

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2490/1dn
GMM:jlg:km

April 13, 1999

This draft addresses the concerns that were raised at our recent meeting as follows:

1. The draft refers to "clinical or ethical standards established by a professionally recognized accrediting or standard-setting body." There is ample precedent for such a reference in the Wisconsin Statutes. See, for example, s. 231.01 (5) (a) 2., stats.

2. The draft includes state-operated facilities, such as the UW Hospital and Clinics, in the definition of "health care facility." This inclusion addresses the concern that all health care workers, whether state or private, receive the same protection under the bill. There is statutory precedent for protecting state employees under both a specific law and the general whistleblower law. Specifically, a state employee who is discharged for reporting a law violation relating to long-term care for the aged or disabled is protected under both s. 16.009, stats., and the whistleblower law, ss. 230.80 to 230.89, stats.

3. The draft specifies that an employee of a health care facility or a health care provider may provide any information relating to an alleged violation to any legislator or legislative committee.

If you have any questions about this draft, please do not hesitate to contact me directly.

Gordon M. Malaise
Senior Legislative Attorney
Phone: (608) 266-9738
E-mail: Gordon.Malaise@legis.state.wi.us