

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3728/P1dn
MDK:cmh:mrc

November 22, 1999

Don Dyke:

Please note the following about this draft:

1. The nonstatutory provision regarding appointment of initial members has been revised to conform to my usual drafting style for this type of provision. In addition, the language in the nonstatutory provision on the report to the legislature has been revised to conform to our drafting style.

2. The definition of "therapeutic-related death" in proposed s. 69.18 (2) (g) is renumbered according to our drafting style.

3. Proposed s. 146.365, refers to "person", rather than "person or entity", because "person" is broadly defined under s. 990.01 (26), stats., to include "all partnerships, associations and bodies politic or corporate".

4. The language of proposed s. 440.037 (4) (b) is slightly different than the language in the instructions.

5. The definition of "health care professional" in proposed s. 440.037 (1) (b) 1. refers to a "credential", which is defined as a "license, permit, or certificate of certification or registration" under s. 440.01 (2) (a), stats. I made this change to account for any registrations by a health care credentialing authority that may be created in future legislation. Is this okay?

6. I revised the definition of "patient" in proposed s. 440.037 (6) (a).

7. Is the sentence that notwithstanding s. 227.10 (1), stats., in proposed s. 440.037 (7) okay? Without the sentence, there may be some confusion as to whether the guidelines are rules that must be promulgated under ch. 227, stats. Note also that I made other slight changes to proposed s. 440.037 (7).

8. Is the NOTE following proposed s. 440.037 (7) okay? (I wasn't sure which section of the bill you wanted to refer to.)

9. Do you think it is necessary to define "therapeutic misadventure"? Or is the common dictionary definition of "misadventure" (i.e., misfortune or mishap) okay?

10. Do you want to delay the effective date of the bill to give the state registrar time to prepare death certificate forms?

11. You may want to consider an initial applicability provision for the notice requirements included in proposed s. 440.037 (4) and (5) or the duty to confer in proposed s. 440.037 (6).

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