

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2202/P1dn
DAK:...:rs

To Representative Richards:

I entirely reworked the definition of “health care facility” from that proposed. Essentially, I deleted from that definition references to mental health facilities (which cannot properly be termed “health care facilities”). I also deleted explicit references to hospitals, nursing homes, community-based residential facilities, county homes, county infirmaries, and county hospitals, because those references are redundant to the referenced statutory sections. I added reference to adult family homes, residential care apartment complexes, home health agencies, rural medical centers, and hospices. I also added reference to local health departments; to any facility or service, including a rural health clinic, that is certified as a provider of health care services under medical assistance (the term “service”, in this context, includes school medical services under medical assistance); and to a care management organization under family care. Since none of the proposed cross references included a medical clinic, I added explicit reference to one and specified that the term includes a private, free-standing medical clinic that is situated on private property; this reference should sweep in family planning clinics. There is a reference to a “reproductive health care facility” in s. 48.375 (2) (c), stats., but the reference is in the context of a definition of “counselor” and there is no other explicit mention of such a facility in the statutes; hence, I did not include it. Lastly, I excluded two proposed cross references to the UW Hospital and Clinics, which are redundant to the reference to a hospital (under s. 50.35, stats.) and to the reference to a medical clinic. These references should also sweep in the Medical College of Wisconsin (MCOW).

Although it would appear to be an enlargement of the Colorado statute, would you be interested in including a medical research facility in the prohibition and civil cause of action? If so, you might wish to look at ss. 70.11 (25) and 448.08 (1) (b), stats. The inclusion would necessitate a change in the titles of ss. 895.789 and 947.08 and would require a definition.

If there are any additions or deletions that you would like to make to the definition, or if you have questions or other changes to make to the draft, please do not hesitate to call.

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