

2007 DRAFTING REQUEST

Assembly Amendment (AA-AB570)

Received: 11/28/2007

Received By: rryan

Wanted: As time permits

Identical to LRB:

For: Steve Wieckert (608) 266-3070

By/Representing: Scott Becher

This file may be shown to any legislator: NO

Drafter: rryan

May Contact:

Addl. Drafters:

Subject: Health - miscellaneous

Extra Copies:

Submit via email: YES

Requester's email: Rep.Wieckert@legis.wisconsin.gov

Carbon copy (CC:) to: terry.tuschen@legis.wisconsin.gov
sen.risser@legis.wisconsin.gov
richard.sweet@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Uniform anatomical gift act

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>
/?							
/1	rryan 11/29/2007	csicilia 11/29/2007	rschluet 11/29/2007	_____	cduerst 11/29/2007	cduerst 11/29/2007	
	rryan 12/03/2007	lkunkel 12/03/2007		_____			
/2			nmatzke 12/03/2007	_____	cduerst 12/03/2007	lparisi 12/03/2007	

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

FE Sent For:

<END>

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/?							
/1	rryan 11/29/2007	csicilia 11/29/2007	rschluet 11/29/2007	_____	cduerst 11/29/2007	cduerst 11/29/2007	

FE Sent For:

1/2/mk 12/3
nwn
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12/3

<END>

2007 DRAFTING REQUEST

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Wanted: As time permits

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For: Steve Wieckert (608) 266-3070

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sen.risser@legis.wisconsin.gov
richard.sweet@legis.wisconsin.gov

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/?	rryan	1 gjs 11/29/07					
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FE Sent For:

<END>

Ryan, Robin

From: Becher, Scott
Sent: Wednesday, November 28, 2007 11:43 AM
To: Ryan, Robin
Subject: FW: Proposed Amendment to UAGA

-----Original Message-----

From: Sweet, Richard
Sent: Wednesday, November 28, 2007 11:40 AM
To: 'Maroney Lisa A.'; Becher, Scott; Tuschen, Terry
Subject: RE: Proposed Amendment to UAGA

5 Sounds good. The LRB might polish up the language a little bit ("governed by s. 157.06, 2005-06, Stats."), but I think this would accomplish what you're looking for.

Dick

-----Original Message-----

From: Maroney Lisa A. [mailto:LMaroney@uwhealth.org]
Sent: Wednesday, November 28, 2007 11:36 AM
To: Becher, Scott; Tuschen, Terry
Cc: Sweet, Richard
Subject: FW: Proposed Amendment to UAGA
Importance: High

Please see Bob Miller's comments regarding Terry's suggestion.

Lisa Maroney, State and Local Health Relations UW-Madison, Chancellor's Office UW Health
635 Science Drive, Suite 150
Madison, WI 53711
(608)265-1653 work
(608)206-5829 cell
(608)263-6394 fax

-----Original Message-----

From: Miller Robert D.
Sent: Wednesday, November 28, 2007 11:04 AM
To: Maroney Lisa A.
Subject: RE: Proposed Amendment to UAGA

5 I think that Terry has a good point. I agree that the point can be addressed by modifying page 44, line 3 by inserting "procurement or" before "distribution" and then inserting the new sentence on page 44 between lines 4 and 5 as follows:

"Procurement or distribution of a body or part removed prior to the effective date of this act shall continue to be governed by the law under which it was removed."

Robert D. Miller
Associate General Counsel
University of Wisconsin Hospitals and Clinics Authority Mail Stop 8360 600 Highland Ave.
H4/849 Madison, WI 53792
608.262.6735
608.263.9830 FAX

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-----Original Message-----

From: Maroney Lisa A.
Sent: Wednesday, November 28, 2007 10:39 AM
To: Miller Robert D.
Subject: FW: Proposed Amendment to UAGA

Bob,

This should be the last question about the amendment. Please respond as soon as you can. Thanks.

Lisa Maroney, State and Local Health Relations UW-Madison, Chancellor's Office UW Health
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-----Original Message-----

From: Maroney Lisa A.
Sent: Tuesday, November 27, 2007 10:43 AM
To: Miller Robert D.
Subject: FW: Proposed Amendment to UAGA

What do you think?

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635 Science Drive, Suite 150
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-----Original Message-----

From: Tuschen, Terry [mailto:Terry.Tuschen@legis.wisconsin.gov]
Sent: Tuesday, November 27, 2007 10:38 AM
To: Maroney Lisa A.; Becher, Scott
Cc: Sweet, Richard; Tuschen, Terry
Subject: RE: Proposed Amendment to UAGA

5) I agree that "Distribution of a body or part removed prior to the effective date of this act should continue to be governed by the law under which it was removed."

However, the language on page 43, lines 23 and 24--"This act first applies to any of the following that occur on the effective date of this subsection:" only mentions "distribution" and not "procurement", which, in my view, leaves uncertainly about a procurement that occurs before the effective date and a distribution that would occur after the effective date.

Does the amendment language fix this? Maybe page 44, line 1d, should say "procurement" or "procurement and distribution".

-----Original Message-----

From: Maroney Lisa A. [mailto:LMaroney@uwhealth.org]
Sent: Tuesday, November 27, 2007 8:45 AM
To: Becher, Scott; Tuschen, Terry

Cc: Sweet, Richard
Subject: FW: Proposed Amendment to UAGA

What do you think?

Lisa Maroney, State and Local Health Relations UW-Madison, Chancellor's Office UW Health
635 Science Drive, Suite 150
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(608)263-6394 fax

-----Original Message-----

From: Miller Robert D.
Sent: Monday, November 26, 2007 5:21 PM
To: Maroney Lisa A.; 'mmcally@fmlh.edu'
Subject: RE: Proposed Amendment to UAGA

(5) I interpret section 21(b) to assure that this new law will not apply to a document of gift signed before the effective date. Section 21(b) uses the word "making ... of an anatomical gift" and states that the new law applies only when this "making" occurs on or after the effective date.

Under section 157.06(3), it is clear that the "making" of the gift occurs when the document is signed. If the document was signed before the effective date and has not been revoked or changed, it should still be valid. This leads me to think that we do not need to be concerned about the part of the scenario that involves the signing of the document two years earlier.

If this is correct, then I think only scenario one presents an issue.
Our proposed amendment addresses this scenario.

I think it is appropriate for scenario two to have to comply with the new law with respect to procurement and distribution. If the above interpretation of the applicability to the document of gift is correct, I think the present bill accomplishes this and no further changes are necessary to address scenario two.

Robert D. Miller
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-----Original Message-----

From: Maroney Lisa A.
Sent: Monday, November 26, 2007 4:25 PM
To: Miller Robert D.; 'mmcally@fmlh.edu'
Subject: Fw: Proposed Amendment to UAGA

More questions. Please respond.

-----Original Message-----

From: Sweet, Richard <Richard.Sweet@legis.wisconsin.gov>
To: Becher, Scott <Scott.Becher@legis.wisconsin.gov>
CC: Tuschen, Terry <Terry.Tuschen@legis.wisconsin.gov>; Maroney Lisa A.
Sent: Mon Nov 26 15:21:59 2007
Subject: RE: Proposed Amendment to UAGA

Scott,

5. Actually, I think I understand their concern better after reading Bob's e-mail. However, I think that the bill should specify which law applies in the following situations:

Scenario 1: the document of gift was executed 2 years ago, the procurement occurred before the effective date, and the distribution occurred after the effective date.

Scenario 2: the document of gift was executed 2 years ago, and the procurement and distribution occurred after the effective date.

Should both scenarios be covered under the old law?

Dick

From: Becher, Scott
Sent: Monday, November 26, 2007 3:05 PM
To: Sweet, Richard
Subject: FW: Proposed Amendment to UAGA

From: Maroney Lisa A. [mailto:LMaroney@uwhealth.org]
Sent: Monday, November 26, 2007 2:25 PM
To: Becher, Scott
Cc: Tuschen, Terry
Subject: FW: Proposed Amendment to UAGA

We are fine with Dick's changes, but do note Bob Miller's mention of a potential problem for the tissue banks regarding the effective date. Once you have decided exactly what changes you are making let me know and I'll alter the memo for committee members.

Lisa Maroney, State and Local Health Relations UW-Madison, Chancellor's Office UW Health
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-----Original Message-----

From: Miller Robert D.
Sent: Monday, November 26, 2007 2:19 PM
To: Maroney Lisa A.
Cc: Dalessandro Anthony M; OLoughlin Sara R; Schwab Rell A.
Subject: RE: Proposed Amendment to UAGA

We can accept Dick Sweet's position.

4. Dick Sweet's suggestion with regard to the fourth change is reasonable.
We should agree to it.

5. As to his question about the fifth change, it is not clear to me that this is already addressed by the first part of the section. My concern is that someone might claim that a tissue transferred after the effective date of the act must retroactively comply with all of the acquisition requirements, since the transfer occurred after the effective date. This could lead to questions about any tissue already in the pipeline. However, I am not sure that the OPO needs to fight this battle, so if Dick Sweet does not believe that this is a problem, I think the OPO can agree to delete the fifth change. The time period between retrieval and implantation for the organs the OPO deals with is short enough so that the OPO can implement all needed changes for all organs used after the effective date. The existing wording is a potential problem for the tissue industry which can take a longer time to process tissues before distributing them.

Robert D. Miller
Associate General Counsel
University of Wisconsin Hospitals and Clinics Authority Mail Stop 8360 600 Highland Ave.
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-----Original Message-----

From: Maroney Lisa A.
Sent: Monday, November 26, 2007 12:15 PM
To: Miller Robert D.
Cc: Dalessandro Anthony M; OLoughlin Sara R; Schwab Rell A.
Subject: FW: Proposed Amendment to UAGA

Bob,

Please see Dick Sweet's-Legislative Council Staff Attorney-comments below and let me know what you think. THANKS.

Lisa Maroney, State and Local Health Relations UW-Madison, Chancellor's Office UW Health
635 Science Drive, Suite 150
Madison, WI 53711
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(608)206-5829 cell

(608)263-6394 fax

-----Original Message-----

From: Becher, Scott [mailto:Scott.Becher@legis.wisconsin.gov]
Sent: Monday, November 26, 2007 12:08 PM
To: Maroney Lisa A.; mmcally@fmlh.edu
Subject: FW: Proposed Amendment to UAGA

I agree with Dick and Terry. What do you think?

From: Tuschen, Terry
Sent: Monday, November 26, 2007 11:51 AM
To: Becher, Scott
Cc: Sweet, Richard
Subject: RE: Proposed Amendment to UAGA

Hi Scott, these seem reasonable to me too. Whatever Dick Sweet says works for me!

From: Becher, Scott
Sent: Monday, November 26, 2007 11:32 AM
To: Tuschen, Terry
Subject: FW: Proposed Amendment to UAGA

From: Sweet, Richard
Sent: Monday, November 26, 2007 11:18 AM
To: Becher, Scott
Subject: FW: Proposed Amendment to UAGA

Scott,

I've added my comments. I wasn't sure if you wanted this routed to everyone, so I'm just sending it back to you and letting you forward it on.

Dick

From: Maroney Lisa A. [mailto:LMaroney@uwhealth.org]
Sent: Monday, November 26, 2007 9:47 AM
To: Sweet, Richard; Becher, Scott; Tuschen, Terry
Cc: mmcally@fmlh.edu

Subject: Proposed Amendment to UAGA

Greetings:

Below is a very brief summary of changes to UAGA. The other WI OPO/Froedtert is supportive of the changes. It includes the 4 changes we are seeking along with the Right to Life language. With your OK I will distribute on UW OPO stationary to committee members. Let me know if you have any questions or concerns. Thanks.

✓ 1. Delete section 2 of the bill on page 7, lines 3 to 20. This will retain the existing section 146.345 without change. Section 2 is not an integral part of the UAGA and was proposed by the legislative drafter to carry over the new definitions of UAGA. We prefer to preserve the scope of existing section 146.345.

Seems reasonable.

✓ 2. In section 157.06(2)(b), on page 10, line 13: after "death" insert ", as determined in accordance with s. 146.71,". We support this statement that the existing statutory definition of death continues to apply.

Seems reasonable. This addresses the Wisconsin Right to Life concern.

✓ 3. In section 157.11(h), on page 24, line 24 to page 25, line 2, delete the sentence beginning "For purposes of this paragraph..." Persons should be responsible for what they have actual knowledge of; there should be no deeming of knowledge. The record of gift may be at another location and it is not always possible for all participants to check it.

Seems reasonable.

✓ 4. In section 157.06(14m)(d), on page 28, on line 22: after "potential donors" insert "by hospital personnel". Hospitals should be accountable only for the acts of their own personnel; they should not be accountable for acts of OPO staff.

✓ Seems reasonable, but you may want to add parallel language under the duties of OPOs (page 26, after line 17, this could be a subd. 4.) Current Wisconsin law requires this of both hospitals and OPOs--s. 157.06((5)(b)3., Stats.

✓ 5. In section 21(d), on (1), on page 44, line 3, after "anatomical gift" insert "that takes effect after the effective date of this act." This law should not apply retroactively to a body or part that was removed prior to the date of the act. Distribution of a body or part removed prior to the effective date of this act should continue to be governed by the law under which it was removed.

I think this might already have been addressed by the language on page 43, lines 23 and 24--"This act first applies to any of the following that occur on the effective date of this subsection:".

Lisa Maroney, State and Local Health Relations

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State of Wisconsin
2007 - 2008 LEGISLATURE

LRBa0915/?

RLR: /:....

gs

Today

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
ASSEMBLY AMENDMENT,
TO 2007 ASSEMBLY BILL 570

RMR

DN

bill hist ✓

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 6, line 1: delete the material beginning with that line and ending with
3 page 7, line 20.

4 **2.** Page 10, line 13: after "death" insert ", as determined in accordance with s.
5 146.71,".

6 **3.** Page 24, line 23: delete "For".

7 **4.** Page 24, line 24: delete "purposes of this paragraph, if" and substitute "If".

8 **5.** Page 26, line 17: after that line insert:

9 "4. If procurement organization personnel make a request of a family member
10 of a potential donor to make an anatomical gift of organ^s, tissues, or eyes, ensure that
11 the personnel make the request with discretion and sensibility with respect to the
12 circumstances, views, and beliefs of the family of the potential donor."

1 **6.** Page 28, line 22: after "Ensure that" insert "hospital personnel who make".

2 **7.** Page 28, line 23: delete "are made" and substitute "make the requests".

3 **8.** Page 44, line 3: delete that line.

4 **9.** Page 44, line 4: after that line insert:

5 " (2) This act first applies to the procurement or distribution of a body part that
6 is removed on the effective date of this subsection."

7 **(END)**

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DN

✓

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

LRBa0915/1dn

RLR:.....

js

The amendment deletes section 1 of the bill in addition to section 2, because section 1 is not needed if section 2 is deleted.

Robin Ryan
Legislative Attorney
Phone: (608) 261-6927
E-mail: robin.ryan@legis.wisconsin.gov

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

LRBa0915/1dn
RLR:cjs:rs

November 29, 2007

The amendment deletes section 1 of the bill in addition to section 2, because section 1 is not needed if section 2 is deleted.

Robin Ryan
Legislative Attorney
Phone: (608) 261-6927
E-mail: robin.ryan@legis.wisconsin.gov

Ryan, Robin

From: Becher, Scott
Sent: Monday, December 03, 2007 3:02 PM
To: Ryan, Robin; Tuschen, Terry
Subject: FW: LRB 07a0915 Topic: Uniform anatomical gift act

Importance: High

Robin-

Would you talk to Bob directly on this matter? Please email me what you decide.

Scott Becher
Rep. Wickert
(608) 266-3070

-----Original Message-----

From: Maroney Lisa A. [mailto:LMaroney@uwhealth.org]
Sent: Monday, December 03, 2007 1:40 PM
To: Becher, Scott
Subject: FW: LRB 07a0915 Topic: Uniform anatomical gift act
Importance: High

Here it is.

Lisa Maroney, State and Local Health Relations UW-Madison, Chancellor's Office UW Health
635 Science Drive, Suite 150
Madison, WI 53711
(608)265-1653 work
(608)206-5829 cell
(608)263-6394 fax

-----Original Message-----

From: Miller Robert D.
Sent: Monday, December 03, 2007 1:39 PM
To: Maroney Lisa A.
Subject: RE: LRB 07a0915 Topic: Uniform anatomical gift act

I agree with the deletion of section 1, that is, section 1 of the amendment.

We asked that the entire last sentence of section 11(h) be deleted. Do you know why only the introductory clause was deleted? Is it possible to get what we requested?

To do what we requested, section 4 of the amendment would read -

"4. Page 24, line 24: delete the material beginning on that line and ending with Page 25, line 2."

Otherwise the amendment is OK.

Robert D. Miller
Associate General Counsel
University of Wisconsin Hospitals and Clinics Authority Mail Stop 8360 600 Highland Ave.
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608.262.6735
608.263.9830 FAX

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-----Original Message-----

From: Maroney Lisa A.
Sent: Monday, December 03, 2007 10:21 AM
To: Miller Robert D.
Subject: FW: LRB 07a0915 Topic: Uniform anatomical gift act

Please advise.

Lisa Maroney, State and Local Health Relations UW-Madison, Chancellor's Office UW Health
635 Science Drive, Suite 150
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(608)206-5829 cell
(608)263-6394 fax

-----Original Message-----

From: Maroney Lisa A.
Sent: Thursday, November 29, 2007 4:19 PM
To: Miller Robert D.
Subject: Fw: LRB 07a0915 Topic: Uniform anatomical gift act

I'm in a conference. Did the amendment attachment go through?

-----Original Message-----

From: Becher, Scott <Scott.Becher@legis.wisconsin.gov>
To: mmcally@fmlh.edu <mmcally@fmlh.edu>; Maroney Lisa A.; Schwab Rell A.
Sent: Thu Nov 29 16:13:53 2007
Subject: FW: LRB 07a0915 Topic: Uniform anatomical gift act

Maureen, Lisa, Try- What do think?

From: Sweet, Richard
Sent: Thursday, November 29, 2007 4:09 PM
To: Becher, Scott
Subject: FW: LRB 07a0915 Topic: Uniform anatomical gift act

Scott,

I think that the amendment accomplishes what everyone was looking for, with one exception. Page 1, lines 6 and 7, of the amendment delete the first clause of the sentence that begins on page 24, line 23 of the bill, but I think that UW was looking to have the entire sentence deleted.

Dick

From: Duerst, Christina
Sent: Thursday, November 29, 2007 2:10 PM
To: Sweet, Richard
Subject: LRB 07a0915 Topic: Uniform anatomical gift act

Draft Requester: Steve Wieckert

The attached proposal has been jacketed for introduction.



State of Wisconsin
2007 - 2008 LEGISLATURE

LRBa0915/1

RLR:cjs:cs

2
stays

TODAY

ASSEMBLY AMENDMENT ,
TO 2007 ASSEMBLY BILL 570

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 6, line 1: delete the material beginning with that line and ending with
3 page 7, line 20.

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5 146.71,".

6 **3.** Page 24, line 23: delete "For".

7 **4.** Page 24, line 24: delete "purposes of this paragraph, if" and substitute "If".

8 **5.** Page 26, line 17: after that line insert:

9 "4. If procurement organization personnel make a request of a family member
10 of a potential donor to make an anatomical gift of organs, tissues, or eyes, ensure that
11 the personnel make the request with discretion and sensibility with respect to the
12 circumstances, views, and beliefs of the family of the potential donor."

13 **6.** Page 28, line 22: after "Ensure that" insert "hospital personnel who make".

Page 24, line 24 delete the material beginning with that line and ending with page 25, line 20

