

Vote Record

Senate - Committee on Human Services and Aging

Date: 3/9/00
Moved by: MOORE Seconded by: Rosenzweig Roessler
Clearinghouse Rule: _____
Appointment: _____
Other: _____

AB: _____ SB: _____
AJR: _____ SJR: _____
AR: _____ SR: _____

A/S Amdt: _____ to A/S Amdt: _____
A/S Sub Amdt: LRBS 0377/2 to SB 334
A/S Amdt: _____ to A/S Sub Amdt: _____
A/S Amdt: _____ to A/S Sub Amdt: _____

- Be recommended for:
- Passage
 - Introduction
 - Adoption
 - Rejection

- Indefinite Postponement
- Tabling
- Concurrence
- Nonconcurrence
- Confirmation

Committee Member

- Sen. Judy Robson, Chair
- Sen. Gwendolynne Moore
- Sen. Robert Wirch
- Sen. Carol Roessler
- Sen. Peggy Rosenzweig

	Aye	No	Absent	Not Voting
Sen. Judy Robson, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Gwendolynne Moore	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Robert Wirch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Carol Roessler	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Peggy Rosenzweig	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Totals: _____

Vote Record

Senate - Committee on Human Services and Aging

Date: 3/4/00
Moved by: Moore Seconded by: Rosenzweig Roessler
Clearinghouse Rule: _____
Appointment: _____
Other: _____

AB: _____ SB: 334
AJR: _____ SJR: _____
AR: _____ SR: _____

A/S Amdt: _____ to A/S Amdt: _____
A/S Sub Amdt: _____ to A/S Sub Amdt: _____
A/S Amdt: _____ to A/S Amdt: _____ to A/S Sub Amdt: _____

- Be recommended for:
- | | |
|---------------------------------------|--|
| <input type="checkbox"/> Passage | <input type="checkbox"/> Indefinite Postponement |
| <input type="checkbox"/> Introduction | <input type="checkbox"/> Tabling |
| <input type="checkbox"/> Adoption | <input type="checkbox"/> Concurrence |
| <input type="checkbox"/> Rejection | <input type="checkbox"/> Nonconcurrence |
| | <input type="checkbox"/> Confirmation |

Committee Member

	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
Sen. Judy Robson, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Gwendolynne Moore	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Robert Wirch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Carol Roessler	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Peggy Rosenzweig	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Totals: _____

passage as amended

WISCONSIN SHERIFFS & DEPUTY SHERIFFS ASSOCIATION

Post Office Box 145 • Chippewa Falls, Wisconsin 54729-0145



267-5171

To: Senate Human Services & Aging
Committee

From: JEFF WISWELL, PUBLIC AFFAIRS COUNSEL

DATE: FEB 10, 2000

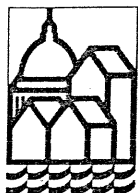
RE: 1999-2000 SB 334 - MINORS, Cigarettes

Please register in opposition to this bill
Thank you,

J. W.

Madison Department of Public Health

City of
Madison



City-County Building, Room 507
210 Martin Luther King, Jr. Boulevard
Madison, Wisconsin 53710
608 266 4821
FAX: 608 266 4858

February 10, 2000

Senate Committee on Human Services and Aging

Re: Comments on SB334, Legislation to repeal changes to the tobacco vendor compliance statutes.

Thank you for this opportunity to speak to you in support of this legislation. My name is John Hausbeck and I represent the City of Madison Department of Public Health.

Our Department has performed unannounced tobacco vendor compliance checks starting in September of 1995. The statute changes made by 1999 Wisconsin Act 9 have effectively terminated our local program as it was performed through June 1999.

Before these changes, state statute did not address the issue of employing minors to perform unannounced tobacco vendor compliance checks. Under an agreement among the Madison Mayor, Common Council, City Attorney, the Dane County District Attorney, and the Madison Police Department it was agreed not to prosecute minors who attempt to purchase tobacco for the sole purpose of performing compliance checks. This agreement was made under conditions that minors would be protected by adult supervision at all times and they would not trick vendors into selling tobacco either by lying or dressing up to make themselves look older. As has been reported in the past, our program was successful in reducing the availability of tobacco to minors from tobacco vendors. Tobacco vendors sold to our compliance checkers over 60% of the time during our first round of compliance checks. In our last round of compliance checks, 12% of tobacco vendors sold tobacco to our compliance checkers. Again, it is our position that 1999 WI Act 9 has effectively terminated or legally jeopardized meaningful compliance programs in the state. It has done that by severely reducing the effectiveness, while raising the costs, of those inspections that are still authorized under the new law and by making it virtually impossible for local governments to undertake more rigorous efforts on their own.

The enactment of section 254.92(2)(b) under the Governor's budget bill has eliminated the ability of our local officials to allow minors to purchase tobacco when performing a compliance check for our department. This section eliminates our ability to make this decision because it specifically states that minors may purchase tobacco when performing compliance check only under the programs described in 254.916. The interpretation from our City Attorney is that the language in section 254.92 (2)(b), and the legislative history of the bill show that the intention of the legislation was to exclude local tobacco programs from the exemption provided in 254.92(2)(b). Obviously, if our program cannot gain exemption for our minors performing compliance checks, we cannot send minors out to perform compliance checks.

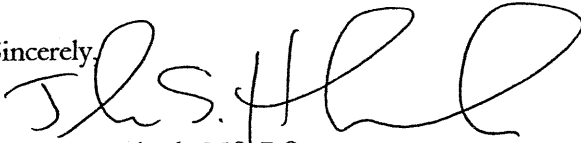
Unfortunately, the solution is not to sign a contract with the State to perform checks under the Synar or FDA program. This is an ineffective solution because language in 254.916, which governs these programs, confuses the 2 separate tobacco control components of enforcement and monitoring. Both components are vital to successful tobacco control. However, they cannot be combined as one action. Requirements for



random sample selection, restriction to 2 checks per year, and stratification of the sample are important considerations in monitoring or evaluating tobacco vendor compliance. However, to enforce the rules for tobacco vendors, the enforcement agency must be able to check all vendors. It must also be able to perform enough checks so that the vendors understand that this is a problem that is taken seriously by the agency. In fact, national data shows that at least 4 checks per vendor per year are most effective in reducing tobacco sales to minors. This is especially true because the penalties for noncompliance do not become significant for a problem tobacco vendor until they are found to be out of compliance 3 or more times in a given 12 month period. Our agency is willing to participate in the statewide monitoring effort but this cannot replace an enforcement component. It is foreseeable that without strong enforcement, future monitoring will identify lower levels of compliance among tobacco vendors, which will have important implications on federal funding received by the state.

Repealing the changes made by the last budget bill is necessary to reinstate the ability of local governments to enforce state tobacco vendor compliance laws. However, we ask that this legislation include a provision that would specifically allow local governments to employ minors for the express purpose of assuring tobacco vendor compliance with youth access to tobacco laws. This would make a clear statement that local governments have the authority to assure compliance with tobacco sales laws in their communities.

Sincerely,

A handwritten signature in black ink, appearing to read 'J.S. Hausbeck', written in a cursive style.

John S Hausbeck, MS, RS
Environmental Epidemiologist



Tommy G. Thompson
Governor

Marlene A. Cummings
Secretary

1400 E. WASHINGTON AVENUE
P.O. BOX 8935
MADISON, WISCONSIN 53708-8935
E-Mail: dorl@mail.state.wi.us
(608) 266-2112
FAX#: (608) 267-0644

**Testimony on Senate Bill 324
Before The
Committee on Human Services and Aging
Thursday, January 27, 2000, 11:00 A.M.
201 Southeast, State Capitol**

Chairperson Robson and members of the Human Services and Aging Committee, I appreciate having the opportunity to share some of my views with you.

I am sorry I cannot be with you to present testimony on Senate Bill 324. I do, however, have some comments and recommendations.

Newer members of the Dentistry Examining Board both hygienists and dentist have contributed significantly to board deliberations. They have been quite diligent in carrying out their responsibilities. The public members have also been invaluable to the decision making process. Whether we are discussing scope of practice issues or we are discussing enforcement issues the public interest is represented.

I suggest that the legislative proposal be amended to include change in the composition of the board only if there is a documented need for a change. Documentation can be achieved through legislation that would require the Department of Regulation and Licensing and the Dentistry Examining Board to form a task force to develop criteria to evaluate changes in board performance resulting from the composition of the board.

I also suggest that public members be factored into the study to determine whether they are adequately represented. A report should be provided to the committee no later than one year from the date of effectiveness.

Immediate action on this issue would be premature. However, a study would be timely for the DEB as we are in the process of developing our Strategic Business Plan.

Respectfully Submitted: Dr. Mark J. Curran, Chair, Dentistry Examining Board.



Thursday, January 27, 2000

Good morning, Chairperson Robson and members of the Senate Human Services and Aging Committee. My name is Dr. Tom Hughes and I'm here testifying on behalf of the Wisconsin Dental Association (WDA). The WDA represents nearly 3,000 licensed dentists (or about 80% of all licensed dentists) in the state of Wisconsin and I currently serve in the office of President-Elect. I'm a general practice dentist from Cassville, Wisconsin, a small town in Southwestern Wisconsin where I'm the only dentist serving several area communities.

I'm before you today to testify in opposition to Senate Bill 324. As you may recall, the negotiated "compromise" last session that took place between the Wisconsin Dental Hygiene Association and the WDA included three additional duties that dentists can delegate to properly trained dental hygienists. Those duties included the administration of local anesthetic, the application of subgingival local chemotherapeutic agents and the dispensation of oral premedications.

From a dental association perspective, the ability to perform these additional duties was something that the hygiene association should have been pleased with, in and of itself. The fact that the hygiene association felt the need to also push for more dental hygienists on the Dentistry Examining Board (DEB) emphasizes the fact that the profession of dentistry was asked to give a lot. To further emphasize the gains obtained by the dental hygiene association, the dental profession further conceded the addition of two more dental hygienists and one more dentist on the DEB.

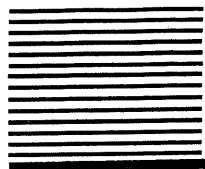
The ONLY thing the WDA was able to negotiate as part of the agreement was the sunset clause that is being debated here today. The sunset date is set for December 31, 2002. Senate Bill 324 will delete the five-year sunset provision on all three of the new DEB members (one dentist and two dental hygienists) and make their positions permanent. This means that the DEB would be permanently changed from an eight-member board (five dentists, one dental hygienist and two public members) to an eleven-member board (six dentists, three dental hygienists and two public members).

Our big problem with this bill is that the data is not available yet to determine whether the addition of the three members has been cost effective in protecting the public's health and interest. This should be the state's ultimate goal for any of its regulatory boards. All of these agreements and commitments were given in good faith and it is important to allow enough time for the system to be in place to see if real improvements with DEB policy development and workload have actually been achieved.

These positions were not made permanent for that specific reason and not enough time has passed to see if the addition of the new members to the DEB (which cost additional money) had any positive or negative affect on the DEB caseload or the effectiveness of the DEB's operations. Since the three new members have been sitting on the DEB for less than a year, and the terms are not scheduled to sunset until the eve before 2003, the WDA believes it would be much better to review their activities for a full two-year period before deciding this issue.

It would be more rational to utilize the next legislative session (beginning January 1, 2001 and ending December 31, 2002) to debate any legislation that proposes to remove the sunset prior to the start of 2003. It seems a bit premature to remove a sunset without thorough review when there are no time constraints in place that demand immediate action.

The WDA respectfully requests that you put off review of this bill until more factual information is available on the actual effectiveness of these new members. The next legislative session would provide ample opportunity for proper review of this issue. Thank you for your time and attention.



Wisconsin Dental Hygienists' Association



"A Constituent of the American Dental Hygienists' Association"

January 27, 2000

Good Morning Chairperson Robson and members of the Committee.

My name is Kathleen Anastasi, and I am President of the Milwaukee Regional Component of the Wisconsin Dental Hygienists' Association.

I am here today to testify in support of Senate Bill 324. The 1997 Wisconsin Act 96 altered the composition of the Dental Examining Board (DEB) from 5 dentists, 2 public members and 1 dental hygienist to the current format of 6 dentists, 3 dental hygienists and 2 public members. This change will be in effect until December 31, 2002. At that time the DEB will revert back to its original make-up prior to Wisconsin Act 96.

The WDHA considers the elimination of the sunset provision important because:

The additional 2 dental hygiene members provide a fairer representation and a more equitable balance for input and ideas relating to the regulation, development and discipline of the dental hygiene profession. The dental hygiene profession is growing and changing and the additional hygienists on the DEB are a valuable resource in protecting the well being of the public.

An example of their invaluable input has been in the development of 2 new rules, 1 regarding the administering of local anesthesia and the second regarding oral systemic premedications and subgingival chemotherapeutic agents. These 2 rules would enable dental hygienists to aide the dentist in accomplishing the patient's treatment plan in a timely fashion.

We also believe the current member format of the DEB has an exceptional working relationship that has helped to improve the productivity of the Board and we would like to see this format continue.

The WDHA has concerns that there has been some confusion as to the stipulations of the moratorium. The Wisconsin Dental Association (WDA) and Wisconsin Dental Hygienists' Association (WDHA) have both signed a moratorium relating to substantive legislation. It is important to understand that this moratorium **does not** include any legislative changes that may be sought by either party to eliminate the sunset provisions relating to the current composition of the DEB. **(A copy of the moratorium is attached to my testimony.)**

One of our concerns is that the opponents of this bill may want to see an evaluation process put in place. We view this as a stalling tactic. Our belief is that 2 years is adequate time to evaluate the effectiveness of the additional dental hygienists to the board. We understand that the DEB is working effectively, and if the DEB should revert back to its original format, because the sunset has come and gone, we would lose the equitable representation which we believe is fair to the dental hygiene profession and the patients they care for.

In closing, the Wisconsin Dental Hygienists' Association, supports Senate Bill 324 in its efforts to eliminate the sunset provisions to allow the DEB to maintain its current member format and to effectively operate beyond December 31, 2002.


Thank you.

Moratorium on Legislative and Rule Changes

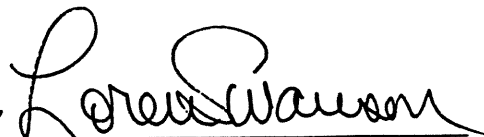
We the undersigned agree, on behalf of our respective associations, that our associations will not seek legislative or administrative rule changes relating to self-regulation, delegation or expanded duties regarding dental hygienists or unlicensed individuals and will publicly oppose any changes in these areas, unless both associations agree to the changes beforehand. This moratorium includes the rules required under the version of 1997 Assembly Bill 273 that has been agreed to by our associations. This moratorium does not include any legislative changes that are sought to extend or eliminate the provision that "sunsets" the changes in the composition of the Dental Examining Board in that Bill.

The moratorium described in the previous paragraph takes effect on the day that 1997 Assembly Bill 273 is signed into law and expires on December 31, 2002. If the Bill is not signed into law, the moratorium does not take effect.

Copies of this letter will be placed in the jacket copy of 1997 Assembly Bill 273 and the Legislative Reference Bureau drafting file and Legislative Council Staff bill file for the Bill and will be distributed to members of the Assembly Committee on Health, members of the Senate standing committee to which the Bill is referred and legislative sponsors of the Bill.


Nancy McKenney, President
Wisconsin Dental Hygienists'
Association

10/31/97
Date


Loren Swanson, President
Wisconsin Dental Association

10/31/97
Date