

**2019 DRAFTING REQUEST**

**Senate Amendment (SA-SB163)**

For: **André Jacque (608) 266-3512** Drafter: **ewheeler**  
 By: **Nick** Secondary Drafters:  
 Date: **9/12/2019** May Contact:

Same as LRB:

Submit via email: **YES**  
 Requester's email: **Sen.Jacque@legis.wisconsin.gov**  
 Carbon copy (CC) to: **Elizabeth.Wheeler@legis.wisconsin.gov**  
**melinda.johns@legis.wisconsin.gov**

**Pre Topic:**

No specific pre topic given

**Topic:**

Battery to a health care provider

**Instructions:**

Amend SB 163 to apply to all health care providers. Mirror language in s. 940.20 (7).

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	ewheeler 9/13/2019	kfollett 9/13/2019			
/P1	ewheeler 9/16/2019	kfollett 9/16/2019	jmurphy 9/13/2019		
/P2	ewheeler 9/16/2019	kfollett 9/16/2019	dwalker 9/16/2019		
/1			jmurphy 9/16/2019	dwalker 9/17/2019	

FE Sent For:

<END>



State of Wisconsin  
2019 - 2020 LEGISLATURE

LRBa0508/?

EAW: [Signature]

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**  
**SENATE AMENDMENT ,**  
**TO SENATE BILL 163**

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 1, line 2: after “nurse” insert “or health care provider”.

3 **2.** Page 1, line 3: delete the material beginning with that line and ending with  
4 page 2, line 7 and substitute:

5 **SECTION 1m.** 940.20 (7) (title) of the statutes is amended to read:

6 940.20 (7) (title) BATTERY TO A NURSE, HEALTH CARE PROVIDER, OR EMERGENCY  
7 MEDICAL CARE PROVIDERS PROVIDER. [Handwritten mark]

History: 1977 c. 173; 1979 c. 30, 113, 221; 1981 c. 118 s. 9; 1983 a. 189 s. 329 (4); 1989 a. 336; 1993 a. 54, 164, 491; 1995 a. 27 s. 9126 (19); 1995 a. 77, 145, 225, 343; 1997 a. 35, 143, 283; 1999 a. 85; 2001 a. 109; 2005 a. 434; 2007 a. 20 s. 9121 (6) (a); 2007 a. 27, 130; 2011 a. 32, 74; 2015 a. 55, 78, 352; 2017 a. 12.

8 **SECTION 2.** 940.20 (7) (a) 2. (intro.) and a. of the statutes are consolidated,  
9 renumbered 940.20 (7) (a) 2. and amended to read:

10 940.20 (7) (a) 2. “Emergency department worker” means any of the following:

11 a. An employee of a hospital who works in an emergency department.

1 SECTION 3. 940.20 (7) (a) 2. b. of the statutes is repealed.

2 SECTION 4. 940.20 (7) (a) 2d. of the statutes is repealed.

3 SECTION 5. 940.20 (7) (a) 2g. of the statutes is repealed.

4 SECTION 6. 940.20 (7) (a) 4. of the statutes is created to read:

5 940.20 (7) (a) 4. "Nurse" means an individual who is licensed pursuant to s.  
6 441.06 or 441.10.

7 SECTION 7. 940.20 (7) (a) 3. of the statutes is amended to read:

8 940.20 (7) (a) 3. "Health care provider" means any person who is licensed,  
9 registered, permitted or certified by the department of health services or the  
10 department of safety and professional services to provide medical or health care  
11 services in this state.

12 SECTION 8. 940.20 (7) (b) of the statutes is amended to read:

13 940.20 (7) (b) Whoever intentionally causes bodily harm to a nurse or an  
14 individual acting under the supervision of a nurse, a health care provider, an  
15 emergency department worker, an emergency medical services practitioner, an  
16 emergency medical responder, or an ambulance driver who is acting in an official his  
17 or her professional capacity and who the person knows or has reason to know is a  
18 nurse or is acting under the supervision of a nurse, a health care provider, an  
19 emergency department worker, an emergency medical services practitioner, an  
20 emergency medical responder, or an ambulance driver, by an act done without the  
21 consent of the person so injured, is guilty of a Class H felony.

22 (END)

## **Wheeler, Elizabeth**

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**From:** Rettinger, Nik  
**Sent:** Monday, September 16, 2019 11:02 AM  
**To:** Wheeler, Elizabeth  
**Subject:** FW: [External]RE: [External]FW: Senator Jacque Amendment to SB 163

Elizabeth,

I got some feedback from the WHA and they recommended the following changes to deal with potential issues in committee as well as with DHS and EMS groups. Could I get an updated p draft of the amendment reflecting the following today?

Thanks!

-Nik

### ***Nik Rettinger III***

Chief of Staff  
Office of Senator André Jacque  
1<sup>st</sup> Senate District  
608-266-3512

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**From:** Hoelter, Jon <jhoelter@wha.org>  
**Sent:** Friday, September 13, 2019 5:16 PM  
**To:** Rettinger, Nik <Nik.Rettinger@legis.wisconsin.gov>  
**Subject:** RE: [External]RE: [External]FW: Senator Jacque Amendment to SB 163

Hi Nik,

Thanks for you work on this.

As I mentioned, we're a little concerned about how others might perceive eliminating references to emergency medical services practitioners and emergency medical responders under 2d and 2g of the current stat 940.20 (7)(a) under this amendment. We would suggest those get put back in to avoid such concerns. I realize it was drafted this way to streamline the statute but I'd be concerned about taking those terms out without verifying first that DHS and EMS groups do not have any issues with it.

We took a stab at another way that you might consider drafting the amendment in case you're interested in sending that to the drafter. See below:

At the locations indicated, amend the bill as follows:

1. Page 2, line 1: After "(a)", insert "1."
2. Page 2, line 2: After that line, insert:  
"2. In this subsection, "health care professional" means any person who is licensed, registered, permitted or certified by the department of health services or the department of safety and professional services to provide medical or health care services in this state."
3. Page 2, line 3: After "nurse", insert "or other health care professional".

4. Page 2, line 4: After “nurse”, insert “or other health care professional”.
5. Page 2, line 5: After “nurse”, insert “or other health care professional”.
6. Page 2, line 6: After “nurse”, insert “or other health care professional”.

Thanks again – and hope you have a great weekend!

-Jon

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**From:** Rettinger, Nik <[Nik.Rettinger@legis.wisconsin.gov](mailto:Nik.Rettinger@legis.wisconsin.gov)>  
**Sent:** Friday, September 13, 2019 4:13 PM  
**To:** Hoelter, Jon <[jhoelter@wha.org](mailto:jhoelter@wha.org)>  
**Subject:** [External]RE: [External]FW: Senator Jacque Amendment to SB 163

Jon, attached is the updated bill. Does this look good?

-Nik

***Nik Rettinger III***  
Chief of Staff  
Office of Senator André Jacque  
1<sup>st</sup> Senate District  
608-266-3512

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**From:** Hoelter, Jon <[jhoelter@wha.org](mailto:jhoelter@wha.org)>  
**Sent:** Friday, September 13, 2019 11:49 AM  
**To:** Rettinger, Nik <[Nik.Rettinger@legis.wisconsin.gov](mailto:Nik.Rettinger@legis.wisconsin.gov)>  
**Subject:** RE: [External]FW: Senator Jacque Amendment to SB 163

Thanks! Just spoke with Elizabeth. She said she could draft a simple amendment that would keep “nurse” intact and add other health care professionals as defined in the ER statute under 940.20(7)(a)(3). She said she anticipated being able to get it back to you this afternoon.

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**From:** Rettinger, Nik <[Nik.Rettinger@legis.wisconsin.gov](mailto:Nik.Rettinger@legis.wisconsin.gov)>  
**Sent:** Friday, September 13, 2019 11:46 AM  
**To:** Hoelter, Jon <[jhoelter@wha.org](mailto:jhoelter@wha.org)>  
**Subject:** [External]FW: Senator Jacque Amendment to SB 163

Jon, fyi feel free to reach out to Elizabeth anytime.

-Nik

***Nik Rettinger III***  
Chief of Staff  
Office of Senator André Jacque  
1<sup>st</sup> Senate District  
608-266-3512

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**From:** Wheeler, Elizabeth <[Elizabeth.Wheeler@legis.wisconsin.gov](mailto:Elizabeth.Wheeler@legis.wisconsin.gov)>  
**Sent:** Friday, September 13, 2019 11:19 AM

**To:** Rettinger, Nik <[Nik.Rettinger@legis.wisconsin.gov](mailto:Nik.Rettinger@legis.wisconsin.gov)>

**Subject:** RE: Senator Jacque Amendment to SB 163

Nik,

I can do a simple amendment that replaces the whole thing but if you want to take a different approach that just puts that definition into the section on nurses and keeps it separate I could do that as well... I'm happy to talk to Jon about it.

**Elizabeth Wheeler**

Legislative Attorney

Wisconsin Legislative Reference Bureau

P.O. Box 2037

Madison, WI 53701-2037

Direct: 608-504-5880

[Elizabeth.wheeler@legis.wisconsin.gov](mailto:Elizabeth.wheeler@legis.wisconsin.gov)

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**From:** Rettinger, Nik <[Nik.Rettinger@legis.wisconsin.gov](mailto:Nik.Rettinger@legis.wisconsin.gov)>

**Sent:** Friday, September 13, 2019 10:35 AM

**To:** Wheeler, Elizabeth <[Elizabeth.Wheeler@legis.wisconsin.gov](mailto:Elizabeth.Wheeler@legis.wisconsin.gov)>

**Subject:** Senator Jacque Amendment to SB 163

Good morning Elizabeth,

Thanks for turning the amendment around so quickly! I heard back from the Hospital Association and they believe a sub amendment will unfortunately not work well but understand the reasons you wanted to avoid a simple amendment. Jon Hoelter is going to be reaching out to you from the WHA to try and work through a way to draft up the amendment so its viable.

-Nik

***Nik Rettinger III***

Chief of Staff

Office of Senator André Jacque

1<sup>st</sup> Senate District

608-266-3512



State of Wisconsin  
2019 - 2020 LEGISLATURE

LRBa0508/P1  
EAW:kjf

in 9/16  
due TODAY

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**  
**SENATE AMENDMENT ,**  
**TO SENATE BILL 163**

insert

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At the locations indicated, amend the bill as follows:

1. Page 1, line 2: after "nurse" insert "or health care provider".

2. Page 1, line 3: delete the material beginning with that line and ending with page 2, line 7, and substitute:

"SECTION 1m. 940.20 (7) (title) of the statutes is amended to read:

940.20 (7) (title) BATTERY TO A NURSE, HEALTH CARE PROVIDER, OR EMERGENCY MEDICAL CARE PROVIDERS PROVIDER.

SECTION 2. 940.20 (7) (a) 2. (intro.) and a. of the statutes are consolidated, renumbered 940.20 (7) (a) 2. and amended to read:

940.20 (7) (a) 2. "Emergency department worker" means any of the following:

a. An an employee of a hospital who works in an emergency department.

SECTION 3. 940.20 (7) (a) 2. b. of the statutes is repealed.





**2019-2020 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRBa0508/Plins  
EAW:kjf

INS 1-3

✓  
**1.** Page 2, line 1: delete “, “nurse”” and substitute “: ~~1.~~ “Health care professional” means any person who is licensed, registered, permitted, or certified by the department of health services or the department of safety and professional services to provide medical or health care services in this state.

2. “Nurse”.

✓  
**2.** Page 2, line 3: after “nurse” insert “or other health care professional”.

✓  
**3.** Page 2, line 4: after “nurse” insert “or other health care professional”.

✓  
**4.** Page 2, line 5: after “nurse” insert “or other health care professional”.

✓  
**5.** Page 2, line 6: after “nurse” insert “or other health care professional”.

## Wheeler, Elizabeth

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**From:** Rettinger, Nik  
**Sent:** Monday, September 16, 2019 3:39 PM  
**To:** Wheeler, Elizabeth  
**Subject:** RE: [External]RE: Amendment

If you don't feel this is a problem at all and it just a grammatical change, then making it and turning it into a /1 would be fine with me. I just wanted, similar to Jon, to make sure you hadn't drafted it that way for a reason. Thanks for your quick turn around with this amendment!

-Nik

### *Nik Rettinger III*

Chief of Staff  
Office of Senator André Jacqué  
1<sup>st</sup> Senate District  
608-266-3512

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**From:** Wheeler, Elizabeth <Elizabeth.Wheeler@legis.wisconsin.gov>  
**Sent:** Monday, September 16, 2019 3:32 PM  
**To:** Rettinger, Nik <Nik.Rettinger@legis.wisconsin.gov>  
**Subject:** RE: [External]RE: Amendment

Do you want me to make it a /1 with this change, or do you want a /p3?

**Elizabeth Wheeler**  
Legislative Attorney  
Wisconsin Legislative Reference Bureau  
P.O. Box 2037  
Madison, WI 53701-2037  
Direct: 608-504-5880  
[Elizabeth.wheeler@legis.wisconsin.gov](mailto:Elizabeth.wheeler@legis.wisconsin.gov)

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**From:** Rettinger, Nik <Nik.Rettinger@legis.wisconsin.gov>  
**Sent:** Monday, September 16, 2019 3:22 PM  
**To:** Wheeler, Elizabeth <Elizabeth.Wheeler@legis.wisconsin.gov>  
**Subject:** FW: [External]RE: Amendment

Elizabeth, one more small question on the p2. Got feedback that it looks great, but WHA had a question about page 1, line 1 and how it was drafted. Can you shed some light on that?

"Thanks!

I think this looks great – with maybe one question. Would you mind checking with the drafter on one thing? Unless I'm mistaken, I'm wondering whether there should be something to ensure the heading on page 1 line 1 reads "BATTERY TO A NURSE OR OTHER HEALTH CARE PROFESSIONAL."

She may have a reason for keeping it as NURSE only but wanted to check on that.

-Jon"

Thanks,

-Nik

***Nik Rettinger III***

Chief of Staff  
Office of Senator André Jacqué  
1<sup>st</sup> Senate District  
608-266-3512

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**From:** Hoelter, Jon <[jhoelter@wha.org](mailto:jhoelter@wha.org)>  
**Sent:** Monday, September 16, 2019 2:32 PM  
**To:** Rettinger, Nik <[Nik.Rettinger@legis.wisconsin.gov](mailto:Nik.Rettinger@legis.wisconsin.gov)>  
**Subject:** RE: [External]RE: Amendment

Also – if you're able to get this drafted by the end of the day, then let's go back to the old plan of having you introduce the amendment and we'll reference that in our memo/testimony tomorrow. I'll be going up there with Rose Russell who is a nurse from St. Mary's in Madison. WHA will also be submitting written testimony.

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**From:** Hoelter, Jon  
**Sent:** Monday, September 16, 2019 1:51 PM  
**To:** Rettinger, Nik <[Nik.Rettinger@legis.wisconsin.gov](mailto:Nik.Rettinger@legis.wisconsin.gov)>  
**Subject:** RE: [External]RE: Amendment

Thanks!

I think this looks great – with maybe one question. Would you mind checking with the drafter on one thing? Unless I'm mistaken, I'm wondering whether there should be something to ensure the heading on page 1 line 1 reads "BATTERY TO A NURSE OR OTHER HEALTH CARE PROFESSIONAL."

She may have a reason for keeping it as NURSE only but wanted to check on that.

-Jon

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**From:** Rettinger, Nik <[Nik.Rettinger@legis.wisconsin.gov](mailto:Nik.Rettinger@legis.wisconsin.gov)>  
**Sent:** Monday, September 16, 2019 1:29 PM  
**To:** Hoelter, Jon <[jhoelter@wha.org](mailto:jhoelter@wha.org)>  
**Subject:** [External]RE: Amendment

Jon,

That works for me, but I did get the p2 amendment back from the drafter. Take a look and let me know your thoughts. If its good to go, we can look at either introducing it for tomorrow or holding on to it till after the hearing.

-Nik

***Nik Rettinger III***

Chief of Staff  
Office of Senator André Jacque  
1<sup>st</sup> Senate District  
608-266-3512

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**From:** Hoelter, Jon <[jhoelter@wha.org](mailto:jhoelter@wha.org)>  
**Sent:** Monday, September 16, 2019 1:23 PM  
**To:** Rettinger, Nik <[Nik.Rettinger@legis.wisconsin.gov](mailto:Nik.Rettinger@legis.wisconsin.gov)>  
**Subject:** Amendment

Hey Nik,

Hope you had a good weekend. Rather than rush to get everything perfect on the amendment for tomorrow, I think we'll just say in our testimony and memo that we've been working with Senator Jacque and support his efforts to get an amendment to SB 163 to apply it to all health care providers.

That work for you?

Thanks,

-Jon

**Jon Hoelter**  
Director of Federal and State Relations  
Wisconsin Hospital Association  
608-268-1819 (direct)  
608-213-0589 (cell)  
[jhoelter@wha.org](mailto:jhoelter@wha.org)



1

9/16 today!

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

**SENATE AMENDMENT ,**

**TO SENATE BILL 163**

insert

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 1, line 2: after "nurse" insert "or health care provider".

3 **2.** Page 2, line 1: delete ", "nurse"" and substitute ": 1. "Health care  
4 professional" means any person who is licensed, registered, permitted, or certified  
5 by the department of health services or the department of safety and professional  
6 services to provide medical or health care services in this state.

7 2. "Nurse".

8 **3.** Page 2, line 3: after "nurse" insert "or other health care professional".

9 **4.** Page 2, line 4: after "nurse" insert "or other health care professional".

10 **5.** Page 2, line 5: after "nurse" insert "or other health care professional".

INS  
1-3

professional



**2019-2020 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRBa0508/P2ins  
EAW:kjf

WS 1-3



1. Page 2, line 1: after "A NURSE" insert "OR OTHER HEALTH CARE PROFESSIONAL".



## Walker, Dan

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**From:** Wheeler, Elizabeth  
**Sent:** Tuesday, September 17, 2019 10:10 AM  
**To:** LRB.Legal  
**Subject:** FW: [External]RE: Amendment

Can you please jacket 19a0508 for the senate?

Thanks,

**Elizabeth Wheeler**  
Legislative Attorney  
Wisconsin Legislative Reference Bureau  
P.O. Box 2037  
Madison, WI 53701-2037  
Direct: 608-504-5880  
[Elizabeth.wheeler@legis.wisconsin.gov](mailto:Elizabeth.wheeler@legis.wisconsin.gov)

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**From:** Rettinger, Nik <[Nik.Rettinger@legis.wisconsin.gov](mailto:Nik.Rettinger@legis.wisconsin.gov)>  
**Sent:** Tuesday, September 17, 2019 10:03 AM  
**To:** Wheeler, Elizabeth <[Elizabeth.Wheeler@legis.wisconsin.gov](mailto:Elizabeth.Wheeler@legis.wisconsin.gov)>  
**Subject:** RE: [External]RE: Amendment

Elizabeth,

The /1 looks great, can I get a jacket for the amendment?

Thanks!

-Nik

***Nik Rettinger III***  
Chief of Staff  
Office of Senator André Jacque  
1<sup>st</sup> Senate District  
608-266-3512

---

**From:** Wheeler, Elizabeth <[Elizabeth.Wheeler@legis.wisconsin.gov](mailto:Elizabeth.Wheeler@legis.wisconsin.gov)>  
**Sent:** Monday, September 16, 2019 3:42 PM  
**To:** Rettinger, Nik <[Nik.Rettinger@legis.wisconsin.gov](mailto:Nik.Rettinger@legis.wisconsin.gov)>  
**Subject:** RE: [External]RE: Amendment

No, it's fine to change the title, I'll do that and send it through as a /1.

**Elizabeth Wheeler**  
Legislative Attorney  
Wisconsin Legislative Reference Bureau