

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2791/1dn
MDK:kmg:jf

April 6, 2001

Representative Underheim:

Please review this bill very carefully to make sure that it achieves your intent. In particular, please note the following:

1. The instructions state that "written formal agreement" under s. 441.15 (2) (b), stats., should be replaced with "formal agreement." However, it seems to me that any formal agreement would be in writing. Also, I'm not sure that "formal" adds anything to the meaning of "agreement." In addition, no other statute uses the term "formal agreement." Therefore, the bill refers only to an "agreement."
2. I understand that you want to eliminate the requirement that the practice of nurse-midwifery be under the general supervision of a physician. However, it seems to me that all you are requiring instead is that they work together. As long as they work together, under what circumstances would the remainder of the definition of "collaboration" not be true? Wouldn't it always be the case that, if they are working together, they will be contributing more comprehensive care than could be provided if they didn't work together? If so, I don't think the rest of the definition has any legal consequence, and I recommend getting rid of the definition altogether and requiring only that they work together.
3. I made stylistic changes to s. 441.15, stats., to conform to our current drafting style.

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