



## WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

**2003 Senate Bill 227**

**Senate Amendments 1, 2, and 3  
and Assembly Amendments 1  
(and Amendment 1 to  
Amendment 1) and 2**

*Memo published:* March 12, 2004

*Contact:* Laura Rose, Deputy Director (266-9791)  
Richard Sweet, Senior Staff Attorney (266-2982)

*Senate Bill 227* relates to revising procedures relating to the discipline of health care professionals; adding public members to the Medical Examining Board; creating parallel state reporting requirements for reports submitted to the National Practitioner Data Bank; and requiring coroners and medical examiners to report to the Department of Regulation and Licensing (DRL) regarding therapeutic-related deaths. One of the provisions of the bill requires DRL to develop a system of “markers” for identifying health care professionals who may warrant further evaluation before an incident of unprofessional conduct occurs.

*Senate Amendment 1* deletes the provision of the bill requiring DRL to develop a system of “markers” for identifying health care professionals who may warrant further evaluation before an incident of unprofessional conduct occurs.

*Senate Amendment 2* deletes the provision of the bill that requires that if a coroner or medical examiner determines that a death was a therapeutic-related death, as defined under the bill, the coroner or medical examiner must report this information to DRL.

*Senate Amendment 3* modifies the provision of the bill that requires DRL to send written notice to a hospital where a health care professional has staff privileges, each defined network plan for which the health care professional is a participating provider, and each employer of the health care professional. Under the bill, the notice must be sent within 30 days after a formal complaint alleging unprofessional conduct by a health care professional is filed. Under the amendment, the notice must be sent within 30 days after the effective date of a final decision and order of a health care credentialing authority to take disciplinary action against a health care provider for unprofessional conduct.

*Assembly Amendment 1* relates to that portion of the bill that requires DRL to notify a health care professional in writing within 30 days after closing a case of possible unprofessional conduct following screening, opening a case of possible unprofessional conduct for investigation, or closing a

case of possible unprofessional conduct after an investigation. Assembly Amendment 1 would not require notification if DRL determines that notification would impede the ability of the department or a law enforcement agency to effectively investigate or otherwise proceed against the health care professional. *Assembly Amendment 1 to Assembly Amendment 1* limits Assembly Amendment 1 so that it would not apply where a case of possible unprofessional conduct is closed following screening or closed following an investigation; it would only allow DRL not to notify the health care professional that a case of possible and unprofessional conduct has been opened for investigation if the notification would impede the ability of DRL or a law enforcement agency to effectively investigate or otherwise proceed against the health care professional.

*Assembly Amendment 2* eliminates the provision of the bill that requires DRL to develop a system to establish the relative priority of disciplinary cases involving unprofessional conduct on the part of a health care professional.

### **Legislative History**

On October 7, 2003, the Senate Committee on Health, Children, Families, Aging and Long-Term Care recommended introduction and adoption of Senate Amendment 1 by a vote of Ayes 9, Noes 0, and recommended passage of the bill as amended by a vote of Ayes 7, Noes 2.

Senate Amendments 2 and 3 were introduced by Senator Carol Roessler. On February 4, 2004, the Senate adopted Senate Amendments 1, 2, and 3 by voice votes, and passed the bill as amended by a vote of Ayes 33, Noes 0.

Assembly Amendments 1 and 2 were introduced by Representative Gregg Underheim and Assembly Amendment 1 to Assembly Amendment 1 was introduced by the Assembly Committee on Health. On March 9, 2004, the Assembly Committee on Health recommended adoption of Assembly Amendment 1 to Assembly Amendment 1 by a vote of Ayes 13, Noes 2; adoption of Assembly Amendment 1 by a vote of Ayes 14, Noes 1; adoption of Assembly Amendment 2 by a vote of Ayes 14, Noes 1; and concurrence in the bill as amended by a vote of Ayes 14, Noes 1.

LR:RNS:tlu