diseases. In my view, the relatively small risks of prescribing antibiotics for sex partners of persons with sexually transmitted diseases (STDs) are outweighed by the large public health benefit that accrues when these partners are treated.

My only previous concern about this bill has been resolved; Dr. Wasserman's modification of the definition of "Antibiotic" from the previous draft version is, in my view, now very clear, accurate, and inclusive. Since there will be no cost to the City, or even to the health care system, I have no fiscal concerns. In fact, this bill should decrease overall health care expenditures in the state by preventing some cases of expensive STD complications such as pelvic inflammatory disease, ectopic pregnancy, premature births, and infertility.

In summary, I recommend that the City of Milwaukee take an official position strongly supporting this proposed legislation.

Sincerely,

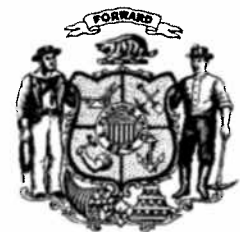
Geoffrey R. Swain, MD

Assistant Professor, Dept. of Family and Community Medicine, Medical College of Wisconsin  
Associate Medical Director, City of Milwaukee Health Department

cc: Dr. Wasserman  
SouthEast Chapter, Wisconsin Academy of Family Physicians



# WISCONSIN STATE LEGISLATURE



**DISTRICT VI**

AB 98  
folder

**Office of the Chair  
Wisconsin Section**

Michael A. Schellpfeffer, MD  
1400 75th Street  
Kenosha, WI 53143-1522  
Phone: (414) 658-2133  
Fax: (414) 552-2902

**15 February 1999**

**Assemblyman Michael Huebsch  
Assembly Committee on Judiciary and Personal Privacy  
State Capitol  
Madison, WI**

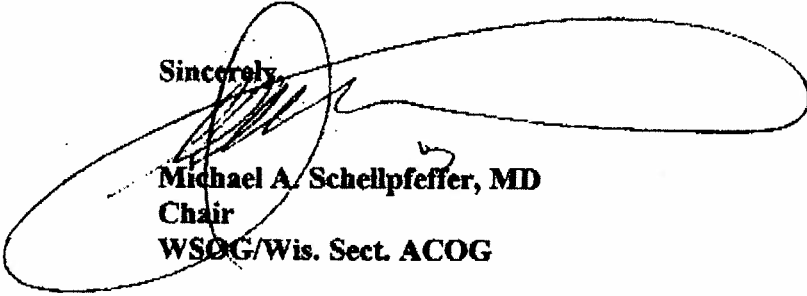
**Dear Assemblyman Huebsch;**

**Regarding the proposed change to the Wisconsin Administrative Health Code, Assembly Bill 98, the Wisconsin Society of Obstetrics and Gynecology/ Wisconsin Section-American College of Obstetrics and Gynecology, in concept, supports the bill.**

**Our organization believes that treatment of partners of patients with sexually transmitted diseases is a basic and integral part of preventive medicine and public health. In theory, this patient encounter should include a comprehensive diagnostic, therapeutic, and preventive health care plan against present and future sexually transmitted diseases. In reality, however, this is seldom the case, and the treatment of the immediate disease process is paramount. Therefore, any impediment to treatment is not acceptable given the potential untoward consequences of non-treatment.**

**If you require any further information or commentary concerning this issue please feel free contact me.**

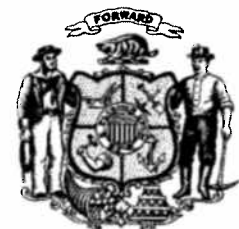
Sincerely,

  
Michael A. Schellpfeffer, MD  
Chair  
WSOG/Wis. Sect. ACOG





# WISCONSIN STATE LEGISLATURE



PRESIDENT  
Randall E. Reinhardt, Milwaukee  
PRESIDENT-ELECT  
Kevin Lonergan, Appleton  
VICE-PRESIDENT  
M. Angela Dentice, Brookfield  
SECRETARY  
Keith R. Clifford, Madison  
TREASURER  
Susan Rosenberg, Milwaukee  
IMMEDIATE PAST PRESIDENT  
Don C. Prachthauser, Milwaukee



EXECUTIVE DIRECTOR  
Jane E. Garrott  
44 E. Mifflin Street, Suite 103  
Madison, Wisconsin 53703-2897  
Telephone: 608/257-5741  
Fax: 608/255-9285

THE WISCONSIN STATE ASSEMBLY  
COMMITTEE ON HEALTH  
PUBLIC HEARING ON  
February 16, 1999

TESTIMONY  
OF  
PAUL E. SICULA  
ON BEHALF OF THE  
WISCONSIN ACADEMY OF TRIAL LAWYERS

Members of the committee, my name is Paul E. Sicula. I am the legislative representative of the Wisconsin Academy of Trial Lawyers. In addition, I am an attorney with a private practice in Milwaukee. Thank you for the opportunity to present this testimony opposing Assembly Bill 98.

The Wisconsin Academy of Trial Lawyers (WATL) is a voluntary, statewide bar association whose 1,000 members are attorneys who represent injured consumers in personal injury litigation. The primary thrust of my testimony is to discourage the creation of civil immunity to a physician who prescribes antibiotic drugs for the treatment of sexually transmitted diseases to a person the doctor has never met, examined or treated.

In Wisconsin, our citizens are guaranteed a right to a remedy by our state constitution. The creation of a statutory immunity is the single most serious step the legislature can take to address an issue that comes before it. An immunity is a blanket mandate to the courts that a citizen's lawsuit be dismissed before any facts or opinions are heard and without regard to the merits of the claim or the level of culpability of the defendant. With immunity, those who act most egregiously and with the most disregard

for the rights and well-being of others are treated with the same protection as those who act with the greatest care and concern.

The primary disadvantage with creating immunity from suit is that immunity encourages complacency and removes personal responsibility. The creation of blanket immunity that deprives tortiously injured citizens of Wisconsin a legitimate claim for relief is an overreaction. We believe a jury of citizens can best decide whether the actions of an individual should be punished. Trust in a system that has served our citizens well for 150 years should not be abandoned in response to fears of potential litigation.

Assembly Bill 98 allows a physician to prescribe medication to an individual, he or she has never met, examined or treated. We believe it is dangerous to countenance a physicians prescribing medicine for people who are not their patients, who they have neither seen or examined. Imagine a doctor prescribing penicillin for treatment of a sexually transmitted disease. What if the sexual partner of the doctor's patient is allergic to penicillin and has an adverse drug reaction? (Allergic reaction to penicillin is not uncommon.) The physician would have no way of knowing this or for providing critical information about reason for usage, duration or other questions. This bill would not allow the injured person to recover any damages from the physician. The physician would not be accountable for his or her actions.

WATL has also identified some additional areas of concern. First, AB 98 deals only with chapter 448, which governs medical practices for physician. Sections 450.11(1) and 450.11(4)(5) govern pharmacy conduct. Both sections require that a prescription drug cannot be dispensed without the full name of the patient on the label. Does this mean that the doctor is immune from liability, but the pharmacist can still be liable if the drug prescription does not have the full name of the patient?

Second, what happens if the sexual partner of the patient is a minor? Do parents of minors have to be notified if their son or daughter is taking a prescription drug? I can imagine the parents of a 16-year-old teenager would not be very happy to learn their son or daughter was given a prescription drug without the parent's permission or notification.

Thank you for this opportunity to testify.

