

**2001 DRAFTING REQUEST**

**Senate Amendment (SA-SSA1-SB55)**

Received: 06/18/2001

Received By: **kuesejt**

Wanted: **Soon**

Identical to LRB:

For: **Senate Democratic Caucus 6-2257**

By/Representing: **Keckhaver**

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

Drafter: **kuesejt**

May Contact:

Addl. Drafters: **kenneda**

Subject: **Health - miscellaneous  
State Government - miscellaneous**

Extra Copies:

Submit via email: **NO**

Requester's email:

**Pre Topic:**

SDC:.....Keckhaver - CN4511,

**Topic:**

Wisconsin Patient Safety Institute, Inc. grant

**Instructions:**

See Attached.

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	kuesejt 06/18/2001	wjackson 06/18/2001		_____			
/1			pgreensl 06/18/2001	_____	lrb_docadmin 06/18/2001		
/2	kuesejt 06/19/2001	wjackson 06/19/2001	haugeca 06/19/2001	_____	lrb_docadmin 06/19/2001		

Vers.      Drafted      Reviewed      Typed      Proofed      Submitted      Jacketed      Required

FE Sent For:

<END>

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1/2	kuesejt 6/19	wj 6/19	pgreensl 06/18/2001		lrb_docadmin 06/18/2001		
			12hml 6/19/01				

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*(DRAFT)*

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12/1	kuesejt 6/18	1 WLJ 6/18	9/18 PS	==			

FE Sent For:

<END>

(17)

CN4511

**ABOLISH PHARMACY INTERNSHIP BOARD &  
CREATE GRANT FOR WISCONSIN PATIENT SAFETY INSTITUTE**

**Motion:**

Move to abolish the pharmacy internship board effective December 31, 2001, and delete \$110,000 GPR annually, starting in 2001-02, related to the board from the UW System general program operations appropriation.

Provide \$110,000 GPR annually in a new, annual DOA appropriation to provide the Wisconsin Patient Safety Institute, Inc. (WPSI) a grant for collection, analysis and dissemination of information about patient safety and training of health care providers and their employees directed toward improving patient safety.

LOCATION/STATUS: Finance Motion #1240  
DEPARTMENT(S): University of Wisconsin System  
FISCAL IMPACT: \$0  
FUNDING SOURCE(S): Redirect pharmacy internship board funding and establish a grant for WI patient safety institute.  
INTRODUCTION: SDC  
POLITICAL: -

MT

2001

Date (time) needed

SOON

LRB 12/4/1

AMDT TO BUDGET SUB AMDT

JTK+DAK: WLY

DWORE

See form AMENDMENTS — COMPONENTS & ITEMS.

SENATE AMENDMENT TO SENATE AMENDMENT, TO SENATE SUBSTITUTE AMENDMENT 1, TO 2001 SENATE BILL 55

At the locations indicated, amend the substitute amendment [amendment] as follows:

PWSA

#. Page 245, line 12: after that line insert

(fe) Wisconsin Patient Safety Institute, Inc. grants GPR A 110,000 110,000

#. Page 385, line 15: after that line insert

SECTION 802 CR; 20,505 (1) (fe)

20,505 (1) (fe) Wisconsin Patient Safety Institute, Inc. grants The amounts in the schedule to provide grants to the

#. Page, line Wisconsin Patient Safety Institute, Inc.

(end)

plum

#. Page, line


#. Page, line

#. Page, line


JWS A.T.  
**2001-2002 DRAFTING INSERT**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRBb1214/lins  
JTK & DAK.....

1. Page 40, line 12: after that line insert:

 **SECTION 227q. 16.40 (24)** of the statutes is created to read:

16.40 (24) GRANTS TO WISCONSIN PATIENT SAFETY INSTITUTE, INC. Annually,  
\* provide grants to the Wisconsin Patient Safety Institute, Inc. for collection, analysis,  
and dissemination of information about patient safety and training of health care  
providers and their employees directed toward improving patient safety. In this  
subsection, "health care provider" means any of the following:



"911" has been made from such number. The costs of such access shall be paid by the public agency or group of public agencies.

(7) TELECOMMUNICATIONS UTILITY NOT LIABLE. A telecommunications utility shall not be liable to any person who uses an emergency number system created under this section.

(9) JOINT POWERS AGREEMENT. (a) In implementing a basic or sophisticated system under this section, public agencies combined under sub. (2) (d) shall annually enter into a joint powers agreement. The agreement shall be applicable on a daily basis and shall provide that if an emergency services vehicle is dispatched in response to a request through the basic or sophisticated system established under this section, such vehicle shall render its services to the persons needing the services regardless of whether the vehicle is operating outside the vehicle's normal jurisdictional boundaries.

(b) Public agencies and public safety agencies which have contiguous or overlapping boundaries and which have established separate basic or sophisticated systems under this section shall annually enter into the agreement required under par. (a).

(c) Each public agency or public safety agency shall cause a copy of the annual agreement required by pars. (a) and (b) to be filed with the department of justice. If a public agency or public safety agency fails to enter into such agreement or to file copies thereof, the department of justice shall commence judicial proceedings to enforce compliance with this subsection.

(10) PENALTIES. (a) Any person who intentionally dials the telephone number "911" to report an emergency, knowing that the fact situation which he or she reports does not exist, shall be fined not less than \$50 nor more than \$300 or imprisoned not more than 90 days or both for the first offense and shall be fined not more than \$10,000 or imprisoned for not more than 7 years and 6 months or both for any other offense committed within 4 years after the first offense.

(b) Any person who discloses or uses, for any purpose not related to the operation of a basic or sophisticated system, any information contained in the database of that system shall be fined not more than \$10,000 for each occurrence.

(11) PLANS. Every public agency establishing a basic or sophisticated system under this section shall submit tentative plans for the establishment of the system as required under this section to every local exchange telecommunications utility providing service within the respective boundaries of such public agency. The public agency shall submit final plans for the establishment of the system to the telecommunications utility and shall provide for the implementation of the plans.

History: 1977 c. 392; 1979 c. 34, 361; 1981 c. 20 s. 2202 (1) (b); 1981 c. 383; 1983 a. 27; 1983 a. 53 s. 114; 1983 a. 189 s. 329 (31); 1985 a. 29, 120; 1985 a. 297 ss. 12, 76; 1985 a. 332; 1987 a. 27, 403; 1989 a. 31; 1991 a. 39, 267; 1993 a. 18, 388, 496; 1997 a. 218, 283; 1999 a. 185.

**146.71 Determination of death.** An individual who has sustained either irreversible cessation of circulatory and respiratory functions or irreversible cessation of all functions of the entire brain, including the brain stem, is dead. A determination of death shall be made in accordance with accepted medical standards.

History: 1981 c. 134.  
To determine whether infant was "born alive" under s. 939.22 (16) for purposes of the homicide laws, courts apply s. 146.71. State v. Cornelius, 152 Wis. 2d 272, 448 N.W.2d 434 (Ct. App. 1989).

**146.81 Health care records; definitions.** In ss. 146.81 to 146.84:

- (1) "Health care provider" means any of the following:
- (a) A nurse licensed under ch. 441.
  - (b) A chiropractor licensed under ch. 446.
  - (c) A dentist licensed under ch. 447.
  - (d) A physician, physician assistant or respiratory care practitioner licensed or certified under subch. II of ch. 448.
  - (e) (dg) A physical therapist licensed under subch. III of ch. 448.
  - (f) (df) A podiatrist licensed under subch. IV of ch. 448.
  - (g) (em) A dietitian certified under subch. V of ch. 448.

(h) (eq) An athletic trainer licensed under subch. VI of ch. 448.

(i) (es) An occupational therapist or occupational therapy assistant licensed under subch. VII of ch. 448.

(j) (fr) An optometrist licensed under ch. 449.

(k) (fm) A pharmacist licensed under ch. 450.

(l) (gg) An acupuncturist certified under ch. 451.

(m) (hy) A psychologist licensed under ch. 455.

(n) (ig) A social worker, marriage and family therapist or professional counselor certified under ch. 457.

(o) (hm) A speech language pathologist or audiologist licensed under subch. II of ch. 459 or a speech and language pathologist licensed by the department of public instruction.

(p) (hp) A massage therapist or bodyworker issued a license of registration under subch. XI of ch. 440. **110**

(q) (ia) A partnership of any providers specified under pars. (a) to (hp).

(r) (jb) A corporation or limited liability company of any providers specified under pars. (a) to (hp) that provides health care services.

(s) (kc) An operational cooperative sickness care plan organized under ss. 185.981 to 185.985 that directly provides services through salaried employees in its own facility.

(t) (ld) A hospice licensed under subch. IV of ch. 50.

(u) (me) An inpatient health care facility, as defined in s. 50.135 (1).

(v) (nf) A community-based residential facility, as defined in s. 50.01 (1g).

(w) (og) A rural medical center, as defined in s. 50.50 (11).

(2) "Informed consent" means written consent to the disclosure of information from patient health care records to an individual, agency or organization that includes all of the following:

(a) The name of the patient whose record is being disclosed.

(b) The type of information to be disclosed.

(c) The types of health care providers making the disclosure.

(d) The purpose of the disclosure such as whether the disclosure is for further medical care, for an application for insurance to obtain payment of an insurance claim, for a disability determination, for a vocational rehabilitation evaluation, for a legal investigation or for other specified purposes.

(e) The individual, agency or organization to which disclosure may be made.

(f) The signature of the patient or the person authorized by the patient and, if signed by a person authorized by the patient, the relationship of that person to the patient or the authority of the person.

(g) The date on which the consent is signed.

(h) The time period during which the consent is effective.

(3) "Patient" means a person who receives health care services from a health care provider.

(4) "Patient health care records" means all records related to the health of a patient prepared by or under the supervision of a health care provider, including the records required under 146.82 (2) (d) and (3) (e), but not those records subject to s. 51.33 reports collected under s. 69.186, records of tests administered under s. 252.15 (2) (a) 7., 343.305, 938.296 (4) or (5) or 968.5 (4) or (5), fetal monitor tracings, as defined under s. 146.817 (1) or a pupil's physical health records maintained by a school under s. 118.125. "Patient health care records" also includes health surmary forms prepared under s. 302.388 (2).

NOTE: Sub. (4) is shown as affected by two acts of the 1999 legislature and merged by the revisor under s. 13.93 (2) (c).

(5) "Person authorized by the patient" means the parent, guardian or legal custodian of a minor patient, as defined in 48.02 (5) and (11), the person vested with supervision of the child under s. 938.183 or 938.34 (4d), (4h), (4m) or (4n), the guardian of a patient adjudged incompetent, as defined in s. 880.01 (3) a (4), the personal representative or spouse of a deceased patient any person authorized in writing by the patient or a health care agent designated by the patient as a principal under ch. 155 if 1



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

LRBb1214/1dn  
JTK & DAK.../.....

Wlj

John Keckhaver:

1. This amendment includes a definition of "health care provider" which is similar to the one provided in s. 146.81 (1), stats. and is designed to be encompass a broad array of providers of medically related services. Please let us know if this is not in accord with your intent.

WVS DIA ✓

Jeffery T. Kuesel  
Managing Attorney  
Phone: (608) 266-6778

Debora A. Kennedy  
Managing Attorney  
Phone: (608) 266-0137  
E-mail: debora.kennedy@legis.state.wi.us

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

LRBb1087/Idn

JTK:cjs:pg

June 17, 2001

PN5 DIA

2. It is possible that a Wisconsin court would find that this amendment is a "private or local law" which, under art. IV, sec. 18, of the Wisconsin Constitution, must be enacted as single-subject legislation. If so, this amendment cannot validly be enacted as part of the budget bill, which clearly encompasses more than one subject. Under *Milwaukee Brewers Baseball Club v. Wisconsin Dept. of Health and Social Services*, 130 Wis. 2d 79, 115 (1986), "a legislative provision which is specific to any person, place or thing is a private or local law within the meaning of art. 4, sec. 18, unless: 1) the general subject matter of the provision relates to a state responsibility of statewide dimension; and 2) its enactment will have direct and immediate effect on a specific statewide concern or interest." As it is difficult to predict the potential for and outcome of any court action on this amendment, you may wish to consider introducing this proposal as a separate bill.

Jeffery T. Kuesel  
Managing Attorney  
Phone: (608) 266-6778

**DRAFTER'S NOTE**  
**FROM THE**  
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LRBb1214/1dn  
JTK & DAK:wlj:pg

June 18, 2001

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Dehora A. Kennedy  
Managing Attorney  
Phone: (608) 266-0137  
E-mail: dcbora.kennedy@legis.state.wi.us



State of Wisconsin  
2001 - 2002 LEGISLATURE

LRBb1214/r 2  
JTK&DAK:wlj:ph

SDC:.....Keckhaver – CN4511, Wisconsin Patient Safety Institute, Inc. grant

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS SENATE AMENDMENT

TO SENATE SUBSTITUTE AMENDMENT 1,

TO 2001 SENATE BILL 55

1 At the locations indicated, amend the substitute amendment as follows:

2 1. Page 40, line 12: after that line insert:

3 “SECTION 227q. 16.40 (24) of the statutes is created to read:

4 16.40 (24) GRANTS TO WISCONSIN PATIENT SAFETY INSTITUTE, INC. Annually,  
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7 providers and their employees directed toward improving patient safety. In this  
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12 (k) A pharmacist licensed under ch. 450.

13 (L) An acupuncturist certified under ch. 451.

14 (m) A psychologist licensed under ch. 455.

15 (n) A massage therapist or bodyworker issued a license of registration under  
16 subch. XI of ch. 440.”.

17 **2.** Page 245, line 12: after that line insert:

18 “(fe) Wisconsin Patient Safety Institu-

19 tion, Inc., grants GPR A 110,000 110,000”.

20 **3.** Page 385, line 5: after that line insert:

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