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State of Misconsin 2017 - 2018 LEGISLATURE

LRB-3748/23 SWB:jld

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

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AN ACT to repeal 15.197 (22m) and 146.695 (1) (a), (2), (3), and (6); to

consolidate, renumber and amend 146.695 (1) (intro.) and (b); and to create

 $15.197\,(22\mathrm{m})$ and $146.695\,\mathrm{of}$ the statutes; **relating to:** establishing a palliative

care council and providing a penalty.

Analysis by the Legislative Reference Bureau

This bill establishes a Palliative Care Council within the Department of Health Services. Under the bill, DHS is required to establish a statewide palliative care consumer and professional information and education program and must make available on its Internet site information and resources regarding palliative care. The bill requires the council to consult with and advise DHS on matters related to the establishment, maintenance, operation, and outcome evaluation of the program established by DHS. Under the bill, health care facilities must establish a system for identifying patients or residents who could benefit from palliative care and provide information about and facilitate access to appropriate palliative care services for patients or residents with serious illnesses. If a health care facility fails to do so, DHS may, after taking into account a variety of factors, impose a forfeiture. The bill also requires the council to submit biennial reports providing its analysis regarding certain issues relating to palliative care, including the availability of palliative care, barriers to greater access to such care, and policies, practices, and protocols concerning patients' rights related to palliative care. The council and DHS program sunset effective July 1, 2024.



For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 15.197 (22m) of the statutes is created to read:
 15.197 (22m) PALLIATIVE CARE COUNCIL. There is created in the department of

health services a palliative care council. The council shall consist of the following amembers appointed by the secretary of health services serving for staggered 4-year

terms: \checkmark

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- (a) Five physician members, including 2 who are board certified in hospice and palliative care, one who is board certified in pain management, and one who is a pediatric palliative care specialist.
- Three palliative care practitioner members, including 2 advanced practice registered nurses who are board certified in hospice and palliative care and one physician assistant who has experience providing palliative care.
- Four health care professional members, including a nurse, a social worker, a pharmacist, and a spiritual care professional that have at least one of the following qualifications:
- Experience providing palliative care to pediatric, youth, or adult populations.
- Expertise in palliative care delivery in an inpatient, outpatient, or community setting.
 - Expertise in interdisciplinary palliative care.
- Three members with experience as advocates for patients and the patients' family caregivers and who are independent of a hospital or other health care facility,

1 including at least one member who is a representative of an established patient 2 advocacy organization. 5. One representative from the University of Wisconsin School of Medicine and Public Health with expertise in palliative care. One representative from the Medical College of Wisconsin with expertise in palliative care. (g) One representative from the department of health services with experience in palliative care issues. (b) Two members who serve or have served in hospital administration. SECTION 2. 15.197 (22m) of the statutes, as created by 2017 Wisconsin Act 11 (this act), is repealed. 12 **Section 3.** 146.695 of the statutes is created to read: 13 **146.695** Palliative care. (1) In this section: (a) "Council" means the palliative care council. 14 15 (b) "Palliative care" has the meaning given in s. 50.90 (3).

*****Note: This draft cross-references an existing definition of "palliative care." Section 50.90 (3) defines "palliative care" as "management and support provided for the reduction or abatement of pain, for other physical symptoms and for psychosocial or spiritual needs of individuals with terminal illness and includes physician services, skilled nursing care, medical social services, services of volunteers and bereavement services. 'Palliative care' does not mean treatment provided in order to cure a medical condition or disease or to artificially prolong life."

Other states have used alternative language. For example, Massachusetts defines "palliative care" to mean "patient and family-centered medical care that optimizes quality of life by anticipating, preventing, and treating the suffering caused by a medical illness or physical injury that substantially impacts a patient's quality of life, including, but not limited to: addressing physical, emotional, social and spiritual needs; facilitating patient autonomy, access to information and choice; discussing the patient's goals for treatment; discussing the treatment options appropriate for the patients, including, where appropriate, hospice care; and comprehensive pain and symptom management." Other states have used variations of this language. For instance, Montana incorporated a shorter version: "Palliative care' means patient-centered and family-centered medical care that optimizes quality of life by anticipating, preventing, and treating suffering caused by serious illness." Please let me know if you would like to keep the existing definition (the cross-reference to s. 50.90 (3)) or if you would like to include something different.

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SECTION 3

(2) The council shall consult with and advise the department on matters
related to the establishment, maintenance, operation, and outcome evaluation of the
palliative care consumer and professional information and education program
established under this section. The council shall meet at least twice each year.

- (3) The department, in consultation with the council, shall establish a statewide palliative care consumer and professional information and education program to ensure that comprehensive and accurate information and education about palliative care are available to the public, health care providers, and health care facilities.
- (4) The department shall make available electronically on its Internet site information and resources regarding palliative care, including all of the following items:
 - (a) Links to external resources regarding palliative care.
 - (b) Continuing education opportunities for health care providers.
- (c) Information about palliative care delivery in the home, primary, secondary, and tertiary environments.
- (d) Consumer educational materials regarding palliative care, including hospice care.
- 19 (5) (a) On or before January 1, 2020, each health care facility, as defined in s. 20 146.997 (1) (c), shall do all of the following:
 - 1. Establish a system for identifying patients or residents who could benefit from palliative care.
- 2. Provide information about and facilitate access to appropriate palliative care
 services for patients or residents with serious illnesses.

(b) If a health care facility fails to implement a system as described under par.

(a) 1., the department shall require the health care facility to provide a plan of action to bring the health care facility into compliance with the requirement and may impose a forfeiture for a violation. The department shall take into account factors that may impact the development of a system and the health care facility's ability to facilitate access to palliative care, including the size of the organization, access and proximity to palliative care services, the availability of palliative care practitioners and related work staff, and geographic factors.

****Note: This provision is drawn from a Kentucky provision that did not specify an amount for the forfeiture (a "fine" in the Kentucky version) imposed. You might consider whether to include a maximum amount (e.g., "a forfeiture of not more than..."). Please note also that this provision is not currently included in the sunset/repeal of the council-related provisions.

- (6) Beginning January 1, 2019, and biennially thereafter, the council shall submit a report to the appropriate standing committees of the legislature providing the council's analysis on the following issues:
- (a) The availability of palliative care in this state for patients in the early stages of serious disease.
 - (b) Barriers to greater access to palliative care.
- (c) The policies, practices, and protocols in this state concerning patients' rights related to palliative care, including all of the following:
- 1. Whether a palliative care team member may introduce palliative care options to a patient without the consent of the patient's attending physician.
- 2. The practices and protocols for discussions between a palliative care team member and a patient on life-sustaining treatment or advance directives decisions.
- 3. The practices and protocols on informed consent and disclosure requirements for palliative care services.

1	(7) Nothing in this section may be construed to create a cause of action or create
2	a standard of care, obligation, or duty that provides a basis for a cause of action.
3	SECTION 5. 146.695 (1) (intro.) and (b) of the statutes, as created by 2017
4	Wisconsin Act (this act), are consolidated, renumbered 146.695 (1) and amended
5	to read:
6	146.695 (1) In this section: (b) "Palliative, "palliative care" has the meaning
7	given in s. 50.90 (3).
8	Section 4. 146.695 (1) (a), (2), (3), and (6) of the statutes, as created by 2017
9	Wisconsin Act (this act), are repealed.
10	Section 4. Nonstatutory provisions.
11	(1) STAGGERED TERMS. Notwithstanding the length of terms specified for the
12	members of the palliative care council under section 15.197 (22m) of the statutes, of
13	the 20 members appointed by the secretary of health services, 7 of the initial
14	members shall be appointed for a term expiring on July 1, 2019, 7 of the initial
15	members shall be appointed for terms expiring on July 1, 2020, and the remaining
16	6 initial members shall be appointed for terms expiring on July 1, 2021.
17	SECTION 7. Effective dates. This act takes effect on the day after publication,
18	except as follows:
19	(1) The treatment of section 146.695 (1) (intro.), (a), and (b), (2), (3), and (6) of
20	the statutes and the repeal of section 15.197 (22m) of the statutes take effect on July
21	1, 2024.
	****NOTE: The 2024 date is a placeholder for the sunset of the council. The last set

****Note: The 2024 date is a placeholder for the sunset of the council. The last set of initial appointees complete their term on June 30, 2021, so July 1, 2024 would be one full term (3 years) after that date. Please let me know if you would like to change this. Also, you will note that this version leaves in place both the requirements for health care facilities (s. 146.695 (5)) and the requirement upon DHS to provide information on its



Internet site (s. 146.695 (4)). Other provisions will be repealed to effect the sunset of the council you requested. Please let me know if you would like to change any of that.

(END)

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2017-2018 DRAFTING INSERT FROM THE LEGISLATIVE REFERENCE BUREAU

LRB - 17-SWB:... 3748/

INSERT 3-9

1	(b) One medical student representative appointed by the secretary of health
2	services for a one-year term who is a student specializing in palliative care at the
3	University of Wisconsin School of Medicine and Public Health or the Medical College
4	of Wisconsin.

(END INSERT 3-9)

WISCONSIN LEGISLATIVE REFERENCE BUREAU

Information Services 608-266-0341—Legal Services 608-266-3561



Per Justin	
Remove Physician Assistant number	
- Up to 20 members, one person can qualify to	
coler multiple areas	NA.
- Unathen sunset to 10 years	
Jan	
- have cauncil understand impact on families	
experience of Pamilies that have gone through	
palloatrire care	
-Report on issues discovered	
-Consult + advise	

Per Justin 9/19	7.00 m
Remove sub (5)	I
More 5(a) 1. + 2. to partier subjection	
to have minal remself + advise on	
those issues	
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State of Misconsin 2017 - 2018 LEGISLATURE

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Ord PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION must also consult with and advise the department regarding the impact palliative cure has on parriers and the experiences of lamiliers used or Grad a lamile and 3 To parliative care through questivos or discussions determines appropriate. ACT to repeal 15.197 (22m) and 146.695 (1) (a), (2), (3), and (6); to 1 2 consolidate, renumber and amend 146.695 (1) (intro.) and (b); and to create 15.197 (22m) and 146.695 of the statutes; relating to: establishing a palliative

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For further information see the ${\it state}$ fiscal estimate, which will be printed as an appendix to this bill.

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

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2	15.197 (22m) PALLIATIVE CARE COUNCIL. There is created in the department of
3	health services a palliative care council. The council shall consist of all of the
4	following: Not more 20
(5)	(a) Twenty members appointed by the secretary of health services serving for
6)	staggered 4-year terms:
7	Five physician members, including 2 who are board certified in hospice and
<u>(8</u>)	palliative care one who is board certified in pain management, and one who is a
9	pediatric palliative care specialist.
10	Three palliative care practitioner members, including 2 advanced practice
ii	registered nurses who are board certified in hospice and palliative care and one
12)	physician assistant who has experience providing palliative care.
$\begin{pmatrix} 7 \\ 13 \end{pmatrix}$	Four health care professional members, including a nurse, a social worker,
14)	a pharmacist, and a spiritual care professional that have at least one of the following
15)	qualifications.
16)	a. Experience providing palliative care to pediatric, youth, or adult
17)	populationsons
18)	6. Expertise in palliative care delivery in an inpatient, outpatient, or
19	community setting.
20)	c. Expertise in interdisciplinary palliative care.

	SECTION 1
$\widehat{\binom{1}{1}}$	Three members with experience as advocates for patients and the patients'
$\frac{C}{2}$	family caregivers and who are independent of a hospital or other health care facility,
	ranning caregivers and who are independent of a nospital or other health care facility,
3	including at least one member who is a representative of an established patient
4	advocacy organization.
(5)	One representative from the University of Wisconsin School of Medicine and
6	Public Health with expertise in palliative care.
(7)	One representative from the Medical College of Wisconsin with expertise in
8	palliative care.
(9)	One representative from the department of health services with experience
10	in palliative care issues.
(11)	Two members who serve or have served in hospital administration.
(12)	One medical student representative appointed by the secretary of health
13	services for a one-year term who is a student specializing in palliative care at the
14	$University of Wisconsin School of Medicine \ and \ Public \ Health \ or \ the \ Medical \ College$
[15]	of Wisconsin.
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17	(this act), is repealed.
18	Section 3. 146.695 of the statutes is created to read:
19	146.695 Palliative care. (1) In this section:
20	(a) "Council" means the palliative care council.
21	(b) "Palliative care" has the meaning given in s. 50.90 (3).
22	(2) The council shall consult with and advise the department on matters
23	related to the establishment, maintenance, operation, and outcome evaluation of the
24	palliative care consumer and professional information and education program
(25)	established under this section. The council shall meet at least twice each year
No. of the last of	



1	(3) The department, in consultation with the council, shall establish a
2	statewide palliative care consumer and professional information and education
3	program to ensure that comprehensive and accurate information and education
4	about palliative care are available to the public, health care providers, and health
5	care facilities.
6	(4) The department shall make available electronically on its Internet site
7	information and resources regarding palliative care, including all of the following
8	items:
9	(a) Links to external resources regarding palliative care.
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12	and tertiary environments.
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14 15	hospice care. (5) (a) On or before January 1, 2020, each health care facility, as defined in s.
14 15 16	hospice care. (5) (a) On or before January 1, 2020, each health care facility, as defined in s. 146.997 (1) (c), shall do all of the following:
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that may impact the development of a system and the health care facility's ability to

facilitate access to palliative care, including the size of the organization, access	and
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SECTION (1) (1) (2), (3) and (6) of the statutes, as created by 2017 1 $\mathbf{2}$ Wisconsin Act (this act), are repealed. 3 Section (4) Nonstatutory provisions. 4 (1) STAGGERED TERMS. Notwithstanding the length of terms specified for the members of the palliative care council under section 15.197 (22m) (a) of the statutes, 5 6 of the 20 members appointed by the secretary of health services for staggered 4-year 7 terms, of the initial members shall be appointed for a term expiring on July 1, 2019, no mare their hallene-haf Of the initial members shall be appointed for terms expiring on July 1, 2020, and 8 the remaining (6) initial members shall be appointed for terms expiring on July 1, 9 10 2021.SECTION 7. Effective dates. This act takes effect on the day after publication, 11 consolidation, renumbering, and amendment 12 except as follows: (1) The treatment of section 146.695 (1) (intro.), (a) and (b), (2), (3), and (b) of $\widetilde{14}$ the statutes and the repeal of section 15.197 (22m) of the statutes take effect on July and 146.695 (17(a), (2), (3), 151,20216 (END) forkt Note: I have modelied the ruttral terms provision in this draft to accommodate the new makeoup of the council, Please at me know of you would use to change anything.



2017-2018 DRAFTING INSERT FROM THE LEGISLATIVE REFERENCE BUREAU

INSERT 3-15

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1	(b) Any member of the council appointed under par. (a) 1. who meets the
2	required qualifications for more than one category of appointees under par. (a) 1. a.
3	to h. may be appointed to serve as a member fulfilling the requirements for a council
4	member in some or all of those categories, as determined by the secretary of health
5	services.
6	(c) The council shall meet at least twice each year.
	(END INSERT 3-15)
	INSERT 3-25
_	
7	(b) Understanding and evaluating the impact palliative care has on families
8	and the experiences of families that have used or had a family member use palliative
9	care services.
10	(c) Establishing a system to identify patients or residents who could benefit
11	from palliative care and determining how to provide information about and facilitate
$\widehat{12}$	access to appropriate palliative care services for patients or residents with serious
13	illnesses.
14	(d) Any other issues relating to palliative care that arise through council
15	meetings or other discussions, as determined appropriate by the council.
	(END INSERT 3-25)

INSERT 5-17

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(d) The impact of palliative care on families that have experience with palliative care services.

- 1 (e) Any other issues relating to palliative care that arise through council
- 2 meetings or other discussions, as determined by the council.

(END INSERT 5-17)

Walkenhorst Barber, Sarah

From:

Phillips, Justin

Sent:

Tuesday, October 10, 2017 3:42 PM

To:

Walkenhorst Barber, Sarah

Subject:

RE: RUSH PC advisory Council Tweaks

Sounds good to me, thanks sarah

Justin Phillips

Office of Representative Ken Skowronski

82nd Assembly District

(608) 266-8590

From: Walkenhorst Barber, Sarah

Sent: Tuesday, October 10, 2017 1:38 PM

To: Phillips, Justin < Justin. Phillips@legis.wisconsin.gov>

Subject: RE: RUSH PC advisory Council Tweaks

Hi Justin,

Happy to make the changes requested. Could I propose the following language (I found some similar phrasing for the first sentence in another provision of ch. 15)?

When possible, the council shall seek and the secretary shall appoint members who represent the various geographical areas of the state. The council shall, as often as possible, hold its meetings in different geographic areas of the state, both rural and urban, to better learn about and aid in palliative care access and quality in all communities.

I kept your language about the council seeking members, but added mention of the secretary since that's the person making the majority of the appointments under the current draft.

Let me know if this proposal looks okay to you. If so, I was thinking this could be paragraph (d) and placed after line 17 on page 3 of the draft. I'm happy to make changes as needed and we can get this put through ASAP.

Thanks! Sarah

Sarah Walkenhorst Barber

Legislative Attorney Wisconsin Legislative Reference Bureau P.O. Box 2037 Madison, WI 53701-2037

(608) 267 - 3215 sarah.walkenhorstbarber@legis.wisconsin.gov

From: Phillips, Justin

Sent: Tuesday, October 10, 2017 10:24 AM

To: Walkenhorst Barber, Sarah < Sarah. Walkenhorst Barber@legis.wisconsin.gov>

Subject: RUSH PC advisory Council Tweaks

Sarah,

I have a quick fix needed for the palliative care advisory council

One of the potential authors wanted to ensure that out-state areas (i.e. non-Madison, Milwaukee) would have representation on the council so can we say for representation "When possible, the council shall seek representatives from geographic areas across the entire states" and for requiring the council "as often as possible, hold meetings across the entire state of Wisconsin, to better learn and aid in palliative care access and quality in all communities"

thanks

Justin Phillips

Office of Representative Ken Skowronski 82nd Assembly District

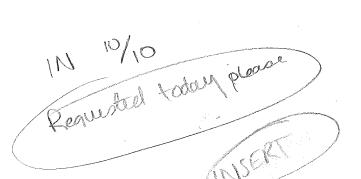
(608) 266-8590



State of Misconsin 2017 - 2018 LEGISLATURE

LRB-3748/P5 SWB:jld&emw +WHJ

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION



AN ACT to repeal 15.197 (22m) and 146.695 (1) (a), (2), (3) and (5); to consolidate, renumber and amend 146.695 (1) (intro.) and (b); and to create 15.197 (22m) and 146.695 of the statutes; relating to: establishing a palliative care council.

Analysis by the Legislative Reference Bureau

This bill establishes a Palliative Care Council within the Department of Health Services. Under the bill, DHS is required to establish a statewide palliative care consumer and professional information and education program and must make available on its Internet site information and resources regarding palliative care. The bill requires the council to consult with and advise DHS on matters related to the establishment, maintenance, operation, and outcome evaluation of the program established by DHS. The council must also consult with and advise DHS regarding 1) the impact palliative care has on families and the experiences of families that have used or had a family member use palliative care services; 2) establishing a system for identifying patients or residents who could benefit from palliative care and determining how to provide information about and facilitate access to appropriate palliative care services for patients or residents with serious illnesses; and 3) any other issues relating to palliative care arising through meetings or discussions, as the council determines appropriate. The bill also requires the council to submit biennial reports providing its analysis regarding certain issues relating to palliative care, including the availability of palliative care, barriers to greater access to such care, policies, practices, and protocols concerning patients' rights related to



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palliative care, and the impact of palliative care on families that have experience with palliative care services. The council and DHS program sunset effective July 1, 2028.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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Section 1. 15.197 (22m) of the statutes is created to re	SECTION 1. 15.19'	(22m)) of the statu	tes is cre	eated to	read
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- 15.197 (22m) Palliative care council. (a) There is created in the department of health services a palliative care council. The council shall consist of the following members:
- 1. Not more than 20 members appointed by the secretary of health services serving for 4-year terms:
- a. Four physician members, including 2 who are board certified in hospice and palliative care and one who is a pediatric palliative care specialist.
- b. Three palliative care practitioner members, including 2 advanced practice registered nurses who are board certified in hospice and palliative care.
- c. Four health care professional members, including a nurse, a social worker, a pharmacist, and a spiritual care professional that have experience providing palliative care to pediatric, youth, or adult populations; expertise in palliative care delivery in an inpatient, outpatient, or community setting; or expertise in interdisciplinary palliative care.
- d. Three members with experience as advocates for patients and the patients' family caregivers and who are independent of a hospital or other health care facility, including at least one member who is a representative of an established patient advocacy organization.

1	e. One representative from the University of Wisconsin School of Medicine and
2	Public Health with expertise in palliative care.
3	f. One representative from the Medical College of Wisconsin with expertise in
4	palliative care.
5	g. One representative from the department of health services with experience
6	in palliative care issues.
7	h. Two members who serve or have served in hospital administration.
8	2. One medical student representative appointed by the secretary of health
9	services for a one-year term who is a student specializing in palliative care at the
10	University of Wisconsin School of Medicine and Public Health or the Medical College
11	of Wisconsin.
12	(b) Any member of the council appointed under par. (a) 1. who meets the
13	required qualifications for more than one category of appointees under par. (a) 1. a.
14	to h. may be appointed to serve as a member fulfilling the requirements for a council
15	member in some or all of those categories, as determined by the secretary of health
16	services.
17	(c) The council shall meet at least twice each year.
18	SECTION 2. 15.197 (22m) of the statutes, as created by 2017 Wisconsin Act
19	(this act), is repealed.
20	SECTION 3. 146.695 of the statutes is created to read:
21	146.695 Palliative care. (1) In this section:
22	(a) "Council" means the palliative care council.
23	(b) "Palliative care" has the meaning given in s. 50.90 (3).
24	(2) The council shall consult with and advise the department on all of the
25	following:

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(a) Matters related to the establishment, maintenance, operation, and outcome								
evaluation	of the	palliative	care	consumer	and	professional	information	and
education program established under this section.								

- (b) Understanding and evaluating the impact palliative care has on families and the experiences of families that have used or had a family member use palliative care services.
- (c) Establishing a system to identify patients or residents who could benefit from palliative care and determining how to provide information about and facilitate access to appropriate palliative care services for patients or residents with serious illnesses.
- (d) Any other issues relating to palliative care that arise through council meetings or other discussions, as determined appropriate by the council.
- The department, in consultation with the council, shall establish a statewide palliative care consumer and professional information and education program to ensure that comprehensive and accurate information and education about palliative care are available to the public, health care providers, and health care facilities.
- (4) The department shall make available electronically on its Internet site information and resources regarding palliative care, including all of the following items:
 - (a) Links to external resources regarding palliative care.
 - (b) Continuing education opportunities for health care providers.
- (c) Information about palliative care delivery in the home, primary, secondary, and tertiary environments.

1	(d) Consumer educational materials regarding palliative care, including			
2	hospice care.			
3	(5) Beginning January 1, 2019, and biennially thereafter, the council shall			
4	submit a report to the appropriate standing committees of the legislature providing			
5	the council's analysis on the following issues:			
6	(a) The availability of palliative care in this state for patients in the early stages			
7	of serious disease.			
8	(b) Barriers to greater access to palliative care.			
9	(c) The policies, practices, and protocols in this state concerning patients' rights			
10	related to palliative care, including all of the following:			
11	1. Whether a palliative care team member may introduce palliative care			
12	options to a patient without the consent of the patient's attending physician.			
13	2. The practices and protocols for discussions between a palliative care team			
14	member and a patient on life-sustaining treatment or advance directives decisions.			
15	3. The practices and protocols on informed consent and disclosure			
16	requirements for palliative care services.			
17	(d) The impact of palliative care on families that have experience with			
18	palliative care services.			
19	(e) Any other issues relating to palliative care that arise through council			
20	meetings or other discussions, as determined by the council.			
21	(6) Nothing in this section may be construed to create a cause of action or create			
22	a standard of care, obligation, or duty that provides a basis for a cause of action.			
23	Section 4. 146.695 (1) (intro.) and (b) of the statutes, as created by 2017			
24	Wisconsin Act (this act), are consolidated, renumbered 146.695 (1) and amended			
25	to read:			

T	146.695 (1) In this section: (b) "Palliative, "palliative care" has the meaning		
2	given in s. 50.90 (3).		
3	Section 5. 146.695 (1) (a), (2), (3) and (5) of the statutes, as created by 2017		
4	Wisconsin Act (this act), are repealed.		
5	Section 6. Nonstatutory provisions.		
6	(1) Staggered terms. Notwithstanding the length of terms specified for the		
7	members of the palliative care council under section 15.197 (22m) (a) 1. of the		
8	statutes, of the members appointed by the secretary of health services for 4-year		
9	terms, no more than one-half of the initial members shall be appointed for terms		
10	expiring on July 1, 2020, and the remaining initial members shall be appointed for		
11	terms expiring on July 1, 2021.		
	****NOTE: I have modified the initial terms provision in this draft to accommodate the new makeup of the council. Please let me know if you would like to change anything.		
12	SECTION 7. Effective dates. This act takes effect on the day after publication,		
13	except as follows:		
14	(1) The consolidation, renumbering, and amendment of section 146.695 (1)		
15	(intro.) and (b) of the statutes and the repeal of sections 15.197 (22m) and 146.695		
16	(1) (a), (2), (3), and (5) of the statutes take effect on July 1, 2028.		
17	(END)		



2017-2018 DRAFTING INSERT FROM THE LEGISLATIVE REFERENCE BUREAU

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(d) When possible, the council shall seek and the secretary shall appoint members who represent the various geographic areas of the state. The council shall, as often as possible, hold its meetings in different geographic areas of the state, both rural and urban, to better learn about and aid in palliative care access and quality in all communities.

(END INSERT 3-17)



State of Misconsin 2017 - 2018 LEGISLATURE

LRB-3748/P6 /\
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PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

MANGES

AN ACT to repeal 15.197 (22m) and 146.695 (1) (a), (2), (3) and (5); to consolidate, renumber and amend 146.695 (1) (intro.) and (b); and to create 15.197 (22m) and 146.695 of the statutes; relating to: establishing a palliative care council.

Analysis by the Legislative Reference Bureau

This bill establishes a Palliative Care Council within the Department of Health Services. Under the bill, DHS is required to establish a statewide palliative care consumer and professional information and education program and must make available on its Internet site information and resources regarding palliative care. The bill requires the council to consult with and advise DHS on matters related to the establishment, maintenance, operation, and outcome evaluation of the program established by DHS. The council must also consult with and advise DHS regarding 1) the impact palliative care has on families and the experiences of families that have used or had a family member use palliative care services; 2) establishing a system for identifying patients or residents who could benefit from palliative care and determining how to provide information about and facilitate access to appropriate palliative care services for patients or residents with serious illnesses; and 3) any other issues relating to palliative care arising through meetings or discussions, as the council determines appropriate. The bill also requires the council to submit biennial reports providing its analysis regarding certain issues relating to palliative care, including the availability of palliative care, barriers to greater access to such care, policies, practices, and protocols concerning patients' rights related to

1	(6) Nothing in this section may be construed to create a cause of action or create
2	a standard of care, obligation, or duty that provides a basis for a cause of action.
3	SECTION 4. 146.695 (1) (intro.) and (b) of the statutes, as created by 2017
4	Wisconsin Act (this act), are consolidated, renumbered 146.695 (1) and amended
5	to read:
6	146.695 (1) In this section: (b) "Palliative, "palliative care" has the meaning
7	given in s. 50.90 (3).
8	Section 5. 146.695 (1) (a), (2), (3) and (5) of the statutes, as created by 2017
9	Wisconsin Act (this act), are repealed.
10	Section 6. Nonstatutory provisions.
11	(1) Staggered terms. Notwithstanding the length of terms specified for the
12	members of the palliative care council under section 15.197 (22m) (a) 1. of the
13	statutes, of the members appointed by the secretary of health services for 4-year
14	terms, no more than one-half of the initial members shall be appointed for terms
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16	terms expiring on July 1, 2021.
17	SECTION 7. Effective dates. This act takes effect on the day after publication,
18	except as follows:
19	(1) The consolidation, renumbering, and amendment of section 146.695 (1)
20	(intro.) and (b) of the statutes and the repeal of sections 15.197 (22m) and 146.695
21	(1) (a), (2), (3), and (5) of the statutes take effect on July 1, 2028.
22	(END)

WISCONSIN LEGISLATIVE REFERENCE BUREAU

Information Services 608-266-0341—Legal Services 608-266-3561



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