

2003 DRAFTING REQUEST

Bill

Received: **05/07/2003**

Received By: **dkennedy**

Wanted: **As time permits**

Identical to LRB:

For: **Gregg Underheim (608) 266-2254**

By/Representing: **Marnie (aide)**

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

Drafter: **dkennedy**

May Contact: **Sen. Roessler's office**

Addl. Drafters:

Subject: **Health - vital statistics**

Extra Copies: **RLR**

Submit via email: **YES**

Requester's email: **Rep.Underheim@legis.state.wi.us** → PDF sent

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Authorize a hospice nurse to make pronouncement of death

Instructions:

See Attached; same as 03-2325

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>
/?	dkennedy 05/08/2003	jdyer 05/09/2003		_____			
/1			rschluet 05/09/2003	_____	mbarman 05/09/2003	amentkow 05/09/2003	
/2	dkennedy	jdyer	rschluet	_____	mbarman	mbarman	

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	05/21/2003	05/21/2003 jdyer 05/21/2003	05/21/2003	_____ _____ _____	05/21/2003	05/21/2003	

FE Sent For:

*None
needed*

<END>

Barman, Mike

From: Barman, Mike
Sent: Wednesday, May 21, 2003 11:36 AM
To: Rep.Underheim
Subject: LRB 03-2680/2 (attached - for your review)



03-2680/2

Mike Barman

Mike Barman - Senior Program Asst. (PH. 608-266-3561)
(E-Mail: mike.barman@legis.state.wi.us) (FAX: 608-264-6948)

State of Wisconsin
Legislative Reference Bureau - Legal Section - Front Office
100 N. Hamilton Street - 5th Floor
Madison, WI 53703

2003 DRAFTING REQUEST

Bill

Received: 05/07/2003

Received By: dkennedy

Wanted: As time permits

Identical to LRB:

For: Gregg Underheim (608) 266-2254

By/Representing: Marnie (aide)

This file may be shown to any legislator: NO

Drafter: dkennedy

May Contact: Sen. Roessler's office

Addl. Drafters:

Subject: Health - vital statistics

Extra Copies: RLR

Submit via email: YES

Requester's email: Rep.Underheim@legis.state.wi.us

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Authorize a hospice nurse to make pronouncement of death

Instructions:

See Attached; same as 03-2325

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>
/?	dkennedy 05/08/2003	jdye 05/09/2003					
/1		1/2 5/21 jld	rschluet 05/09/2003		mbarman 05/09/2003	amentkow 05/09/2003	

Handwritten signatures and initials, including '5-21-03'.

FE Sent For:

<END>

2003 DRAFTING REQUEST

Bill

Received: **05/07/2003**

Received By: **dkennedy**

Wanted: **As time permits**

Identical to LRB:

For: **Gregg Underheim (608) 266-2254**

By/Representing: **Marnie (aide)**

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

Drafter: **dkennedy**

May Contact: **Sen. Roessler's office**

Addl. Drafters:

Subject: **Health - vital statistics**

Extra Copies: **RLR**

Submit via email: **YES**

Requester's email: **Rep.Underheim@legis.state.wi.us** ✓

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Authorize a hospice nurse to make pronouncement of death

Instructions:

See Attached; same as 03-2325

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>
/?	dkennedy 05/08/2003	jdye 05/09/2003					
/1			rschluet 05/09/2003		mbarman 05/09/2003		

FE Sent For:

<END>

2003 DRAFTING REQUEST

Bill

Received: 05/07/2003

Received By: dkennedy

Wanted: As time permits

Identical to LRB:

For: Gregg Underheim (608) 266-2254

By/Representing: Marnie (aide)

This file may be shown to any legislator: NO

Drafter: dkennedy

May Contact: Sen. Roessler's office

Addl. Drafters:

Subject: Health - vital statistics

Extra Copies: RLR

Submit via email: YES

Requester's email: Rep.Underheim@legis.state.wi.us

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

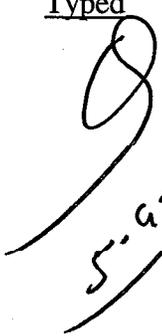
Authorize a hospice nurse to make pronouncement of death

Instructions:

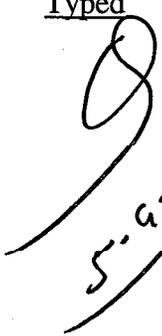
See Attached; same as 03-2325

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>
--------------	----------------	-----------------	--------------	----------------	------------------	-----------------	-----------------

/?	dkennedy	15/9 jld					
----	----------	----------	---	---	--	--	--

15/9 jld





5-9-03

<END>

FE Sent For:

5/6/03

Hi Debora!

Per our conversation
as a letter about the
bill draft. Call me if you
have any questions.

5/6/03:
Marne called
& asked that
be put on hold. - Marne
5/7 asked that
it be drafted

MARNE WISCHNEWSKI

Office of Representative

Assembly Health Committee Clerk

Gregg Underheim



11 North State Capitol

P.O. Box 8953

Madison, Wisconsin 53708

Phone: (608) 266-2254

Fax: (608) 282-3654

Toll-Free: 1(888) 534-0054

Marne.Wischnewski@legis.state.wi.us

THE HOPE OF WISCONSIN

Hospice Organization and Palliative Experts/PO Box 259808, Madison, WI 53725

Phone: 608-233-7166

Fax: 608-233-7169

E-mail: MELR217@aol.com

3240 University Avenue, Suite 2

www.wisconsinhospice.org

Madison, WI 53705

March 10, 2003

Representative Gregg Underheim
Chair, Assembly Health Committee
P.O. Box 8953
Madison, WI 53708

Dear Representative Underheim:

As I am sure you are aware, we regard you as a friend of hospice and have appreciated your concern and assistance in the past. There is a piece of legislation that we would like introduced in this session. We previously approached Senator Robson last year but things got so derailed with the budget issues that it wasn't possible to go forward although she was very supportive of this proposal. We are also meeting with Senator Roessler's staff to ask her assistance.

As you probably know last year about 13,000 Wisconsin residents died while receiving hospice care, the great majority in their homes. Presently, when a hospice patient dies at home the hospice nurse is called and immediately goes to the home. After s/he determines the person has died s/he then must call the physician to ask him/her to pronounce the death. This can take anywhere from several minutes to hours depending on the time of day or night. In the meantime nothing can be done: the body can not be removed, the family can not use its phone to begin making needed calls etc. When the physician returns the call the nurse advises him/her that the patient appears to be dead as evidenced by no breath sounds, no heart tones, no blood pressure and no respiratory effort. Then the physician agrees the person has died. The physician then certifies the death at the time s/he pronounces it. In some instances this has been several hours after the occurrence and, on occasion, even a different day if this happens around midnight. This time/date difference can be very upsetting to a family as you can imagine

We are simply asking that registered nurses employed by a licensed hospice be able to pronounce death in the case of an anticipated death. The certification of death still rests with the physician. If the death was not anticipated the coroner would be called as an investigation would be warranted.

About twenty states currently allow nurses to pronounce death in these or similar situations. Our neighbor, Iowa, passed similar legislation in 2001.

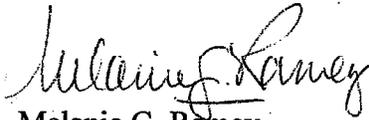
Underheim
Page 2

We have the support of the State of Wisconsin Board of Nursing and the State Medical Society of Wisconsin in this initiative.

Enclosed with this letter is a draft of our proposed language for this bill.

We appreciate your attention to this matter and stand ready to assist you in anyway to further this needed legislation to lessen, to some degree, the suffering that is experienced by families at the time of death of a loved one.

Sincerely,



Melanie G. Ramey
Executive Director

MGR/hs

Enclosure

An Act to amend 979.01 and to create (renumbering? Reenactment?) relating to: pronouncement of death by a registered nurse employed by a licensed hospice in anticipated deaths.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

A person shall be medically and legally dead if:

In the opinion of a registered nurse employed in the State of Wisconsin by a licensed hospice as defined in HSS 131 and directly involved in the care of a patient, death has occurred and the following criteria are satisfied: (i) the patient is under the care of a physician when his death occurs; (ii) the patient's death is anticipated. The nurse shall have the authority to pronounce death in accordance with acceptable medical standards. However, if the circumstances of the death are not anticipated or the death requires an investigation by a coroner, the nurse shall notify the county coroner of the death and the body shall not be released to the funeral director.

This (?subdivision) shall not authorize a nurse to pronounce the cause of death or to certify the death. Determination of cause of death and certification shall continue to be the responsibility of the attending physician. This subdivision shall not relieve any registered nurse employed by a hospice from any civil or criminal liability that might otherwise be incurred for failure to follow statutes or Board of Nursing regulations.



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

RESEARCH APPENDIX -

PLEASE DO NOT REMOVE FROM DRAFTING FILE

Date Added To File: 05-09-2003 (Per DAK)



The drafting file for 2001 LRB _____ has been

transferred to the drafting file for 2003 LRB _____

Done gmb

This cover sheet, the final request sheet, and the final version of the 2001 draft were copied on yellow paper, and returned to the original 2001 drafting file.

For research purposes, because the attached 2001 draft was incorporated into a new 2003 draft, this cover sheet and the complete drafting file was transferred, as a separate appendix, to the 2003 drafting file. If introduced this section will be scanned and added, as a separate appendix, to the electronic drafting file folder.

The drafting file for 2003 LRB -2325 has been

copied/added to the drafting file for 2003 LRB -2680

For research purposes, because the attached 2003 draft was incorporated into another 2003 draft, the attached drafting file was copied on yellow paper (darkened/auto centered/reduced to 90%), and added, as a appendix, to the new 2003 drafting file. If introduced this section will be scanned and added, as a separate appendix, to the electronic drafting file folder.

This cover sheet was copied on yellow paper and added to rear of the original 2003 drafting file. The drafting file was then returned, intact, to its folder and filed.

SOON - In edit 9/8

2003 - 2004 LEGISLATURE

2680/1
LRB-2005/1
DAK(jld)
A
stays

2003 BILL

Regen

1 AN ACT *to amend* 69.01 (6g), 69.18 (1) (c) and 69.18 (1) (d); and *to create* 69.01
2 (12g), 69.01 (12m) and 69.18 (1) (cm) of the statutes; **relating to:** authorizing
3 a hospice nurse to make a pronouncement of death.

Analysis by the Legislative Reference Bureau

Under current law, a hospital, nursing home, or hospice that is the place of death of an individual may prepare a certificate of death for the individual and give it to the funeral director or other person who is authorized to move the corpse for final disposition. The physician of the deceased individual or, in certain circumstances, the coroner or medical examiner, must, within five days after the pronouncement of death, complete and sign a medical certificate for the death and mail the certificate or, within six days after the pronouncement of death, present the certificate to the funeral director or other person, who must file the certificate with the local registrar.

This bill authorizes a hospice nurse (a registered nurse who is employed by or under contract with a hospice) who is directly involved with the care of a hospice patient to pronounce the date, time, and place of the patient's death, if the patient was generally under the care of a physician at the time of death and the death was anticipated.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

BILL

1 **SECTION 1.** 69.01 (6g) of the statutes is amended to read:

2 69.01 (6g) “Date of death” means the date that a person is pronounced dead by
3 a physician, coroner, deputy coroner, medical examiner, or deputy medical examiner,
4 or hospice nurse.

5 **SECTION 2.** 69.01 (12g) of the statutes is created to read:

6 69.01 (12g) “Hospice” has the meaning given in s. 50.90 (1).

7 **SECTION 3.** 69.01 (12m) of the statutes is created to read:

8 69.01 (12m) “Hospice nurse” means a registered nurse, as defined in s. 146.40
9 (1) (f), who is employed by or under contract to a hospice.

10 **SECTION 4.** 69.18 (1) (c) of the statutes is amended to read:

11 69.18 (1) (c) A hospital, a nursing home, as defined in s. 50.01 (3), or a hospice,
12 ~~as defined in s. 50.90 (1), which~~ that is the place of death of a person may prepare a
13 certificate of death for the person and give the certificate to the person who moves
14 the corpse under par. (a).

15 **SECTION 5.** 69.18 (1) (cm) of the statutes is created to read:

16 69.18 (1) (cm) 1. For purposes of preparation of the certificate of death and in
17 accordance with accepted medical standards, a hospice nurse who is directly
18 involved with the care of a hospice patient who dies may pronounce the date, time,
19 and place of the patient’s death if all of the following apply:

20 a. The patient was generally under the care of a physician at the time of death.

21 b. The death was anticipated.

22 2. Subd. 1. may not be construed to authorize a hospice nurse to certify under
23 sub. (2) (b) the cause of the patient’s death.

24 **SECTION 6.** 69.18 (1) (d) of the statutes is amended to read:

Mentkowski, Annie

From: Wischnewski, Marne
Sent: Friday, May 09, 2003 9:46 AM
To: LRB.Legal
Subject: Draft review: LRB 03-2680/1 Topic: Authorize a hospice nurse to make pronouncement of death

It has been requested by <Wischnewski, Marne> that the following draft be jacketed for the ASSEMBLY:

Draft review: LRB 03-2680/1 Topic: Authorize a hospice nurse to make pronouncement of death

TELEPHONE DRAFTING INSTRUCTIONS

Drafting instructions received by Debora Kennedy.

DATE:

5/21/03

CONVERSATION
WITH:

Miami

OF:

TELEPHONE NO:

6-2254

REGARDING LRB #
OR DRAFT TOPIC:

03-2680/1

INSTRUCTIONS:

Redraft —

p. 2, l. 17 - change " hospice nurse who
is" to " hospice nurse in a hospice
that is"



2003 BILL

Regen

1 AN ACT to amend 69.01 (6g), 69.18 (1)(c) and 69.18 (1)(d); and to create 69.01
 2 (12g), 69.01 (12m) and 69.18 (1)(cm) of the statutes; relating to: authorizing
 3 a hospice nurse to make a pronouncement of death.

✓
 in a hospice that

Analysis by the Legislative Reference Bureau

Under current law, a hospital, nursing home, or hospice that is the place of death of an individual may prepare a certificate of death for the individual and give it to the funeral director or other person who is authorized to move the corpse for final disposition. The physician of the deceased individual or, in certain circumstances, the coroner or medical examiner, must, within five days after the pronouncement of death, complete and sign a medical certificate for the death and mail the certificate or, within six days after the pronouncement of death, present the certificate to the funeral director or other person, who must file the certificate with the local registrar.

This bill authorizes a hospice nurse (a registered nurse who is employed by or under contract with a hospice) ~~who~~ is directly involved with the care of a hospice patient to pronounce the date, time, and place of the patient's death, if the patient was generally under the care of a physician at the time of death and the death was anticipated.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

BILL

1 **SECTION 1.** 69.01 (6g) of the statutes is amended to read:

2 69.01 (6g) "Date of death" means the date that a person is pronounced dead by
3 a physician, coroner, deputy coroner, medical examiner, or deputy medical examiner,
4 or hospice nurse.

5 **SECTION 2.** 69.01 (12g) of the statutes is created to read:

6 69.01 (12g) "Hospice" has the meaning given in s. 50.90 (1).

7 **SECTION 3.** 69.01 (12m) of the statutes is created to read:

8 69.01 (12m) "Hospice nurse" means a registered nurse, as defined in s. 146.40
9 (1) (f), who is employed by or under contract to a hospice.

10 **SECTION 4.** 69.18 (1) (c) of the statutes is amended to read:

11 69.18 (1) (c) A hospital, a nursing home, as defined in s. 50.01 (3), or a hospice,
12 ~~as defined in s. 50.90 (1), which~~ that is the place of death of a person may prepare a
13 certificate of death for the person and give the certificate to the person who moves
14 the corpse under par. (a).

15 **SECTION 5.** 69.18 (1) (cm) of the statutes is created to read:

16 69.18 (1) (cm) 1. For purposes of preparation of the certificate of death and in
17 accordance with accepted medical standards, a hospice nurse ~~who~~ ^{is} directly
18 involved with the care of a hospice patient who dies may pronounce the date, time,
19 and place of the patient's death if all of the following apply:

20 a. The patient was generally under the care of a physician at the time of death.

21 b. The death was anticipated.

22 2. Subd. 1. may not be construed to authorize a hospice nurse to certify under
23 sub. (2) (b) the cause of the patient's death.

24 **SECTION 6.** 69.18 (1) (d) of the statutes is amended to read:

✓ in a hospice that

BILL

1 69.18 (1) (d) A hospital, nursing home, or hospice, ~~as defined in s. 50.90 (1) (c),~~
2 may not release a corpse to any person under par. (a) unless the person presents a
3 notice of removal on a form prescribed by the state registrar, in duplicate, to the
4 administrator of the hospital, nursing home, or hospice. The administrator shall
5 retain one copy and forward the other copy to the local registrar of the registration
6 district in which the hospital, nursing home, or hospice is located.

7

(END)