



WISCONSIN LEGISLATIVE COUNCIL STAFF MEMORANDUM

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DATE: December 15, 1999

TO: SENATOR PEGGY ROSENZWEIG AND REPRESENTATIVE SHELDON WASSERMAN

FROM: Richard Sweet, Senior Staff Attorney

SUBJECT: Amendments to LRB-3999/1 (Donor Registry) Discussed at a December 13, 1999 Meeting

This memorandum summarizes amendments to a bill draft that were discussed at a December 13, 1999 meeting involving staff of your two offices, the Legislative Council Staff, the Department of Health and Family Services (DHFS), an organ procurement organization, tissue banks and eye banks. The draft is LRB-3999/1, relating to creating a Donor Registry Board, creating an organ and tissue donor registry in DHFS, the definition of "document of gift," modifying the form of the power of attorney for health care, requiring a study, granting rule-making authority and making appropriations.

The following amendments were discussed at the meeting:

- check w DS.*
- D Note*
1. Modify the definition of "eye bank" to mean "... a repository for donated tissues destined for ocular transplant surgery and research." In addition, the definition of "tissue bank" would be amended to mean "... a repository for donated cardiovascular tissue, skin, bone, tendons and ligaments." *Doesn't work: tissue doesn't include eyes "part" is more inclusive*
 - unnecessary*
Single + PO 2. Allow the Donor Registry Board to award "one or more contracts," rather than "a contract." In addition, the draft would be modified to specify that a contract could be awarded for ongoing monitoring of the registry. ✓
 3. Require that DHFS provide technical support to the Donor Registry Board and require the Donor Registry Board to consult with DHFS in preparing the request for proposals. ✓
 4. Delete references to "department of health and family services" in the phrase "department of health and family services staff support" in the statutory language indicating what the appropriation amounts may be used for. ✓

operation of services provided by
 p. 1, l. 9 - comma after "case".
 p. 1, l. 7 + 8 - delete "in DHFS", since the board will be operated by a contractor.
 p. 13, l. 4 - delete "an".
 p. 13, l. 4 - add "and direct" after "Monitor".
 p. 13, l. 4 - add "and may operate an internet web site".
 p. 14, l. 4 - amend "and direct" after "Monitor".
 p. 14, l. 4 - add "and may operate an internet web site".
 p. 14, l. 4 - amend title of "donor's license statement from Anatomical Gift Statement" to "Organ and Tissue Donor Statement".
 p. 14, l. 4 - require the board to conduct a study on the effectiveness of the registry + submit a report after 3 years. To whom?

20. P. 13, l. 4 - add "and direct" after "Monitor".
 - 2 -
 takes =
 we
 contribute directly
 money
 or
 any
 other
 thing
 value?

5. Specify that a contractor of the Donor Registry Board must agree in the contract to relinquish to the board the names and information in the registry and any rights to the toll-free telephone number for the registry at the end of the contract term or when the contract is otherwise terminated. In addition, the draft would be modified to specify that any computer technology developed by the contractor would be the property of the board.

6. Delete references to the Department of Transportation (DOT) as an organization to which registry enrollment forms are returned, thereby having enrollment forms returned to the registry itself. In addition, the draft would be modified to clarify that it is not necessary to be enrolled in the registry in order to make an anatomical gift. e.g. p. 14, l. 16-19 - divide the 1 sentence into 2 sentences.

7. Require the entity that operates and maintains the registry to study means of purging names and information from the registry after a period of time and to submit a report on its findings to the Donor Registry Board by January 1, 2002.

8. Specify that the entity that operates ^{and its staff} the registry may release information in the registry to DHFS, the Donor Registry Board and any successor contractor, in addition to being able to release it to organ procurement organizations, tissue banks and eye banks.

9. Modify the appropriations in the draft to specify that they are continuing appropriations rather than annual appropriations (i.e., the appropriations would not lapse to the state general fund at the end of the fiscal year). ? (bm) is supposed to die at the end of the year

10. Require that the Donor Registry Board promulgate rules for its operation. ? necessary ?
 No Note

11. Provide that rules of the Donor Registry Board may be promulgated by using the procedure that is used for promulgating emergency rules. Any rules, or just those for operation? What abt. confidentiality rules?

12. Provide a staff position for the Donor Registry Board. Different means of accomplishing this were discussed, including creating a position for the board itself or creating a position within DHFS that would be assigned solely to the board. In addition, there was discussion at the meeting of whether the funding for the position would come out of the \$300,000 appropriation for operation of the Donor Registry Board or whether additional funds should be provided for the position.

13. Use consistent terminology when referring to the donor registry; there was a suggestion that it be called the "Wisconsin Donor Registry." ?

Feel free to contact me if I can be of further assistance.

RNS:wu:rv;tlu

14. Delete study on p. 17, l. 20. Amend p. 14, l. 4 to add "and may operate an internet web site".

15. Amend title of "donor's license statement from Anatomical Gift Statement" to "Organ and Tissue Donor Statement".

16. Require the board to conduct a study on the effectiveness of the registry + submit a report after 3 years. To whom?

1/4 Telephone consultation with Dick Sweet:

D-Note

① # 1 Instruction - definition of "eye bank" proposed doesn't work, bec. of definition of "tissue" + "part" in current law
DS: leave def. as is in 3999/1, but add "destined for ocular transplant surgery + research"

D-Note

② # 1 Instruction - def. of "tissue bank" doesn't work, bec. of current def. of "tissue"
DS: Define "tissue bank" to mean tissue + bone

③ # 9 Instruction - what to do with sunset?
DS: remove sunset; use nonstat to make approp. one-time only.

④ # 10 Instruction - Rules for its own operation?
DS: omit

⑤ # 11 Instruction - All rules to be emergency
[only confidentiality; see ④ above]

⑥ # 13 Instructions - What is the instruction?
DS: call it Wisconsin donor registry

⑦ # 16 Report to whom?
DS: legis. (in journal) + gov.

⑧ # 17 Is a typo - "an" should be "and"
DS: ok

⑨ # 19 Problem: These entities pay taxes, thereby contributing - have to limit as to direct contribution
DS: ok

D-NOTE

1999 BILL

By 1/14, if possible

REGENERATE

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AN ACT to repeal 20.435 (1) (bm); **to renumber** 157.06 (2) (f) 5. b. and 343.14 (6);
to renumber and amend 157.06 (1) (c) 2.; **to amend** 155.30 (3), 157.06 (10m)
(a), 157.06 (10r) (a), 343.17 (3) (b), 343.175 (1), 343.175 (2) (a), 343.175 (2) (ag),
343.20 (2m) and 343.50 (4m) (a); and **to create** 15.195 (2), 20.435 (1) (bm),
20.435 (1) (bn), 155.30 (3m), 157.06 (1) (em), 157.06 (1) (km), 157.06 (10m),
157.06 (10r), 343.14 (6) (b) and 343.50 (4m) (c) of the statutes; **relating to:**
creating a donor registry board, creating ~~an organ and tissue~~ ^{a Wisconsin} donor registry ~~in~~
~~the department of health and family services~~, the definition of "document of
gift", modifying the form for the power of attorney for health care requiring a
study, granting rule-making authority and making 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 anatomical 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

providing an exemption from emergency rule procedures,

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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 nonvoting 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. 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~~ registry must operate also a toll-free telephone number to provide information about making an anatomical gift and about enrollment in and disenrollment from the registry. INSERT, the donor registry board and any successor contractors

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.

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 to the ~~organ and tissue~~ donor registry, at least quarterly, 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.~~

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.~~

means by which names and information may be purged from the registry after a period of time

Wisconsin

a Wisconsin

that is attached to

one or more

and may promulgate the rules as emergency rules without making a finding of emergency

and may maintain an Internet Web site

to obtain information on the Wisconsin

to obtain information on the Wisconsin

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

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.

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

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

13 Inc.

14 (g) One member nominated by the Wisconsin Nurses Association, Inc.

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

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

17 **SECTION 2.** 20.005 (3) (schedule) of the statutes: at the appropriate place, insert

18 the following amounts for the purposes indicated:

and bone

portions

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1

1999-00

2000-01

2

20.435 Health and family services, department

3

of

4

(1) PUBLIC HEALTH SERVICES PLANNING REGULATION

5

AND DELIVERY STATE OPERATIONS

6

Wisconsin

7

(bm) Donor registry ~~board/establishment~~

GPR

~~EC~~

-0-

600,000

~~300,000~~

8

Wisconsin

(bm) Donor registry board; operations GPR ~~EC~~ 300,000

9

SECTION 3. 20.435 (1) (bm) of the statutes is created to read:

10

20.435 (1) (bm) ~~Donor registry board/establishment~~ ^{As a continuing appropriation,} The amounts in the schedule

11

for permanent property, supplies, services and ~~department of health and family~~ ^{operation, maintenance and}

12

~~services~~ staff support for the establishment of ~~an organ and tissue~~ ^{monitoring} donor registry.

SECTION 4. 20.435 (1) (bm) of the statutes, as created by 1999 Wisconsin Act ^{The Wisconsin}

.... (this act), is ~~repealed~~ amended to read:

WFO please check comment

15

SECTION 5. 20.435 (1) (bm) of the statutes is created to read:

16

20.435 (1) ~~Donor registry board/establishment~~ ^{(bm) Wisconsin} The amounts in the schedule for

17

permanent property, supplies, services and ~~department of health and family services~~

18

staff support for the ~~and~~ ^{establishment,} operation and maintenance of ~~an organ and tissue~~ ^{and monitoring} donor

19

registry.

20

SECTION 6. 155.30 (3) of the statutes is amended to read:

the Wisconsin

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1 155.30 (3) The department shall prepare and provide copies of a power of
2 attorney for health care instrument and accompanying information for distribution
3 in quantities to health care professionals, hospitals, nursing homes, multipurpose
4 senior centers, county clerks and local bar associations and individually to private
5 persons. The department shall include, in information accompanying the copy of the
6 instrument, at least the statutory definitions of terms used in the instrument,
7 statutory restrictions on who may be witnesses to a valid instrument, a statement
8 explaining that valid witnesses acting in good faith are statutorily immune from civil
9 or criminal liability and a statement explaining that an instrument may, but need
10 not, be filed with the register in probate of the principal's county of residence. The
11 department may charge a reasonable fee for the cost of preparation and distribution.
12 The power of attorney for health care instrument distributed by the department
13 shall include the notice specified in sub. (1) and shall, except as provided in sub. (3m),
14 be in the following form:

POWER OF ATTORNEY**FOR HEALTH CARE**

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

CREATION OF POWER OF**ATTORNEY FOR HEALTH CARE**

16 I,.... (print name, address and date of birth), being of sound mind, intend by this
17 document to create a power of attorney for health care. My executing this power of
18 attorney for health care is voluntary. Despite the creation of this power of attorney
19 for health care, I expect to be fully informed about and allowed to participate in any
20 health care decision for me, to the extent that I am able. For the purposes of this
21 document, "health care decision" means an informed decision to accept, maintain,
22
23
24
25

BILL

1 discontinue or refuse any care, treatment, service or procedure to maintain, diagnose
2 or treat my physical or mental condition.

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

DESIGNATION OF HEALTH CARE AGENT

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

GENERAL STATEMENT OF**AUTHORITY GRANTED**

21
22
23 Unless I have specified otherwise in this document, if I ever have incapacity I
24 instruct my health care provider to obtain the health care decision of my health care
25 agent, if I need treatment, for all of my health care and treatment. I have discussed

BILL

1 my desires thoroughly with my health care agent and believe that he or she
2 understands my philosophy regarding the health care decisions I would make if I
3 were able. I desire that my wishes be carried out through the authority given to my
4 health care agent under this document.

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

14 **LIMITATIONS ON**
15 **MENTAL HEALTH TREATMENT**

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

21 **ADMISSION TO NURSING HOMES**
22 **OR COMMUNITY-BASED RESIDENTIAL FACILITIES**

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

24
no
indent
?

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

2 If I have not checked either “Yes” or “No” immediately above, my health care
3 agent may not make health care decisions for me if my health care agent knows I am
4 pregnant.

5 **STATEMENT OF DESIRES, SPECIAL**
6 **PROVISIONS OR LIMITATIONS**

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

- 11 1) –
- 12 2) –
- 13 3) –

14 **INSPECTION AND DISCLOSURE OF INFORMATION**
15 **RELATING TO MY PHYSICAL OR MENTAL HEALTH**

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

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

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

24 **SIGNATURE OF PRINCIPAL**

25 (person creating the power

BILL

1 of attorney for health care)

2 Signature.... Date....

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

5 **STATEMENT OF WITNESSES**

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

16 Witness No. 1:

17 (print) Name.... Date....

18 Address....

19 Signature....

20 Witness No. 2:

21 (print) Name.... Date....

22 Address....

23 Signature....

24 **STATEMENT OF HEALTH CARE AGENT**

25 **AND ALTERNATE HEALTH CARE AGENT**

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

5 Agent's signature....

6 Address....

7 Alternate's signature....

8 Address....

9 Failure to execute a power of attorney for health care document under chapter
10 155 of the Wisconsin Statutes creates no presumption about the intent of any
11 individual with regard to his or her health care decisions.

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

14 **ANATOMICAL GIFTS (optional)**

15 Upon my death:

16 I wish to donate only the following organs or parts: (specify the organs or
17 parts).

18 I wish to donate any needed organ or part.

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

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

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

3 Signature.... Date....

4 SECTION 7. 155.30 (3m) of the statutes is created to read:

5 155.30 (3m) The department may modify the form specified in sub. (3) to
6 include, for the purposes of making an anatomical gift, the toll-free telephone
7 number of the ~~organ and tissue~~ ^{U is consensus} donor registry under s. 157.06 (10r).

8 SECTION 8. 157.06 (1) (c) 2. of the statutes is renumbered 157.06 (1) (c) and
9 amended to read:

10 157.06 (1) (c) "Document of gift" means a card, a statement attached to or
11 imprinted on a license under s. 343.175 (2) or on an identification card under s.
12 343.50 (3), a will, an enrollment form signed as specified in sub. (10r) (b) or another
13 writing used to make an anatomical gift.

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

15 157.06 (1) (em) "Eye bank" means a repository for donated human eyes or
16 portions of eyes destined for ocular transplant surgery and research

17 SECTION 10. 157.06 (1) (km) of the statutes is created to read:

18 157.06 (1) (km) "Tissue bank" means a repository for donated ~~parts other than~~
19 ~~eyes~~ tissue and bone

20 SECTION 11. 157.06 (2) (f) 5. b. of the statutes is renumbered 157.06 (2) (f) 5.

21 SECTION 12. 157.06 (10m) of the statutes is created to read:

22 157.06 (10m) DONOR REGISTRY BOARD ~~shall~~ The donor registry board shall do
23 all of the following:

(a)

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1 155.30 (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
3 number of the Wisconsin 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) (b) or another
9 writing used to make an anatomical gift.

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 destined for ocular transplant surgery and research.

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 tissue and bone.

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

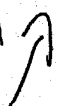
16 **SECTION 11.** 157.06 (10m) of the statutes is created to read:

17 157.06 (10m) **DONOR REGISTRY BOARD.** (a) The donor registry board shall do all
18 of the following:

19 1. Review requests for proposals and, from the appropriation under s. 20.435
20 (1) (bm), award one or more contracts to establish, operate and maintain the

21 Wisconsin donor registry. The board shall consult with the department in preparing
22 requests for proposals under this subdivision. A contract under this subdivision
23 shall specify that the awardee shall, at the end of the contract term or if the contract
24 is otherwise terminated, relinquish to the board the names of enrollees and other

copy
page 13
on p.



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1 information in the registry and any rights to a toll-free telephone number for the
2 registry.

3 2. Direct and monitor or, from the appropriation under s. 20.435 (1) (bm), award
4 a contract for the monitoring of the operation of and services provided by the
5 Wisconsin donor registry.

6 3. Promulgate rules that ensure the confidentiality of enrollees of the
7 Wisconsin donor registry.

8 4. Study the effectiveness of the Wisconsin donor registry and, by March 1,
9 2003, report the study results to the legislature under s. 13.172 (2) and to the
10 governor.

11 (b) The department of health and family services shall provide technical
12 support to the donor registry board.

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

15 157.06 (10m) (a) 1. Review requests for proposals and, from the appropriation
16 under s. 20.435 (1) (bm), award one or more contracts to establish, operate and
17 maintain the Wisconsin donor registry. INSERT COPY

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

19 157.06 (10r) WISCONSIN DONOR REGISTRY. (a) Under a contract that is awarded
20 under sub. (10m) (a) 1., an entity shall establish, operate and maintain an organ and
21 tissue donor registry, to be known as the "Wisconsin donor registry", that includes
22 the names of ~~and~~ pertinent information concerning persons who are enrolled to
23 provide anatomical gifts. The entity may release information from the registry only
24 to organ procurement organizations, eye banks, tissue banks, the donor registry

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1 board and its staff and any successor contractor. Information in the registry is not
2 available for inspection or copying under s. 19.35 (1).

3 (b) An individual who desires to make an anatomical gift and to be enrolled in
4 the Wisconsin donor registry shall sign an enrollment form and return the form to
5 the registry or to the department of transportation under s. 343.14 (6) (b) or 343.50
6 (4m) (c). The enrollment form may be designed by the entity that operates and
7 maintains the registry, but no form may conflict with the requirements of this
8 section.

9 (c) The entity that operates and ~~and~~ maintains the Wisconsin donor registry X
10 shall operate a toll-free telephone number and may maintain an Internet Web site,
11 to provide information about making an anatomical gift and about enrollment in and
12 disenrollment from the registry. Any computer technology developed by the entity
13 under this paragraph is the property of the donor registry board.

14 (d) No organ procurement organization, tissue bank or eye bank may be
15 required to contribute directly money or any other thing of value to provide payment
16 for operation of the Wisconsin donor registry.

17 **SECTION 14.** 157.06 (10r) (a) of the statutes, as created by 1999 Wisconsin Act
18 ... (this act), is amended to read:

19 157.06 (10r) (a) Under a contract that is awarded under sub. (10m) (a), an X
20 entity shall ~~establish~~, operate and maintain ~~an~~ organ and tissue donor registry, to
21 be known as the "Wisconsin donor registry", that includes the names of ~~all~~ pertinent ~~and~~
22 information concerning persons who are enrolled to provide anatomical gifts. The
23 entity may release information from the registry only to organ procurement
24 organizations, eye banks, tissue banks, the donor registry board and its staff and any

BILL

1 successor contractor. Information in the registry is not available for inspection or
2 copying under s. 19.35 (1).

3 **SECTION 15.** 343.14 (6) of the statutes is renumbered 343.14 (6) (a).

4 **SECTION 16.** 343.14 (6) (b) of the statutes is created to read:

5 343.14 (6) (b) Notwithstanding par. (a), the department shall disseminate to
6 applicants the enrollment form specified under s. 157.06 (10r) (b). An applicant may
7 make an anatomical gift and be enrolled in the Wisconsin donor registry under s.
8 157.06 (10r) (a) by signing the enrollment form and returning it to the registry. The
9 department shall inform applicants that enrollment in the Wisconsin donor registry
10 is not required to make an anatomical gift.

11 **SECTION 17.** 343.17 (3) (b) of the statutes is amended to read:

12 343.17 (3) (b) The reverse side of the license shall contain an explanation of any
13 restriction codes or endorsement abbreviations used on the front of the license, in
14 sufficient detail to identify the nature of the restrictions or endorsements to a law
15 enforcement officer of this state or another jurisdiction. Except for a commercial
16 driver license or a license labeled “CDL–Occupational” as described in s. 343.03 (3)
17 (b) and (e), a part of the reverse side of each license shall be printed to serve as a
18 document of gift under s. 157.06 (2) (b) and (c) or a document of refusal to make an
19 anatomical gift under s. 157.06 (2) (i), shall include the words “Wisconsin donor
20 registry” and the toll-free telephone number that can be used by persons desiring to
21 obtain the information specified under s. 157.06 (10r) (c), and shall be titled “ORGAN
22 AND TISSUE DONATION STATEMENT”.

23 **SECTION 18.** 343.175 (1) of the statutes is amended to read:

24 343.175 (1) DEPARTMENT TO SOLICIT AND RECORD INFORMATION. As part of every
25 application for an original, duplicate, reinstated, reissued or renewal license or

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1 endorsement, the department shall inquire whether the applicant desires to be an
2 organ donor. The department shall record the organ donor response in its file of the
3 person. At not less than 3-month intervals, the department shall compile a list of
4 the names and addresses of persons whose response to the inquiry under this
5 subsection is affirmative and forward it to the Wisconsin donor registry under s.
6 157.06 (10r) (a).

7 **SECTION 19.** 343.175 (2) (a) of the statutes is amended to read:

8 343.175 (2) (a) Except as provided in par. (ag), a part of the reverse side of each
9 license shall be printed to serve as a document of gift under s. 157.06 (2) (b) and (c)
10 or a document of refusal to make an anatomical gift under s. 157.06 (2) (i), shall
11 include the words “Wisconsin donor registry” and the toll-free telephone number
12 that can be used by persons desiring to obtain the information specified under s.
13 157.06 (10r) (c), and shall be titled “ORGAN AND TISSUE DONATION
14 STATEMENT”.

15 **SECTION 20.** 343.175 (2) (ag) of the statutes is amended to read:

16 343.175 (2) (ag) The department shall print a separate document to be issued
17 to all persons issued a commercial driver license or a license labeled
18 “CDL–Occupational” as described in s. 343.03 (3) (b) and (e) and make provisions so
19 that the document may be attached to the reverse side of the license document along
20 one edge. This document shall serve as a document of gift under s. 157.06 (2) (b) and
21 (c) or a document of refusal to make an anatomical gift under s. 157.06 (2) (i), shall
22 include the words “Wisconsin donor registry” and the toll-free telephone number
23 that can be used by persons desiring to obtain the information specified under s.
24 157.06 (10r) (c), and shall be titled “ORGAN AND TISSUE DONATION
25 STATEMENT”.

BILL

1 **SECTION 21.** 343.20 (2m) of the statutes is amended to read:

2 343.20 (2m) The department shall include with the notice that it mails under
3 sub. (2) information regarding the requirements of s. 347.48 (4); information, as
4 developed by all organ procurement organizations in cooperation with the
5 department, that promotes anatomical donations and which relates to the
6 anatomical donation opportunity available under s. 343.175; the Wisconsin donor
7 registry enrollment form specified under s. 157.06 (10r) (b); and, for licensees aged
8 65 years or older, material, as provided by the department, explaining the voluntary
9 program that is specified in s. 71.55 (10) (b).

10 **SECTION 22.** 343.50 (3) of the statutes is amended to read:

11 343.50 (3) DESIGN AND CONTENTS OF CARD. The card shall be the same size as
12 an operator's license but shall be of a design which is readily distinguishable from
13 the design of an operator's license and bear upon it the words "IDENTIFICATION
14 CARD ONLY". The information on the card shall be the same as specified under s.
15 343.17 (3). The card may serve as a document of gift under s. 157.06 (2) (b) and (c)
16 and the holder may affix a sticker thereto as provided in s. 343.175 (3). The card may
17 also serve as a document of refusal to make an anatomical gift under s. 157.06 (2) (i).
18 The portion of the card that is designated to serve as a document of gift or a document
19 of refusal to make an anatomical gift shall be titled "ORGAN AND TISSUE
20 DONATION STATEMENT". The card shall contain the holder's photograph and, if
21 applicable, shall be of the design specified under s. 343.17 (3) (a) 12.

22 **SECTION 23.** 343.50 (4m) (a) of the statutes is amended to read:

23 343.50 (4m) (a) As part of every application for an identification card, the
24 department shall inquire whether the applicant desires to be an organ donor. The
25 department shall record the organ donor response in its file of the person. At not less

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1 than 3-month intervals, the department shall compile a list of the names and
2 addresses of persons whose response to the inquiry under this subsection is
3 affirmative and forward it to the Wisconsin donor registry under s. 157.06 (10r) (a).

4 **SECTION 24.** 343.50 (4m) (c) of the statutes is created to read:

5 343.50 (4m) (c) Notwithstanding pars. (a) and (b), the department shall
6 disseminate to applicants the enrollment form specified under s. 157.06 (10r) (c). An
7 applicant may make an anatomical gift and be enrolled in the Wisconsin donor
8 registry under s. 157.06 (10r) (a) by signing the enrollment form and returning it to
9 the registry. The department shall inform applicants that enrollment in the
10 Wisconsin donor registry is not required to make an anatomical gift.

11 **SECTION 25. Nonstatutory provisions.**

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

20 (2) CONFIDENTIALITY OF REGISTRY ENROLLEES; RULES.

21 (a) The donor registry board shall submit in proposed form the rules required
22 under section 157.06 (10m) (a) 3. of the statutes, as created by this act, to the
23 legislative council staff under section 227.15 (1) of the statutes no later than the first
24 day of the 8th month beginning after the effective date of this paragraph.

BILL

1 (b) Using the procedure under section 227.24 of the statutes, the donor registry
2 board may promulgate rules required under section 157.06 (10m) (a) 3. of the
3 statutes, as created by this act, for the period before the effective date of the rules
4 submitted under paragraph (a), but not to exceed the period authorized under section
5 227.24 (1) (c) and (2) of the statutes. Notwithstanding section 227.24 (1) (a), (2) (b)
6 and (3) of the statutes, the board is not required to provide evidence that
7 promulgating a rule under this paragraph as an emergency rule is necessary for the
8 preservation of the public peace, health, safety or welfare and is not required to
9 provide a finding of emergency for a rule promulgated under this paragraph.

10 (3) STUDY OF PURGING NAMES AND INFORMATION FROM REGISTRY. The entity that
11 operates and maintains the Wisconsin donor registry under section 157.06 (10r) of
12 the statutes, as created by this act, shall study the means by which names and
13 information may be purged from the registry after a period of time. By January 1,
14 2002, the entity shall report its findings to the donor registry board.

15 (4) MONEYS EXCLUDED FROM BASE. Notwithstanding section 16.42 (1) (e) of the
16 statutes, in submitting information under section 16.42 of the statutes for purposes
17 of the 2001-03 biennial budget bill, the department of health and family services
18 shall submit information concerning the appropriation under section 20.435 (1) (bm)
19 of the statutes, as created by this act, as though the amounts appropriated to the
20 department under that appropriation for fiscal year 2000-01 were \$300,000 less
21 than the amounts in the schedule.

22 **SECTION 26. Effective dates.** This act takes effect on the day after publication,
23 except as follows:

24 (1) WISCONSIN DONOR REGISTRY. The amendment of sections 20.435 (1) (bm) and
25 157.06 (10m) (a) 1 and (10r) (a) of the statutes takes effect on July 1, 2001. X

BILL

or, from the appropriation under s. 20.435
(1) (bm) ~~and~~, award a contract for the monitoring of

1

1.

Review requests for proposals and, from the appropriation under s. 20.435

The Wisconsin

2

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

one or more

3

tissue donor registry. INSERT 13-3

4

Monitor the operation of the services provided by the organ and tissue donor

INSERT 13-5

5

registry. #2. Direct and and Wisconsin

6

SECTION 13. 157.06 (10m) (a) of the statutes, as created by 1999 Wisconsin Act

7

.... (this act), is amended to read:

RESTORE TO PLAIN TEXT

8

157.06 (10m) (a) Review requests for proposals and, from the ~~appropriation~~

9

appropriation under s. 20.435 (1) (bm) ~~and~~, award a contract to establish,

10

operate and maintain an organ and tissue donor registry. Wisconsin CS

11

SECTION 14. 157.06 (10r) of the statutes is created to read:

12

157.06 (10r) ORGAN AND TISSUE DONOR REGISTRY. (a) Under a contract that is

13

awarded under sub. (10m) (a), an entity shall establish, operate and maintain an
, to be known as the "Wisconsin donor registry",

14

organ and tissue donor registry that includes the names of and pertinent information

15

concerning persons who are enrolled to provide anatomical gifts. The entity may

16

release information from the registry only to organ procurement organizations, eye

17

banks and tissue banks. Information in the registry is not available for inspection

18

or copying under s. 19.35 (1).

, the donor registry board and its staff and any successor contractor

19

(b) An individual who desires to make an anatomical gift and to be enrolled in

20

the organ and tissue donor registry shall sign an enrollment form and return the

21

form to the registry or to the department of transportation under s. 343.14 (6) (b) or

22

343.50 (4m) (c). The enrollment form may be designed by the entity that operates

23

and maintains the registry, but no form may conflict with the requirements of this

24

section.

BILL

SECTION 14

and may maintain an Internet Website,

Wisconsin

(1) (c) The entity that operates and and maintains the organ and tissue donor
(2) registry shall operate a toll-free telephone number to provide information about
3 making an anatomical gift and about enrollment in and disenrollment from the
4 registry.

Any computer technology developed by the entity under this paragraph is the property of the donor registry board.

INSERT 14-4

SECTION 15. 157.06 (10r) (a) of the statutes, as created by 1999 Wisconsin Act

.... (this act), is amended to read:

, the donor registry board and its staff and any successor contractor

157.06 (10r) (a) Under a contract that is awarded under sub. (10m) (a), an

entity shall establish, operate and maintain and organ and tissue donor registry that
includes the names of an ^{and} pertinent information concerning persons who are enrolled
to provide anatomical gifts. The entity may release information from the registry
only to organ procurement organizations, eye banks ~~and~~ tissue banks. Information
in the registry is not available for inspection or copying under s. 19.35 (1).

, to be known as the "Wisconsin donor registry",

SECTION 16. 343.14 (6) of the statutes is renumbered 343.14 (6) (a).

SECTION 17. 343.14 (6) (b) of the statutes is created to read:

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 then~~ ^{by signing} the enrollment form and ~~return~~ ^{returning} it
to the ~~department or the registry.~~ ~~The department shall promptly forward to the~~

An applicant = may

~~registry any enrollment forms returned to the department.~~

SECTION 18. 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

It is also recommended under this paragraph, the department shall inform applicants that enrollment in the Wisconsin donor registry is not required to make an anatomical gift.

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Wisconsin

1 driver license or a license labeled "CDL-Occupational" as described in s. 343.03 (3)
 2 (b) and (e), a part of the reverse side of each license shall be printed to serve as a
 3 document of gift under s. 157.06 (2) (b) and (c) or a document of refusal to make an
 4 anatomical gift under s. 157.06 (2) (i), ~~and~~ shall include the words "~~organ and tissue~~
 5 donor registry" and the toll-free telephone number that can be used by persons
 6 desiring to obtain the information specified under s. 157.06 (10r) (c)

7 SECTION 19. 343.175 (1) of the statutes is amended to read:

8 343.175 (1) DEPARTMENT TO SOLICIT AND RECORD INFORMATION. As part of every
 9 application for an original, duplicate, reinstated, reissued or renewal license or
 10 endorsement, the department shall inquire whether the applicant desires to be an
 11 organ donor. The department shall record the organ donor response in its file of the
 12 person. At not less than 3-month intervals, the department shall compile a list of
 13 the names and addresses of persons whose response to the inquiry under this
 14 subsection is affirmative and forward it to the ~~organ and tissue~~ donor registry under
 15 s. 157.06 (10r) (a).

Wisconsin

16 SECTION 20. 343.175 (2) (a) of the statutes is amended to read:

17 343.175 (2) (a) Except as provided in par. (ag), a part of the reverse side of each
 18 license shall be printed to serve as a document of gift under s. 157.06 (2) (b) and (c)
 19 or a document of refusal to make an anatomical gift under s. 157.06 (2) (i), ~~and~~ shall
 20 include the words "~~organ and tissue~~ donor registry" and the toll-free telephone
 21 number that can be used by persons desiring to obtain the information specified
 22 under s. 157.06 (10r) (c)

23 SECTION 21. 343.175 (2) (ag) of the statutes is amended to read:

24 343.175 (2) (ag) The department shall print a separate document to be issued
 25 to all persons issued a commercial driver license or a license labeled

and shall be titled "ORGAN AND TISSUE DONATION STATEMENT"

caps

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Wisconsin

1 "CDL-Occupational" as described in s. 343.03 (3) (b) and (e) and make provisions so
 2 that the document may be attached to the reverse side of the license document along
 3 one edge. This document shall serve as a document of gift under s. 157.06 (2) (b) and
 4 (c) or a document of refusal to make an anatomical gift under s. 157.06 (2) (i). ~~and~~
 5 shall include the words "~~Organ and Tissue~~ donor registry" and the toll-free telephone
 6 number that can be used by persons desiring to obtain the information specified
 7 under s. 157.06 (10r) (c). ^{and shall be titled} "ORGAN AND TISSUE DONATION
 STATEMENT"

SECTION 22. 343.20 (2m) of the statutes is amended to read:

8
 9 343.20 (2m) The department shall include with the notice that it mails under
 10 sub. (2) information regarding the requirements of s. 347.48 (4); information, as
 11 developed by all organ procurement organizations in cooperation with the
 12 department, that promotes anatomical donations and which relates to the
 13 anatomical donation opportunity available under s. 343.175; ~~the organ and tissue~~
 14 donor registry enrollment form specified under s. 157.06 (10r) (b); and, for licensees
 15 aged 65 years or older, material, as provided by the department, explaining the
 16 voluntary program that is specified in s. 71.55 (10) (b).

SECTION 23. 343.50 (4m) (a) of the statutes is amended to read:

17
 18 343.50 (4m) (a) As part of every application for an identification card, the
 19 department shall inquire whether the applicant desires to be an organ donor. The
 20 department shall record the organ donor response in its file of the person. At not less
 21 than 3-month intervals, the department shall compile a list of the names and
 22 addresses of persons whose response to the inquiry under this subsection is
 23 affirmative and forward it to the ~~organ and tissue~~ donor registry under s. 157.06 (10r)
 24 (a).

SECTION 24. 343.50 (4m) (c) of the statutes is created to read:

Insert 16-16

BILL

Wisconsin

1 343.50 (4m) (c) Notwithstanding pars. (a) and (b), the department shall
 2 disseminate to applicants the enrollment form specified under s. 157.06 (10r) (c). ~~The~~ applicant
 3 make an anatomical gift and ~~be~~ be enrolled in the organ and tissue donor registry ^{An applicant may}
 4 under s. 157.06 (10r) (a), ~~an applicant shall sign~~ ^{by signing} the enrollment form and ~~return~~ ^{returning} it
 5 to the ~~Department of Health~~ registry. ~~The department shall promptly forward to the~~
 6 ~~registry any enrollment forms returned to the department.~~ ^{To its collection order} ~~the department~~ the department
 7 shall inform applicants that enrollment in the Wisconsin donor registry is not required to make
 8 an anatomical gift.

SECTION 25. Nonstatutory provisions.

8 (1) DONOR REGISTRY BOARD; INITIAL APPOINTMENTS. Notwithstanding section ^{an}
 9 15.07 (1) (c) of the statutes and notwithstanding the length of terms specified for the ^{anatomical}
 10 members of the donor registry board appointed under section 15.195 (2) (intro.) of the ^{gift.}
 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~~ (CS)
 19 ~~confidentiality of registry enrollees.~~ ^{INSERT 17-19}

20 (3) STUDY OF ~~REGISTRY ENROLLMENT AND DISENROLLMENT BY COMPUTER~~
 21 ~~TECHNOLOGY.~~ ^{PURGING NAMES AND INFORMATION FROM} The entity that operates and maintains the organ and tissue
 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~~

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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.

INSERT 18-2

3 SECTION 26. Effective dates. This act takes effect on the day after publication,
4 except as follows:

5 (1) ^{WISCONSIN} DONOR REGISTRY ^{amendment} ~~of the~~ The ~~repeal~~ of section 20.435 (1) (bm) of the statutes
6 and the amendment of section 157.06 (10m) (a) and (10r) (a) of the statutes take effect
7 on July 1, 2001. ^{(3) and}

8 (2) DRIVERS' LICENSES AND IDENTIFICATION CARDS. The treatment of sections
9 343.17 (3) (b), 343.175 (1) and (2) (a) and (ag), 343.20 (2m) and 343.50 (4m) (a) and
10 (c) of the statutes, the renumbering of section 343.14 (6) of the statutes and the
11 creation of section 343.14 (6) (b) of the statutes take effect on January 1, 2001.

12 (END)

means by which names and information
may be purged from the registry after
a period of time

D-NOTE

INSERT A

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU - LEGAL SECTION
(608-266-3561)

no # The donor registry board must study the effectiveness of the registry and, by March 1, 2003, report the study results to the governor and the legislature.

(END OF INSERT A)

INSERT 13-3

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU - LEGAL SECTION
(608-266-3561)

no # The board shall consult with the department
in preparing requests for proposals under this
paragraph. ^{subdivision} A contract under this paragraph
shall specify that the awardee shall, at the
end of the contract term or if the contract is otherwise
relinquish to the ~~state~~ ^{terminated} board the
names of enrollees and other information
in the registry and any rights to a
✓ toll-free telephone number for the
registry.

(END OF INSERT 13-3)