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Details:

(FORM UPDATED: 08/11/2010)

WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

2009-10

(session year)

Senate

(Assembly, Senate or Joint)

Committee on ... Public Health, Senior Issues, Long-Term Care, and Job Creation (SC-PHSILTCJC)

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: Gigi Godwin (LRB) (November/2011)

April 6, 2010

EXECUTIVE SESSION HELD

Present: (5) Senators Carpenter, Coggs, Vinehout, Schultz
and Kapanke.

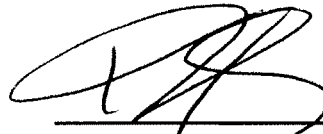
Absent: (0) None.

Moved by Senator Carpenter, seconded by Senator Schultz that
Senate Bill 547 be recommended for passage.

Ayes: (5) Senators Carpenter, Coggs, Vinehout,
Schultz and Kapanke.

Noes: (0) None.

PASSAGE RECOMMENDED, Ayes 5, Noes 0



Russell DeLong
Committee Clerk

Vote Record

Committee on Public Health, Senior Issues, Long-Term Care, and Job Creation

Date: 4/6/10

Moved by: Carpenter Seconded by: Schultz

AB _____ SB 547 Clearinghouse Rule _____
 AJR _____ SJR _____ Appointment _____
 AR _____ SR _____ Other _____

A/S Amdt _____
 A/S Amdt _____ to A/S Amdt _____
 A/S Sub Amdt _____
 A/S Amdt _____ to A/S Sub Amdt _____
 A/S Amdt _____ to A/S Amdt _____ to A/S Sub Amdt _____

- Be recommended for:
- Passage Adoption Confirmation Concurrence Indefinite Postponement
 - Introduction Rejection Tabling Nonconcurrence

<u>Committee Member</u>	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
Senator Tim Carpenter, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Spencer Coggs	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Kathleen Vinehout	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Dale Schultz	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Dan Kapanke	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Totals:	<u>5</u>	<u>0</u>	_____	_____

Motion Carried Motion Failed



AFSCME Testimony on ~~SB 547~~, Correctional Officer Right to Know Bill
Susan McMurray, AFSCME Government Relations
Wednesday, ~~March 31, 2010~~
Senate Committee on Public Health, Senior Issues, Long-Term Care & Job Creation

I'm here today on behalf of the 66,000 members of the American Federation of State, County and Municipal Employees (AFSCME) Councils 24, 40 and 48. Marty Beil, executive director of Council 24, is bargaining and could not get away to speak to you himself on why our members strongly support SB 547 and its Assembly companion, AB 762.

Thank you, Sen. Carpenter, for scheduling the hearing on this bill. We also want to express our thanks to Sen. Randy Hopper and Rep. Suder for introducing the legislation. I also want to thank to Sen. Schultz for his previous work on this same topic and his support for SB 547.

Let me share with you several reasons why this legislation is so important to the thousands of correctional officers and sergeants we represent.

Corrections staff have close contact with hundreds of offenders on a daily basis. They monitor inmates as they move in and out of their cells, to and from the mess halls, into gyms and to outdoor recreational areas. They transport offenders off-site to court, doctor visits at hospitals or move them to other state correctional institutions. They are exposed to whatever conditions or illnesses the offenders might have.

Over the years, our union has worked with the DOC wardens and other management to find ways to have our concerns addressed. Staff receive basic training to deal with situations in which they might have contact with or be exposed to bodily fluids. Officers learn how to protect themselves and use precautions, such as wearing gloves or using a mask, in a variety of situations.

However, it is not always possible or practical for staff to observe these basic safety precautions during entire shift they work. Gloves are easy to manage; wearing a mask for a good chunk of the day is not comfortable and can be kind of a hassle. Our members need the right to know as an additional tool with which to best manage offenders, protect themselves as well as other inmates.

In addition to the daily routine contact staff have with inmates, staff are at risk of exposure during crises that can arise. For example, when there's a scuffle between inmates, or an inmate becomes ill in a cell, staff are obligated to respond quickly sometimes have direct physical contact with an inmate. In these situations, there simply is not time for the officer to stop and think that using gloves and a mask might be appropriate to protect him or herself.

This already-highly stressful situation becomes worse for the officer because she or he does not know and cannot find out whether he or she has been exposed to TB, HIV, MRSA or other staph infections.

If these officers knew that a certain offender had a communicable disease, they might be ready to respond with protections on hand to prevent exposure. Not knowing if they're putting themselves in danger creates a stress you and I cannot imagine. Imagine the worry of not knowing if you're going to bring home some disease or infection to your husband or wife and kids.

Likewise, correctional officers deal with highly dangerous individuals who are not above using their diseases as weapons against staff. It is not unusual for offenders to throw bodily fluids on officers and even other inmates.

It is only common sense to give staff the right to know whether the offenders they're dealing with have a contagious disease.

Like health care staff, the correctional officers AFSCME represents are first responders when inmates need medical attention. And, like health care professionals, these officers should be informed about an inmate's medical condition so that they can protect themselves as they carry out their daily duties.

Let me tell you a story about a correctional officer whose duties involve transporting offenders to hospitals such as the UWHC for doctor's visits. There was an occasion in which this officer and another were transporting an inmate from one of the state institutions to a nearby hospital. It involved about a two hour drive. When they arrived at the appointment, the staff who received the inmate were full protective gear. The officers had just spent more than two hours with the offender, and were wearing only their state uniforms.

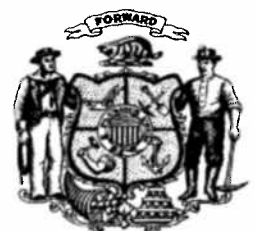
If there is concern with the confidentiality of offender health issues, let me point out that staff have access to all kinds of information about offenders. Why should health information be kept from the very staff who are on the front lines of dealing with offenders every day?

Senators, we urge you to pass SB 547/AB 762. This is a common sense bill that seeks to protect workers exposed to a high risk population. Granting correctional officers the right to know if an offender has a communicable disease is an issue of fairness and respect for workers.

Thank you for your attention. I would be happy to answer any questions you might have.



WISCONSIN STATE LEGISLATURE



SCOTT SUDER

State Representative • 69th Assembly District

State Capitol Office:
Room 324 East
P.O. Box 8953
Madison, WI 53708-8953
(608) 267-0280 • Fax: (608) 282-3669

69th Assembly District:
Telephone: (715) 223-6964
Call toll-free: (888) 534-0069
Rep.Suder@legis.wi.gov
www.legis.state.wi.us/assembly/asm69/news

March 31, 2010

Testimony in Support of Senate Bill 547

State Representative Scott Suder

Senate Committee on Public Health, Senior Issues, Long-Term Care, and Job Creation

Thank you, Chairman Carpenter and distinguished members of the committee for scheduling a hearing on this important legislation today. I apologize for not being here in person to deliver these comments in support of Senate Bill 547 – the Right to Know bill – but I am continuing my service commitments with the Air National Guard on active duty in the Middle East.

Senate Bill 547 seeks to give correctional officers the “right to know” if inmates under their care have contagious diseases. When an incident occurs in our prison system, correctional officers are the first ones on the scene. They function as first responders when an inmate is injured or severely ill. While correctional officers (COs) are given the tools, techniques, and training to respond to these situations, what’s often lacking is the very information that could be the difference between life and death in an emergency situation.

When an offender first arrives at the prison, they receive a general physical. While inmates are not required to be tested or disclose if they have certain medical conditions, medical staff and the warden are made aware of any infectious diseases the inmate may have so they can develop a care plan and implement strategies to protect the correctional community. From our perspective, it is not practical or possible to carry out that plan if the very staff tasked with the hands on work are not privy to that information as well. Just like medical staff and other law enforcement, COs should have access to information about an offender’s medical condition so that they can protect themselves, their colleagues, and other inmates, as they go about the difficult, and often dangerous work they do in our prison system.

I say dangerous not only because of the physical threats of violence COs receive while going about their duties, but also because some inmates use their diseases as weapons against staff and other inmates. In fact, through my conversations with correctional officers in my district, I’ve heard horror stories of inmates filling toothpaste tubes and spray bottles with their bodily fluids to use as weapons against COs and other inmates. If an officer is aware that an inmate has an infectious disease, they can take the necessary precautions to protect themselves and other inmates from harm.

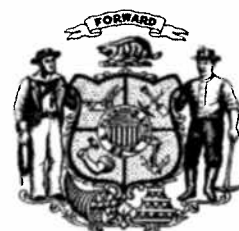
Another concern that comes up with correctional officers who’ve been exposed to an inmate’s bodily fluids is the litany of tests and treatments they must go through to determine whether or not they’ve contracted a disease from the inmate. If an officer knows that an inmate has a certain condition, they can get the proper treatment immediately rather having to struggle through a host of remedies that may be unnecessary, costly, time-consuming and very stressful to the officer and his or her entire family.

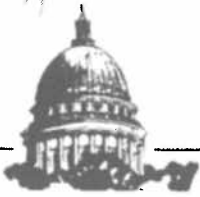
Finally, it is known fact that the inmate population has a higher incidence of contagious diseases than the general population. Making corrections staff aware of inmates with certain infectious conditions will help protect all who live and work with the inmates, and give staff peace of mind to correctional officers that when their shift ends they aren't carrying a dangerous disease home to their families. This is what this bill is all about.

In closing, I'd like to thank the Chairman and the committee members for considering this important bill and Sen. Hopper for leading the cause on this issue in the Senate. I'd also like to extend my gratitude to the hardworking correctional officers in my district who first brought this concern to my attention and AFSCME Council 11 for endorsing the bill. If you have any questions, I would be glad to try to answer them through my staff now or in person upon my return.



WISCONSIN STATE LEGISLATURE





Wisconsin State Senate
RANDY HOPPER

Senator - 18th District

Date?

Testimony in favor of SB 547

Senator Randy Hopper

Prepared for the Senate Committee on Public Health, Senior Issues, Long-Term Care,
and Job Creation

Chairman Carpenter and other committee members, thank you for holding a public hearing on Senate Bill 547, otherwise known as "Right to Know" legislation. As the senate author of this bill I am sorry that I cannot be at the hearing in person to present my testimony. This is spring break season and I am traveling with my family this week. However, I am happy to provide written testimony for your review.

As you are aware, I represent the 18th Senate District which is home to Dodge Correctional Institution, Oshkosh Correctional Institution, Taycheedah Correctional Institution, Waupun Correctional Institution, Drug Abuse Correctional Center, and Winnebago Correctional Center. As a newly-elected State Senator, earlier this session I scheduled visits to these institutions to learn more about corrections issues and to witness first hand the daily operations of a correctional facility. It was during these visits that I learned about "Right to Know."

This intent of this legislation is to provide corrections staff with information - if requested - about inmates' medical history, including any communicable diseases, to ensure the best possible care for the inmate and peace of mind for the officer.

During my visits to the correctional facilities I observed the close physical contact corrections staff have with inmates in many different situations. On a daily basis these officers monitor inmates as they move in and out of their cells, to and from mess halls, gyms and outdoor recreational fields, and transport them off-site for hospital visits or to other institutions.

As a result, corrections staff are primary caregivers and first responders on the scene when inmates need medical attention. Just like medical staff and other law enforcement, correctional officers need information about the individual's medical condition to best respond to their specific needs and improve the medical safety of the correctional officers.

Under current law, when an inmate enters the system, they are given general medical exams. While inmates are not required to be tested or disclose if they have certain medical conditions, medical staff and the warden are informed if an inmate has an

infectious disease so they can develop a care plan and implement strategies to protect the correctional community.

I believe current law contains a glaring loophole in this care plan if the corrections professionals on the front lines, who do the hands-on work with offenders, aren't given the same important information.

This bill seeks to give correctional officers the right to know if inmates in their specific care have contagious diseases. As primary caregivers, corrections professionals need to know if an inmate has an infectious condition so that they can provide the best possible attention to the inmate and so that they can take measures to protect themselves, their families at home, and the rest of the inmate population.

Thank you for allowing me to submit testimony to you today. I would be happy to address any questions you may have when I return from my trip.