



State of Wisconsin
2003 - 2004 LEGISLATURE

LRBa2013/2
MDK:kmg:rs

**SENATE AMENDMENT 1,
TO 2003 ASSEMBLY BILL 67**

January 30, 2004 – Offered by COMMITTEE ON HEALTH, CHILDREN, FAMILIES, AGING
AND LONG TERM CARE.

1 At the locations indicated, amend the bill, as shown by assembly substitute
2 amendment 1, as follows:

3 **1.** Page 3, line 22: delete the material beginning with that line and ending with
4 page 5, line 10, and substitute:

5 “**SECTION 4m.** 154.12 of the statutes is created to read:

6 **154.12 Conscience rights notification.** A physician who receives a
7 declaration from his or her patient who is a declarant, or, if the patient is
8 incompetent, from a legal representative of the patient, shall immediately review the
9 declaration and, if the physician intends to invoke his or her rights under s. 253.09
10 or 448.03 (5), shall, as soon as possible, inform the patient or the legal representative
11 orally and in writing of that intent and of the physician’s concerns, if any, about the
12 declaration. A hospital that receives a declaration from a patient in its facility who
13 is a declarant, or, if the patient is incompetent, from a legal representative of the

1 patient, shall immediately review the declaration and, if the hospital intends to
2 invoke its rights under s. 253.09, shall, as soon as possible, inform the patient or the
3 legal representative orally and in writing of that intent and of the hospital's
4 concerns, if any, about the declaration.

5 **SECTION 5m.** 155.75 of the statutes is created to read:

6 **155.75 Conscience rights notification.** A physician who receives a power
7 of attorney for health care instrument from his or her patient who is a principal, or,
8 if the patient has incapacity, from the patient's health care agent, shall immediately
9 review the instrument and, if the physician intends to invoke his or her rights under
10 s. 253.09 or 448.03 (5), shall, as soon as possible, inform the patient or the patient's
11 health care agent orally and in writing of that intent and of the physician's concerns,
12 if any, about the instrument. A hospital that receives a power of attorney for health
13 care instrument from a patient in its facility who is a principal, or, if the patient has
14 incapacity, from the patient's health care agent, shall immediately review the
15 instrument and, if the hospital intends to invoke its rights under s. 253.09, shall, as
16 soon as possible, inform the patient or the patient's health care agent orally and in
17 writing of that intent and of the hospital's concerns, if any, about the instrument.”.

18 **2.** Page 13, line 18: delete the material beginning with that line and ending
19 with page 14, line 8, and substitute:

20 **“SECTION 26m.** 448.03 (5) (an) and (aq) of the statutes are created to read:

21 448.03 (5) (an) A person licensed or certified under this subchapter who, in
22 writing, refuses, or states an intention to refuse, on moral or religious grounds to
23 participate in a practice within the scope of his or her license or certification that is
24 related to an activity specified in par. (am) 1. to 8. may not be required to participate

1 in the practice with respect to the activity and may not be disciplined by the board
2 or the department for refusing or stating an intention to refuse to participate in the
3 practice with respect to the activity.

4 (aq) Except as provided in s. 154.07 (1) (a) 3., regarding the failure of a
5 physician to comply with a declaration of a qualified patient that directs the
6 physician to participate in the activity specified in par. (am) 7., and s. 155.50 (1) (b),
7 regarding the failure of a physician to comply with a power of attorney for health care
8 instrument or the decision of a health care agent that directs the physician to
9 participate in the activity specified in par. (am) 7., a physician is not required to
10 locate another physician who is willing to participate in an activity specified in par.
11 (am) 1. to 8.”.

12 **3.** Page 14, line 13: delete “(ao)” and substitute “(an) or (aq)”.

13 **4.** Page 17, line 1: delete “(ao)” and substitute “(an) or (aq)”.

14 **5.** Page 17, line 6: delete lines 6 to 10 and substitute:

15 “(2t) The treatment of sections 154.12, 155.75, and 448.03 (5) (aq) of the
16 statutes first applies to declarations or powers of attorney for health care
17 instruments that are received on the effective date of this subsection.”.

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(END)