

2009 DRAFTING REQUEST

Assembly Amendment (AA-AB659)

Received: 01/27/2010

Received By: rryan

Wanted: As time permits

Identical to LRB:

For: Jennifer Shilling (608) 266-5780

By/Representing: Tony Palese

This file may be shown to any legislator: NO

Drafter: rryan

May Contact:

Addl. Drafters:

Subject: Health - AIDS

Extra Copies:

Submit via email: YES

Requester's email: Rep.Shilling@legis.wisconsin.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Consent for HIV testing

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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/1	rryan 01/28/2010	jdyer 01/29/2010	mduchek 01/29/2010	_____	sbasford 01/29/2010	sbasford 01/29/2010	

FE Sent For:

<END>

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/?	rryan	1/29 jld	 1/29	==			

FE Sent For:

<END>

Ryan, Robin

From: Palese, Anthony
Sent: Wednesday, January 27, 2010 3:14 PM
To: Ryan, Robin
Cc: Krchnavek, Kathleen A - DHS; Vergeront, James M - DHS
Subject: HIV Bill Amendment

Hi Robin,

Here are the changes we'd like to make to AB 659:

- Page 9 – Add “physician assistant” on line 23 - *Part of 252.11 Sexually transmitted diseases*
- Page 10 – Add “physician assistant” on line 1 - *same*
- Page 14 – Change “closet” to “closest” on line 15 - *do in Chief Clerk's Connection*
- Page 16 – We had wanted to check if the section starting at line 22 made sense with the introduction, so I'm not sure if we need to make a change here or not *is ok*
- ✓ Page 24 – Move the line regarding a person's right to decline from section 1 to section 3
- ✓ Page 24 – Insert “and other community organizations” to section 2
- ✓ Page 37 – Add “physician assistant” on lines 21 and 23

*I'm assuming that all of the physician assistant adds are in line with what we wanted to do and maybe we just missed a couple while drafting. If any of these are not needed, just let me know.

Kathleen and Jim, if I left anything out, please let me know.

Thanks!

Tony Palese
Legislative Aide
Office of Rep. Jennifer Shilling

State Capitol, Room 320 East
PO Box 8953, Madison, WI 53708
(608) 266-5780 voice
(888) 534-0095 toll free
(608) 282-3695 fax

*Told Tony would
also change
in list of materials
DHS must
provide
under 252.15(7r)*

Ryan, Robin

From: Krchnavek, Kathleen A - DHS [Kathleen.Krchnavek@dhs.wisconsin.gov]
Sent: Thursday, January 28, 2010 12:33 PM
To: Ryan, Robin; Palese, Anthony
Cc: Vergeront, James M - DHS; Currans-Sheehan, Rachel H - DHS
Subject: amendment to AB 659- 252.15(2m)

Tony and Robin-

Based on our discussion, this is what I have regarding the final consent language for 252.15(2m). I thought that this detail may be helpful for your drafting, Robin.

In #1, eliminate the first phrase that indicates that the provider notifies the person that they may decline the test. What should be retained is the following:

"1. The health care provider, blood bank, blood center, or plasma center notifies the person or the person's authorized representative that the person will be subjected to an HIV test unless he or she declines the test."

In #2, include the phrase that indicates that information will be provided to ASOs and other community based organizations. So, #2 should read:

"2. The health care provider, blood bank, blood center, or plasma center offers the person or the person's authorized representative a brief oral or written explanation or description of HIV infection; HIV test results; requirements under subs. (7)(b) and (7)(m) for reporting HIV test results; treatment options for a person who has a positive HIV test result; and services through AIDS services organizations and other community based organizations that are available to a person who has a positive test result."

too broad

In #3, revise it to include the eliminated phrase from #1. So #3 should read:

"3. The health care provider notifies the person or the person's authorized representative that he or she may decline the HIV test, and that if the person or the person's authorized representative declines to have an HIV test performed, the health care provider may not use the fact that the person declined an HIV test as a basis for denying services or treatment, other than the HIV test, to the person."

Thanks!
 Kathleen

Kathleen Krchnavek
 HIV Testing Technology and Policy Specialist
 AIDS/HIV Program
 Wisconsin Division of Public Health
 1 W. Wilson Street
 P.O. Box 2659
 Madison, WI 53701-2659
 608-267-3583

01/28/2010

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Ryan, Robin

From: Palese, Anthony
Sent: Thursday, January 28, 2010 12:48 PM
To: Ryan, Robin
Subject: RE: amendment to AB 659- 252.15(2m)

Hi Robin,

I think what Kathleen sent is in line with what we want, but I've made some changes below. Let me know if you have any questions.

Thanks,

Tony Palese
Legislative Aide
Office of Rep. Jennifer Shilling

State Capitol, Room 320 East
PO Box 8953, Madison, WI 53708
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01/28/2010

organizations that are available to a person who has a positive test result."

*I'm not sure what the best way to phrase this section. I think you know what we want and I'd defer to you as to what makes the most sense here as far as wording goes.

In #3, revise it to include the eliminated phrase from #1. So #3 should read:

"3. The health care provider notifies the person or the person's authorized representative that the person or the person's authorized representative may decline the HIV test, and that if the person or the person's authorized representative declines to have an HIV test performed, the health care provider may not use the fact that the person declined an HIV test as a basis for denying services or treatment, other than the HIV test, to the person."

Thanks!
Kathleen

Kathleen Krchnavek
HIV Testing Technology and Policy Specialist
AIDS/HIV Program
Wisconsin Division of Public Health
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State of Wisconsin
2009 - 2010 LEGISLATURE

a1390/1
LRB 1390/3
RLR:.....
jld

Wanted
Fri, 1/29/10 AM

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

ASSEMBLY AMENDMENT,
TO 2009 ASSEMBLY BILL 659

RMR

- 1 At the locations indicated, amend the bill as follows: ✓
- 2 **1.** Page 24, line 5: delete lines 5 and 6 and substitute: "the person or the ✓
3 person's authorized representative that the person will be". ✓
- 4 **2.** Page 24, line 13: before "AIDS" insert "services provided by". ✓
- 5 **3.** Page 24, line 13: delete "the services they provide to" and substitute "other ✓
6 community-based organizations for". ✓
- 7 **4.** Page 24, line 17: after "that" insert "the person or the person's authorized ✓
8 representative may decline the HIV test and that". ✓
- 9 **5.** Page 24, line 18: delete "to have an" and substitute "the". ✓
- 10 **6.** Page 24, line 19: delete "performed". ✓
- 11 **7.** Page 37, line 20: after "physician" insert ", physician assistant,". ✓

