

1999 DRAFTING REQUEST

Bill

Received: **11/23/1999**

Received By: **kenneda**

Wanted: **As time permits**

Identical to LRB:

For: **Peggy Rosenzweig (608) 266-2512**

By/Representing: **Dick Sweet**

This file may be shown to any legislator: **NO**

Drafter: **kenneda**

May Contact: **Dick Sweet, Laura Rose**

Alt. Drafters: **fasttn**

Subject: **Health - directives
Transportation - miscellaneous**

Extra Copies: **ISR**

Pre Topic:

No specific pre topic given

Topic:

Registry for organ donations

Instructions:

See Attached

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Handwritten signatures:
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kfollet

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FE Sent For:

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Sarah

Wasserman + Resingberg

Dec. 13

- ✓ Create donor registry board attached to DHFS try to get done by 11th
- ✓ 3 year terms - staggering all
- ✓ 11-member board

- 2- 1 from each opo
- 2- 1 from each tissue bank
- 1- an eye bank
- 1- organ recip or fam. member
- 1- organ donor or fam. member
- 1- Health + Hosp Assoc, Inc.
- 1- Wis Nurses Assoc, Incorporated
- 1- State Med. Society of Wisconsin
- 1- State Bar Wis Bar Assoc

- ✓ 1 rep of DHFS as nonvoting; 1 rep of DOT
duty: review apps + award K
ongoing monitoring of registry

✓ ~~an~~ approp 400,000 2000-01 GPR

- ✓ 1/2 establishing
- ✓ 1/2 operating + maintaining
- ✓ (So that it builds only \$300,000 as base)

DOT passes out forms; if later sign driver license to contain
 When DOT gets names of potential donors, must provide to Kh.; must share
 info already have
 later doc rules 156.05
 Sign of DOT form want to be included in register
 or sign of license + call registry

- ✓ Kh may release info only to opos, tissue banks + eye banks

- ✓ Kh must maintain toll free hotline for disenrollment + for answering requests for info + for enrollment; actual enrollment is by signed form
study: feasibility of using computer technology

to indicate one's desire to be on or deleted from registry - to be followed up by signature on paper

✓ Kr could design form but must be in conformity w/ curr. law

✓ 157.06 - amend def of "doc of gift" to include that form

✓ Change pur of act for health care: if want to donate whole body, should contact the institution

✓ Prior to implementing such a system by bd must prom rules to ensure confidentiality

Change drivers license + power of attorney:

✓ HPOA - give dept author. to modify stat form to include toll free # of the registry

DOT author to modify stat form to include toll free # of registry

Yacker, Tina

From: Osterberg, Sarah
Sent: Friday, August 20, 1999 9:46 AM
To: Yacker, Tina
Cc: Kasper, Sherry
Subject: power of attorney for hc form drafting request

Hi, Tina:

Before our meeting on the 8th, please draft a change to the anatomical gifts section of the power of attorney for health care form. In parantheses after "I wish to donate my body for anatomical study if needed," add the following: (Many institutions have certain conditions that must be met prior to receiving a body donation. The institution to which the donation will be made should be contacted.)

Sherry Kasper at DHFS, who handles the dissemination of power of attorney forms, said that a statutory change is required to make this change, which would reportedly be helpful in clarifying the issue.

Thank you! See you on the 8th. No room number for the meeting yet, but I'll let you know as soon as I have a location.

-Sarah



TODAY, if possible 12/9

State of Wisconsin
1999 - 2000 LEGISLATURE

2999/1
LRB-4000/1
DAK.....

D-NOTE

cm lt

1999 BILL

To Ed + WPO:
These are identical drafts, except for different names on the D-Note salutation.
Thanks DAK

form

ETNF

modifying the form for the power of attorney for health care,

granting rule-making authority

the definition of organ

- 1 AN ACT ... relating to: creating a donor registry board, creating an organ and
- 2 tissue donor registry in the department of health and family services, changing
- 3 requirements for "documents of gift," requiring a study and making
- 4 appropriations.

Analysis by the Legislative Reference Bureau

Under current law, a person who is 18 or older may make a donation of all or a part of his or her body to a hospital, physician or an organ procurement organization; to an accredited medical or dental school, college or university; or to a designated individual. This anatomic gift may be made only if the donor signs a document of gift, which may be a card, a statement attached to or imprinted on a driver's license or identification card issued by the department of transportation (DOT), a will or another writing, such as a power of attorney for health care, that is used to make such a gift. The department of health and family services (DHFS) is required to prepare and provide copies of a power of attorney for health care instrument for distribution to the public; the form for the power of attorney for health care instrument that DHFS must prepare is specified in the statutes.

This bill creates a donor registry board in DHFS, composed of 11 voting and two non-voting members. The donor registry board must review requests for proposals and award a contract from general purpose revenues, as appropriated under the bill, to establish, operate and maintain an organ and tissue donor registry. The organ and tissue donor registry shall include names of and pertinent information about persons who have signed enrollment forms indicating their desires to make anatomical gifts.

BILL

Insert (A)

The bill authorizes the signing of an enrollment form to be an additional means of making a document of gift. This information is not subject to open records requirements and may be released by the registry only to organ procurement organizations, eye banks and tissue banks. Before the organ and tissue donor registry is implemented, the donor registry board must promulgate rules that ensure the confidentiality of registry enrollees. The entity that operates the organ and tissue donor registry must also operate a toll-free telephone number to provide information about making an anatomical gift and about enrollment in and disenrollment from the registry.

The bill also modifies the power of attorney for health care form, to indicate that, since many institutions have certain conditions that must be met before receiving a donated body, if the principal intends to donate his or her whole body to an institution, the principal will attempt to contact the institution to which the donation is intended to be made. In addition, the bill authorizes DHFS to modify the form with respect to making an anatomical gift, to include the toll-free telephone number of the organ and tissue donor registry.

Ⓢ Lastly, the bill requests that the entity that operates and maintains the organ and tissue donor registry study and, by January 1, 2002, report to the donor registry board on the feasibility of permitting individuals to use computer technology to indicate their desires to be enrolled in or disenrolled from the registry.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

(S)

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 SECTION 1. 15.195 (2) of the statutes is created to read:

2 15.195 (2) DONOR REGISTRY BOARD. There is created a donor registry board,
 3 attached to the department of health and family services under s. 15.03. The donor
 4 registry board shall consist of the secretary of health and family services and the
 5 secretary of transportation, or their designees, as nonvoting members, and shall
 6 consist of the following voting members appointed for 3-year terms:

- 7 (a) One representative of each of 2 organ procurement organizations.
- 8 (b) Two representatives of repositories for donated human tissue.
- 9 (c) One representative of a repository for donated human eyes or parts of eyes.
- 10 (d) One recipient of organ or tissue donation or his or her family member.

BILL

1 (e) One organ or tissue donor or his or her family member.

2 (f) One member nominated by the Wisconsin Health and Hospital Association, ✓

3 Inc.

4 (g) One member nominated by the Wisconsin Nurses Association,

5 Incorporated. ✓

6 (h) One member nominated by the State Medical Society of Wisconsin.

7 (i) One member nominated by the State Bar of Wisconsin.

INSERT 3-7

8 SECTION 2. 20.435 (1) (bm) of the statutes is created to read:

9 20.435 (1) (bm) *Donor registry; establishment.* The amounts in the schedule ✓
10 for permanent property, supplies, services and department of health and family
11 services staff support for the establishment of an organ and tissue donor registry.

12 SECTION 3. 20.435 (1) (bm) of the statutes, as created by 1999 Wisconsin Act ✓
13 (this act), is repealed.

14 SECTION 4. 20.435 (1) (bn) of the statutes is created to read:

15 20.435 (1) (bn) *Donor registry; operations.* The amounts in the schedule for
16 permanent property, supplies, services and department of health and family services
17 staff support for the operation and maintenance of an organ and tissue donor
18 registry.

19 SECTION 5. 155.30 (3) of the statutes is amended to read:

20 155.30 (3) The department shall prepare and provide copies of a power of
21 attorney for health care instrument and accompanying information for distribution
22 in quantities to health care professionals, hospitals, nursing homes, multipurpose
23 senior centers, county clerks and local bar associations and individually to private
24 persons. The department shall include, in information accompanying the copy of the
25 instrument, at least the statutory definitions of terms used in the instrument,

BILL

1 statutory restrictions on who may be witnesses to a valid instrument, a statement
 2 explaining that valid witnesses acting in good faith are statutorily immune from civil
 3 or criminal liability and a statement explaining that an instrument may, but need
 4 not, be filed with the register in probate of the principal's county of residence. The
 5 department may charge a reasonable fee for the cost of preparation and distribution.
 6 The power of attorney for health care instrument distributed by the department
 7 shall include the notice specified in sub. (1) and shall, except as provided in sub. (3m),
 8 be in the following form:

9
10

POWER OF ATTORNEY CENTER
 FOR HEALTH CARE

11 Document made this.... day of.... (month),.... (year).

12
13

CREATION OF POWER OF CENTER
 ATTORNEY FOR HEALTH CARE

14 I,.... (print name, address and date of birth), being of sound mind, intend by this
 15 document to create a power of attorney for health care. My executing this power of
 16 attorney for health care is voluntary. Despite the creation of this power of attorney
 17 for health care, I expect to be fully informed about and allowed to participate in any
 18 health care decision for me, to the extent that I am able. For the purposes of this
 19 document, "health care decision" means an informed decision to accept, maintain,
 20 discontinue or refuse any care, treatment, service or procedure to maintain, diagnose
 21 or treat my physical or mental condition.

22 In addition, I may, by this document, specify my wishes with respect to making
 23 an anatomical gift upon my death.

24 DESIGNATION OF HEALTH CARE AGENT CENTER

BILL

1 If I am no longer able to make health care decisions for myself, due to my
2 incapacity, I hereby designate.... (print name, address and telephone number) to be
3 my health care agent for the purpose of making health care decisions on my behalf.
4 If he or she is ever unable or unwilling to do so, I hereby designate.... (print name,
5 address and telephone number) to be my alternate health care agent for the purpose
6 of making health care decisions on my behalf. Neither my health care agent nor my
7 alternate health care agent whom I have designated is my health care provider, an
8 employe of my health care provider, an employe of a health care facility in which I
9 am a patient or a spouse of any of those persons, unless he or she is also my relative.
10 For purposes of this document, "incapacity" exists if 2 physicians or a physician and
11 a psychologist who have personally examined me sign a statement that specifically
12 expresses their opinion that I have a condition that means that I am unable to receive
13 and evaluate information effectively or to communicate decisions to such an extent
14 that I lack the capacity to manage my health care decisions. A copy of that statement
15 must be attached to this document.

16] GENERAL STATEMENT OF [CENTER
17] AUTHORITY GRANTED [

18 Unless I have specified otherwise in this document, if I ever have incapacity I
19 instruct my health care provider to obtain the health care decision of my health care
20 agent, if I need treatment, for all of my health care and treatment. I have discussed
21 my desires thoroughly with my health care agent and believe that he or she
22 understands my philosophy regarding the health care decisions I would make if I
23 were able. I desire that my wishes be carried out through the authority given to my
24 health care agent under this document.

BILL

1 If I am unable, due to my incapacity, to make a health care decision, my health
 2 care agent is instructed to make the health care decision for me, but my health care
 3 agent should try to discuss with me any specific proposed health care if I am able to
 4 communicate in any manner, including by blinking my eyes. If this communication
 5 cannot be made, my health care agent shall base his or her decision on any health
 6 care choices that I have expressed prior to the time of the decision. If I have not
 7 expressed a health care choice about the health care in question and communication
 8 cannot be made, my health care agent shall base his or her health care decision on
 9 what he or she believes to be in my best interest.

10
11

10] LIMITATIONS ON
 11] MENTAL HEALTH TREATMENT

CENTER

12 My health care agent may not admit or commit me on an inpatient basis to an
 13 institution for mental diseases, an intermediate care facility for the mentally
 14 retarded, a state treatment facility or a treatment facility. My health care agent may
 15 not consent to experimental mental health research or psychosurgery,
 16 electroconvulsive treatment or drastic mental health treatment procedures for me.

17
18

17] ADMISSION TO NURSING HOMES
 18] OR COMMUNITY-BASED RESIDENTIAL FACILITIES

CENTER

19 My health care agent may admit me to a nursing home or community-based
 20 residential facility for short-term stays for recuperative care or respite care.

21 If I have checked "Yes" to the following, my health care agent may admit me for
 22 a purpose other than recuperative care or respite care, but if I have checked "No" to
 23 the following, my health care agent may not so admit me:

- 24 1. A nursing home — Yes.... No....
- 25 2. A community-based residential facility — Yes.... No....

BILL

1 If I have not checked either "Yes" or "No" immediately above, my health care
2 agent may admit me only for short-term stays for recuperative care or respite care.

3] PROVISION OF A FEEDING TUBE [CENTER

4 If I have checked "Yes" to the following, my health care agent may have a
5 feeding tube withheld or withdrawn from me, unless my physician has advised that,
6 in his or her professional judgment, this will cause me pain or will reduce my comfort.
7 If I have checked "No" to the following, my health care agent may not have a feeding
8 tube withheld or withdrawn from me.

9 My health care agent may not have orally ingested nutrition or hydration
10 withheld or withdrawn from me unless provision of the nutrition or hydration is
11 medically contraindicated.

12 Withhold or withdraw a feeding tube — Yes.... No....

13 If I have not checked either "Yes" or "No" immediately above, my health care
14 agent may not have a feeding tube withdrawn from me.

15] HEALTH CARE DECISIONS [CENTER
16 FOR PREGNANT WOMEN

17 If I have checked "Yes" to the following, my health care agent may make health
18 care decisions for me even if my agent knows I am pregnant. If I have checked "No"
19 to the following, my health care agent may not make health care decisions for me if
20 my health care agent knows I am pregnant.

21 Health care decision if I am pregnant — Yes.... No....

22 If I have not checked either "Yes" or "No" immediately above, my health care
23 agent may not make health care decisions for me if my health care agent knows I am
24 pregnant.

25] STATEMENT OF DESIRES, SPECIAL [CENTER

BILL

1] PROVISIONS OR LIMITATIONS [CENTER

2 In exercising authority under this document, my health care agent shall act
3 consistently with my following stated desires, if any, and is subject to any special
4 provisions or limitations that I specify. The following are specific desires, provisions
5 or limitations that I wish to state (add more items if needed):

- 6 1) -
- 7 2) -
- 8 3) -

9] INSPECTION AND DISCLOSURE OF INFORMATION [CENTER
10] RELATING TO MY PHYSICAL OR MENTAL HEALTH [CENTER

11 Subject to any limitations in this document, my health care agent has the
12 authority to do all of the following:

- 13 (a) Request, review and receive any information, oral or written, regarding my
14 physical or mental health, including medical and hospital records.
- 15 (b) Execute on my behalf any documents that may be required in order to obtain
16 this information.
- 17 (c) Consent to the disclosure of this information.

18 (The principal and the witnesses all must sign the document at the same time.)

19] SIGNATURE OF PRINCIPAL [CENTER
20] (person creating the power [CENTER
21] of attorney for health care) [CENTER

22 Signature..... Date....] FCUS #
RIG #T

23 (The signing of this document by the principal revokes all previous powers of
24 attorney for health care documents.)

25] STATEMENT OF WITNESSES [CENTER

BILL

1 I know the principal personally and I believe him or her to be of sound mind and
 2 at least 18 years of age. I believe that his or her execution of this power of attorney
 3 for health care is voluntary. I am at least 18 years of age, am not related to the
 4 principal by blood, marriage or adoption and am not directly financially responsible
 5 for the principal's health care. I am not a health care provider who is serving the
 6 principal at this time, an employe of the health care provider, other than a chaplain
 7 or a social worker, or an employe, other than a chaplain or a social worker, of an
 8 inpatient health care facility in which the declarant is a patient. I am not the
 9 principal's health care agent. To the best of my knowledge, I am not entitled to and
 10 do not have a claim on the principal's estate.

11 Witness No. 1:

12 (print) Name....

Date....]

FLUSH

RT

13 Address....

14 Signature....

15 Witness No. 2:

16 (print) Name....

Date....]

FLUSH
RIG IT

17 Address....

18 Signature....

19] STATEMENT OF HEALTH CARE AGENT [

20] AND ALTERNATE HEALTH CARE AGENT [

CENTER

21 I understand that.... (name of principal) has designated me to be his or her
 22 health care agent or alternate health care agent if he or she is ever found to have
 23 incapacity and unable to make health care decisions himself or herself. (name of
 24 principal) has discussed his or her desires regarding health care decisions with me.

25 Agent's signature....

BILL

1 Address....

2 Alternate's signature....

3 Address....

4 Failure to execute a power of attorney for health care document under chapter
5 155 of the Wisconsin Statutes creates no presumption about the intent of any
6 individual with regard to his or her health care decisions.

7 This power of attorney for health care is executed as provided in chapter 155
8 of the Wisconsin Statutes.

9 ANATOMICAL GIFTS (optional) CENTER

10 Upon my death:

11 I wish to donate only the following organs or parts: (specify the organs or
12 parts).

13 I wish to donate any needed organ or part.

14 I wish to donate my body for anatomical study if needed. (Since many
15 institutions have certain conditions that must be met before receiving donation of a
16 body, I will attempt to contact the institution to which the donation is intended to be
17 made.)

18 I refuse to make an anatomical gift. (If this revokes a prior commitment that
19 I have made to make an anatomical gift to a designated donee, I will attempt to notify
20 the donee to which or to whom I agreed to donate.)

21 Failing to check any of the lines immediately above creates no presumption
22 about my desire to make or refuse to make an anatomical gift.

23 Signature....

Date....]

FLUSH
right

History: 1989 a. 200; 1991 a. 281; 1993 a. 214, 491; 1997 a. 206.

24 SECTION 6. 159.30 (3m) of the statutes is created to read:

5

BILL

1

157.30 (3m) The department may modify the form specified in sub. (3) to

2

include, for the purposes of making an anatomical gift, the toll-free telephone number

3

of the organ and tissue donor registry under s. 157.06 (10r).

4

SECTION 7. 157.06 (1) (c) 2. of the statutes is renumbered 157.06 (1) (c) and

5

amended to read:

6

157.06 (1) (c) "Document of gift" means a card, a statement attached to or

7

imprinted on a license under s. 343.175 (2) or on an identification card under s.

8

343.50 (3), a will, an enrollment form signed as specified in sub. (10r) (a) or another

9

writing used to make an anatomical gift.

History: 1971 c. 40 s. 93; 1971 c. 213 s. 5; 1977 c. 46, 124; 1979 c. 175 s. 53; 1979 c. 221 s. 2202 (45); 1981 c. 20, 290; 1983 a. 485; 1985 a. 286, 315; 1985 a. 316 s. 14; Stats. 1985 s. 157.06; 1989 a. 105; 1989 a. 298 ss. 3, 10m, 11m; 1991a. 32; 1995 a. 27 s. 9126 (19); 1997 a. 52, 206, 305.

10

SECTION 8. 157.06 (1) (em) of the statutes is created to read:

11

157.06 (1) (em) "Eye bank" means a repository for donated human eyes or

12

portions of eyes.

13

SECTION 9. 157.06 (1) (km) of the statutes is created to read:

14

157.06 (1) (km) "Tissue bank" means a repository for donated parts other than

15

eyes.

16

SECTION 10. 157.06 (2) (f) 5. b. of the statutes is renumbered 157.06 (2) (f) 5.

17

SECTION 11. 157.06 (10m) of the statutes is created to read:

18

157.06 (10m) DONOR REGISTRY BOARD; DUTIES. The donor registry board shall do

19

all of the following:

20

(a) Review requests for proposals and, from the appropriations under s. 20.435

21

(1) (bm) and (bn), award a contract to establish, operate and maintain an organ and

22

tissue donor registry.

23

(b) Monitor the operation of an services provided by the organ and tissue donor

24

registry.

BILL

1 SECTION 12. 157.06 (10m) (a) of the statutes, as created by 1999 Wisconsin Act
2 (this act), is amended to read:

3 157.06 (10m) (a) Review requests for proposals and, from the appropriations
4 appropriation under s. 20.435 (1) (~~hm~~) and (bn), award a contract to establish,
5 operate and maintain an organ and tissue donor registry.

6 SECTION 13. 157.06 (10r) of the statutes is created to read:

7 157.06 (10r) ORGAN AND TISSUE DONOR REGISTRY. (a) Under a contract that is
8 awarded under sub. (10m) (a), an entity shall establish, operate and maintain an
9 organ and tissue donor registry that includes the names of and pertinent information
10 concerning persons who are enrolled to provide anatomical gifts. The entity may
11 release information from the registry only to organ procurement organizations, eye
12 banks and tissue banks. Information in the registry is not available for inspection
13 or copying under s. 19.35 (1).

14 (b) An individual who desires to make an anatomical gift and to be enrolled in
15 the organ and tissue donor registry shall sign an enrollment form and return the
16 form to the registry. The enrollment form may be designed by the entity that operates
17 and maintains the registry, but no form may conflict with the requirements of this
18 section.

or to the department of transportation under s. 343.14 (6)(b)
or 343.50 (4m)(c)

19 (c) The entity that operates and and maintains the organ and tissue donor
20 registry shall operate a toll/free telephone number to provide information about
21 making an anatomical gift and about enrollment in and disenrollment from the
22 registry.

23 SECTION 14. 157.07 (10r) (a) of the statutes, as created by 1999 Wisconsin Act
24 (this act), is amended to read:

BILL

Insert 13-6

1 ~~156.07~~¹/₆(10r) (a) Under a contract that is awarded under sub. (10m) (a), an
 2 entity shall ~~establish~~, operate and maintain an organ and tissue donor registry that
 3 includes the names of an pertinent information concerning persons who are enrolled
 4 to provide anatomical gifts. The entity may release information from the registry
 5 only to organ procurement organizations, eye banks and tissue banks. Information
 6 in the registry is not available for inspection or copying under s. 19.35 (1).

7 **SECTION 15. Nonstatutory provisions.**

8 (1) DONOR REGISTRY BOARD; INITIAL APPOINTMENTS. Notwithstanding section
 9 15.07 (1) (c) of the statutes and notwithstanding the length of terms specified for the
 10 members of the donor registry board appointed under section 15.195 (2) (intro.) of the
 11 statutes, as created by this act, 3 initial voting members appointed under that
 12 subsection shall be appointed for terms expiring on May 1, 2002, 3 initial voting
 13 members appointed under that subsection shall be appointed for terms expiring on
 14 May 1, 2003, and 5 initial voting members appointed under that subsection shall be
 15 appointed for terms expiring on May 1, 2004.

16 (2) CONFIDENTIALITY OF REGISTRY ENROLLEES; RULES. Before the organ and tissue
 17 donor registry under section 157.06 (10r) of the statutes, as created by this act, is
 18 implemented, the donor registry board shall promulgate rules that ensure the
 19 confidentiality of registry enrollees.

20 (3) STUDY OF REGISTRY ENROLLMENT AND DISENROLLMENT BY COMPUTER
 21 TECHNOLOGY. The entity that operates and maintains the organ and tissue donor
 22 registry under section 157.06 (10r) of the statutes, as created by this act, shall study
 23 the feasibility of permitting individuals to use computer technology to indicate their
 24 desires to be enrolled in or disenrolled from the registry, although actual enrollment

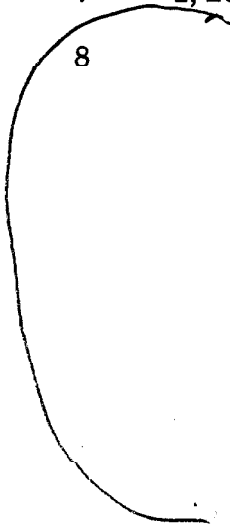
BILL

1 shall continue to be by signature of a registry enrollment form. By January 1, 2002,
2 the entity shall report its findings to the donor registry board.

3 **SECTION 16. Effective dates.** This act takes effect on the day after publication,
4 except as follows:

5 (1) DONOR REGISTRY BOARD. The repeal of section 20.435 (1) (bm) and the
6 amendment of section 156.07 (10m) (a) and (10r) (a) of the statutes take effect on July
7 1, 2001. *of the statutes*

8 (END)



Insert 14-7

D-NOTE

1999

INSERT 3-7

LRB _____/____

File With Statute **20.005 (3)** Schedule

\$\$\$ SCHEDULE

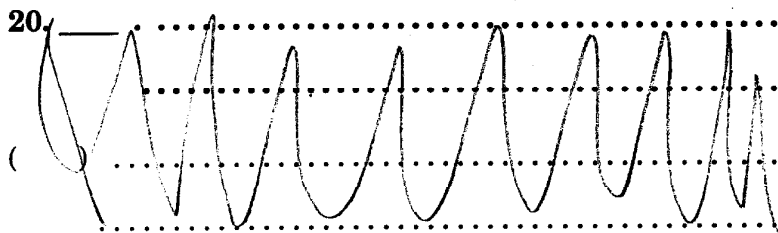
In the component bar:

For the action phrase, execute: create → action: → ch20

For the table layout, execute: create → <Table> → \$sched

SECTION #. 20.005 (3) (schedule) of the statutes: at the appropriate place, insert the following amounts for the purposes indicated:

	1999-00	2000-01
20.435 <u>Health and family services</u> ,		
<u>department of</u>		
(1) <u>PUBLIC HEALTH SERVICES PLANNING, REGULATION</u>		
<u>AND DELIVERY; STATE OPERATIONS</u>		
(b) <u>Donor registry board;</u>		
<u>establishment</u>		
..... GPR A		300,000



(b) <u>Donor registry board;</u>		
<u>operations</u>		
..... GPR A		300,000

(END OF INSERT)

Insert 13-6 (page 1 of 8)

SECTION #. RN; 343.14(6); 343.14(6)(a)

SECTION #, CR; 343.14(6)(b)

^(b)
343.14(6)(b) Notwithstanding par. (a), the

department shall disseminate to applicants the enrollment form specified under s. 157.06(10r)(b). To make an anatomical gift and to be enrolled in the organ and tissue donor registry established under s. 157.06(10r)(a), an applicant shall sign the enrollment form and return ^{it} ~~the form~~ to the department or the registry. The department shall promptly forward to the registry any enrollment forms returned to the department.

Insert 13-6 (page 2 of 8)

Section #. 343.17 (3) (b) of the statutes is amended to read:

343.17 (3) (b) The reverse side of the license shall contain an explanation of any restriction codes or endorsement abbreviations used on the front of the license, in sufficient detail to identify the nature of the restrictions or endorsements to a law enforcement officer of this state or another jurisdiction. Except for a commercial driver license or a license labeled "CDL-Occupational" as described in s. 343.03 (3) (b) and (e), a part of the reverse side of each license shall be printed to serve as a document of gift under s. 157.06 (2) (b) and (c) or a document of refusal to make an anatomical gift under s. 157.06 (2) (i).

History: 1971 c. 140; 1977 c. 29 s. 1654 (7) (a); 1977 c. 124, 272; 1979 c. 89, 306, 355; 1981 c. 20; 1985 a. 316 s. 25; 1989 a. 105, 298; 1991 a. 269; 1993 a. 19; 1995 a. 113; 1997 a. 27.

, and shall include the words "organ and tissue donor registry"
and the toll-free telephone number that can be used by persons
desiring to obtain the information specified under s. 157.06 (10)(b)

Insert 13-6 (page 3 of 8)

Section #. 343.175 (1) of the statutes is amended to read:

343.175 (1) DEPARTMENT TO SOLICIT AND RECORD INFORMATION. As part of every application for an original, duplicate, reinstated, reissued or renewal license or endorsement, the department shall inquire whether the applicant desires to be an organ donor. The department shall record the organ donor response in its file of the person.

History: 1989 a. 105, 298; 1995 a. 446.

Insert (B)

Insert 13-6 (page 4 of 8)

Section #. 343.175 (2) (a) of the statutes is amended to read:

343.175 (2) (a) Except as provided in par. (ag), a part of the reverse side of each license shall be printed to serve as a document of gift under s. 157.06 (2) (b) and (c) or a document of refusal to make an anatomical gift under s. 157.06 (2) (i).

History: 1989 a. 105, 298; 1995 a. 446.

and shall include the words "organ and tissue donor registry" and the toll-free telephone number that can be used by persons desiring to obtain the information specified under s. 157.06 (10r)(b)

5

Insert 13-6 (page 5 of 8)

Section #. 343.175 (2) (ag) of the statutes is amended to read:

343.175 (2) (ag) The department shall print a separate document to be issued to all persons issued a commercial driver license or a license labeled "CDL-Occupational" as described in s. 343.03 (3) (b) and (e) and make provisions so that the document may be attached to the reverse side of the license document along one edge. This document shall serve as a document of gift under s. 157.06 (2) (b) and (c) or a document of refusal to make an anatomical gift under s. 157.06 (2) (i).

History: 1989 a. 105, 298; 1995 a. 446.

and shall include the words "organ and tissue donor registry" and the toll-free telephone number that can be used by persons desiring to obtain the information specified under s. 157.06 (10r) (p)

1



Insert 13-6 (page 6 of 8)

Section #. 343.20 (2m) of the statutes is amended to read:

343.20 (2m) The department shall include with the notice that it mails under sub. (2) information regarding the requirements of s. 347.48 (4); information, as developed by all organ procurement organizations in cooperation with the department, that promotes anatomical donations and which relates to the anatomical donation opportunity available under s. 343.175; and, for licensees aged 65 years or older, material, as provided by the department, explaining the voluntary program that is specified in s. 71.55 (10) (b).

History: 1977 c. 29 s. 1654 (7) (a); 1977 c. 273; 1979 c. 306; 1981 c. 20, 42, 71; 1989 a. 31, 105, 294; 1991 a. 13; 1995 a. 255, 446; 1997 a. 27, 237.

the organ and tissue donor
registry enrollment form specified
under s. 157.06^v(10r)(b);

Insert 13-6 (page 7 of 8)

Section #. 343.50 (4m) (a) of the statutes is amended to read:

343.50 (4m) (a) As part of every application for an identification card, the department shall inquire whether the applicant desires to be an organ donor. The department shall record the organ donor response in its file of the person.

History: 1977 c. 360, 447; 1979 c. 226, 306; 1981 c. 20 s. 1848r; 1985 a. 29, 98; 1987 a. 27, 304; 1989 a. 105, 294, 298; 1991 a. 86, 269; 1995 a. 116; 1997 a. 27, 119, 191; s. 13.93 (2) (c).

Insert. (B)

Insert 13-6 (page 8 of 8)

SECTION # CR; 343.50(4m)(c)

343.50 (4m)(c) Notwithstanding pars. (a) and

(b), the department shall disseminate to applicants the enrollment form specified under s. 157.06(10r)(b). To

make an anatomical gift and to be enrolled in the organ and issue donor registry ^{or} established under s. 157.06(10r)(a),

^{an} applicant shall sign the enrollment form and return it to ^{the} department or the registry. The department shall promptly

^{forward} to the registry any enrollment forms returned to the department.

(end of insert)

Nonstat File Sequence: **FFF**

LRB 4000 1 1

DAK & TNF: _____

EFFECTIVE DATE

1. In the component bar: For the action phrase, execute: ... **create** → action: → *NS: → **effdate**
For the text, execute: **create** → text: → *NS: → **effdateA**
2. Nonstatutory subunits are numbered automatically if "(#1)", "(#2)", etc., is filled in. Below, fill in "_____" or "()" only if a "frozen" number is needed.

SECTION # _____ . Effective date.

(#1) () This act takes effect on

1. In the component bar: For the action phrase, execute: .. **create** → action: → *NS: → **effdateE**
For the text, execute: **create** → text: → *NS: → **effdate**
2. Nonstatutory subunits are numbered automatically if "(#1)", "(#2)", etc., is filled in. Below, fill in "_____" or "()" only if a "frozen" number is needed.

SECTION # _____ . Effective dates;

..... This act takes effect on the day after publication, except as follows:

(#1) () The treatment of sections of the statutes takes effect on

1. In the component bar: For the budget action phrase, execute:.. **create** → action: → *NS: → **94XX**
For the text, execute: **create** → text: → *NS: → **effdate**
2. Nonstatutory subunits are numbered automatically if "(#1)", "(#2)", etc., is filled in. Below, for the budget, fill in the **9400** department code; and fill in "()" only if a "frozen" number is needed.

SECTION 94 Effective dates;

DRIVERS' LICENSES AND IDENTIFICATION CARDS. The treatment of sections *343.17(3)(b), 343.175(2)(a) and (ag), 343.20(2m) and 343.50(4m)(a) and (c)* of the statutes takes effect on *January 1, 2001.* and (c)

the renumbering of section 343.14(6) of the statutes and the creation of section 343.14(6)(b) of the statutes

Insert (A)

to the organ and tissue donor
registries at least
quarterly,

¶ Under current law, the department of transportation (DOT) is required to inquire whether an applicant for a driver's license or identification card (ID card) desires to be an organ donor. DOT must record the applicant's response in its file on the person. The bill requires DOT to forward a list of the names and addresses of those applicants whose response to this inquiry was affirmative. The bill also requires DOT to print the toll-free telephone number and the words "organ and tissue donor registry" on the reverse side of every driver's license and ID card. Finally, DOT must disseminate the enrollment form to all applicants for a driver's license or ID card. An applicant may return a signed enrollment form to DOT, which must promptly forward it to the registry. (END OF INSERT)

Insert (B) ← W.P.O.
use
2 times

(209)

At not less than 3-month intervals, the department shall
= compile a list of the names and addresses of persons whose
response to the inquiry under this subsection is affirmative and
forward it to the organ and tissue donor registry (established) ↗
✓
under s. 157.06 (10r)(a).

(END OF INSERT B)

RETURN
TO
INSERT
13-6

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

3999/ldu
LRB-4000/ldu
DAK.....
cm lt

Rosenzweig

Senator Rosenzweig

To ~~Representative Wasserman~~:

1. Under current law, "document of gift" is defined to include a card, a driver's license, an identification card issued by DOT, a will or another writing (such as a power of attorney for health care). The bill amends this definition to include an enrollment form for the organ and tissue donor registry, thus adding another means by which a person might signify his or her wishes to donate. There is no statutory requirement that a document of gift be dated, although a driver's license or an identification card issued by DOT each contain a space for a date, and a will and a health care power of attorney each must be dated. All of these documents may be revoked, to indicate a person's change of mind. A revocation of a document of gift is accomplished by signing a statement of revocation; signing a new document of gift (signing a new document of gift revokes any previously signed document of gift); verbally revoking in the presence of 2 individuals; communicating with a physician while one is terminally ill or injured; delivering a signed statement of revocation to a specified donee; crossing out the gift authorization on one's driver's license or identification card; or revoking a power of attorney for health care instrument or a provision of the instrument. There is no statutory requirement that a revocation be dated. I am concerned about the situation in which a person has enrolled in the organ and tissue donor registry, which constitutes making a document of gift, but has scratched out a donation on his or her driver's license. Unless the person has dated the scratching out, which I think unlikely, it would be impossible (without some other sort of evidence) to tell whether the revocation on the driver's license or the gift under the enrollment form is the last expression of the person's intent and, therefore, rules. Obviously, this problem already exists under current law, but I am concerned that further confusion may arise with the advent of the registry; for example, a person may want to donate but may believe, for instance, that crossing out the document of gift on the driver's license would be acceptable (and less repetitious) as long as he or she has signed a registry enrollment form. Or, a person who wants to revoke may cross out the document of gift on the driver's license but fail to revoke the registry enrollment form.

There are several ways to approach this problem, should you wish to do so: one would be to prohibit changing one's designation on a driver's license or identification card except by applying for a duplicate license; this alternative might be somewhat costly, either to the person or to DOT. A second way would be to require that revoking a document of gift on a driver's license or identification card be initialled and dated. Yet



another way would be to require that all documents of gift or refusal to make a gift and all revocations be dated.

2. Please review the language I have drafted as a change to the power of attorney for health care form, concerning the donation of one's body to an institution; I have changed the proposed language somewhat, to align it with the parenthetical provision that immediately follows and to place it in active, rather than passive voice.

Please let me know if I may be of further assistance.

Dehora A. Kennedy
Managing Attorney
Phone: (608) 266-0137

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3999/1dn
DAK:cmh:mrc

December 9, 1999

To Senator Rosenzweig:

1. Under current law, "document of gift" is defined to include a card, a driver's license, an identification card issued by DOT, a will or another writing (such as a power of attorney for health care). The bill amends this definition to include an enrollment form for the organ and tissue donor registry, thus adding another means by which a person might signify his or her wishes to donate. There is no statutory requirement that a document of gift be dated, although a driver's license or an identification card issued by DOT each contain a space for a date, and a will and a health care power of attorney each must be dated. All of these documents may be revoked, to indicate a person's change of mind. A revocation of a document of gift is accomplished by signing a statement of revocation; signing a new document of gift (signing a new document of gift revokes any previously signed document of gift); verbally revoking in the presence of 2 individuals; communicating with a physician while one is terminally ill or injured; delivering a signed statement of revocation to a specified donee; crossing out the gift authorization on one's driver's license or identification card; or revoking a power of attorney for health care instrument or a provision of the instrument. There is no statutory requirement that a revocation be dated. I am concerned about the situation in which a person has enrolled in the organ and tissue donor registry, which constitutes making a document of gift, but has scratched out a donation on his or her driver's license. Unless the person has dated the scratching out, which I think unlikely, it would be impossible (without some other sort of evidence) to tell whether the revocation on the driver's license or the gift under the enrollment form is the last expression of the person's intent and, therefore, rules. Obviously, this problem already exists under current law, but I am concerned that further confusion may arise with the advent of the registry; for example, a person may want to donate but may believe, for instance, that crossing out the document of gift on the driver's license would be acceptable (and less repetitious) as long as he or she has signed a registry enrollment form. Or, a person who wants to revoke may cross out the document of gift on the driver's license but fail to revoke the registry enrollment form.

There are several ways to approach this problem, should you wish to do so: one would be to prohibit changing one's designation on a driver's license or identification card except by applying for a duplicate license; this alternative might be somewhat costly, either to the person or to DOT. A second way would be to require that revoking a document of gift on a driver's license or identification card be initialled and dated. Yet

another way would be to require that all documents of gift or refusal to make a gift and all revocations be dated.

2. Please review the language I have drafted as a change to the power of attorney for health care form, concerning the donation of one's body to an institution; I have changed the proposed language somewhat, to align it with the parenthetical provision that immediately follows and to place it in active, rather than passive voice.

Please let me know if I may be of further assistance.

Debra A. Kennedy
Managing Attorney
Phone: (608) 266-0137

Received 12/27/99

MEMORANDUM

12/22/99

from RICHARD SWEET
Legislative Council Staff

Debra,

Thanks for the donor
registry draft. I'm
enclosing a memo, with
some handwritten changes,
for a redraft request from
Sen. Rosenzweig and Rep.
Wasserman. (There may be
a future change regarding
position authorization.) Give
me a call if you have any
questions. Thanks.

Dick Sweet

cc: Gene Saffer
Sarah Osterberg
Zama Rose