



## WISCONSIN LEGISLATIVE COUNCIL

### DISASTER PREPAREDNESS PLANNING

Legislative Council Conference Room  
Madison, Wisconsin

December 13, 2006  
10:00 a.m. - 4:45 p.m.

[The following is a summary of the December 13, 2006 meeting of the Special Committee on Disaster Preparedness Planning. The file copy of this summary has appended to it a copy of each document prepared for or submitted to the committee during the meeting. A digital recording of the meeting is available on our Web site at <http://www.legis.state.wi.us/lc>.]

#### Call to Order and Roll Call

Chair Ballweg called the meeting to order. The roll was called and it was determined that a quorum was present.

COMMITTEE MEMBERS PRESENT: Rep. Joan Ballweg, Chair; Reps. Chuck Benedict, Doc Hines, and Samantha Kerkman; and Public Members Dan Alexander, Bill Bazan, Vicki Bier, Kurt Eggebrecht, Curtis Haugen, Kathy Munsey, Leonard Orlando, Robert Ritger, and Diana Tatili.

COMMITTEE MEMBERS EXCUSED: Public Members Robert Carlson, William Dowling, and Pete Eide.

COUNCIL STAFF PRESENT: Pam Shannon and Richard Sweet, Senior Staff Attorneys; and Jessica Karls, Staff Attorney.

APPEARANCES: Ben Peirce, Central Benefits Manager, Department of Workforce Development; Doug White, Director, Student Services Prevention and Wellness Team, Department of Public Instruction; and Mary Jean Erschen, Director, Center for Emergency Health and Safety in Schools, Wisconsin Technical College System Foundation; Michael Steinhauer, Survival Coalition Member and the Steinhauer Group; and Nancy Anderson, Legislative Committee of the Wisconsin Personal Services Association and Government Relations Specialist for the Community Living Alliance; Lori Beierle, Region 5 Hospital Preparedness Coordinator; and Steve Peterson and Patrick O'Connor, Wisconsin Emergency Management, Department of Military Affairs.

## **Approval of the Minutes of the November 16, 2006 Meeting**

*Chair Ballweg asked that the minutes be corrected to reflect that Dr. Paul McGraw, Assistant State Veterinarian, testified at the meeting, rather than Dr. Bob Ehlenfeldt. With that correction, the minutes were approved by voice vote.*

### **Invited Speakers**

[Note: PowerPoint presentations and other documents referred to by the speakers are posted on the committee's Internet site.]

- ***Ben Peirce, Central Benefits Manager, Department of Workforce Development (DWD)***

Mr. Peirce read testimony for Hal Bergan, Administrator of the Division of Unemployment Insurance (UI), who was unable to attend. He said that in response to the Governor's directive to state agencies, DWD is updating its continuity of operations planning (COOP), including planning for a possible flu pandemic. He noted that in addition to being a health pandemic, it would also be an unemployment pandemic, which poses tough issues for the UI program. He explained that a person may receive UI if laid off without fault, so that if businesses close and lay off workers due to a pandemic, most workers would be eligible for benefits. However, to qualify for UI, a person must be able to work and available for work. Therefore, if the business does not close and an employee has the flu and cannot work, or is caring for an ill family member or staying home from work to avoid illness, the person cannot receive UI.

Mr. Peirce noted that the UI program is highly automated and increasingly Web-based and that consideration is being given to work-at-home options, but questions remain about whether to implement that costly option without certainty a pandemic will occur. He said that UI benefits are paid from a trust fund of revenues collected from employers, with a current balance of about \$750 million, which would quickly be depleted with the rates of unemployment—and reduced receipts to the fund—in the event of a pandemic. He added that the U.S. Department of Labor (DOL) has its own trust fund, with a 2005 ending balance of \$28 billion, which would also be depleted if spread among 50 states during a pandemic. He said that in a pandemic, UI might be replaced by another assistance program designed for a pandemic.

He summarized Mr. Bergan's five-point plan for pandemic planning: (1) identify steps and costs involved in establishing work-at-home options; (2) stay actively involved in pandemic planning; (3) establish policies relating to eligibility issues in advance, to deal with problems that would arise in the context of current UI law; (4) develop statutory changes to authorize DWD to undertake major policy changes relating to collecting taxes and paying benefits in the event of a pandemic; and (5) keep track of the U.S. DOL pandemic planning efforts relating to UI.

Responding to questions, Mr. Peirce explained that taxes paid by Wisconsin employers do not cover state UI administration and that federal taxes pay this. He said that DWD has a legislative policy committee which is looking at statutory and administrative rule changes, which will need the approval of the UI Advisory Council, with plans to have any needed legislation ready by Fall 2007. He noted that self-employed people cannot buy into UI unless they have a corporate structure in place.

- ***Doug White, Director, Student Services Prevention and Wellness Team, Department of Public Instruction (DPI); and Mary Jean Erschen, Director, Center for Emergency Health and Safety in Schools, Wisconsin Technical College System Foundation***

Mr. White distributed a summary of current and recent crisis preparedness support provided to schools by DPI. The support includes activities such as preparing school safety planning and crisis response guidelines, conducting pandemic flu preparedness planning with the Department of Health and Family Services (DHFS), and advising for and promoting Office of Justice Assistance (OJA)-funded school crisis preparedness conferences.

Ms. Erschen explained the work of her Center, which is being renamed the Center for School, Youth and Citizen Preparedness. She referred to numerous documents in a packet distributed to committee members. She noted she has been working on school preparedness since the Littleton, Colorado (Columbine) incident. She said that beginning this month, there will be monthly Web casts, with support from DPI, to highlight best practices in schools. In addition, the Center co-sponsors preparedness workshops with OJA as well as one-day summer training for school administrators. She also explained the Center's youth initiative, in which students participate in volunteer preparedness activities, serve on school crisis committees, and attend summer Ready Camps, which provide training on issues from terrorism to bullying. She noted that the Ready Camps were identified as a best practice activity by the U.S. Department of Homeland Security.

Mr. White said that as part of DPI's COOP planning, they are reviewing the authority of the State Superintendent to waive various requirements. In response to the question whether statutory changes are needed, Mr. White said he would get a response from agency attorneys. He said he was not aware of any provision authorizing waiver of the 180-day school year requirement in the event of a public health crisis.

- ***Michael Steinhauer, Survival Coalition Member and the Steinhauer Group; and Nancy Anderson, Legislative Committee of the Wisconsin Personal Services Association and Government Relations Specialist for the Community Living Alliance***

Mr. Steinhauer distributed written testimony on behalf of the Survival Coalition of Wisconsin Disability Organizations ("Survival Coalition"), which advocates for the rights of people with disabilities. He said that he and Ms. Anderson will address the need for inclusion of people with disabilities and their advocates at every level of disaster preparedness planning. He noted that the Americans with Disabilities Act (ADA) requires that emergency preparedness and response programs be accessible to people with disabilities, but that there is no standardized federal preparedness plan for the disabled nor, in many cases, state and local emergency management plans to account for those with special needs. He noted, for example, that traditional evacuation plans are not appropriate for many people with disabilities. He said the committee should make the following recommendations: (1) funding projects that include collaboration between mainstream organizations and disability groups; (2) funding the establishment of community-wide rosters of people likely to need assistance in emergencies; (3) making information and warning systems accessible to those with disabilities; and (4) ensuring that emergency supplies and shelters reflect the diverse needs of various disabled groups.

Ms. Anderson read written remarks, noting that she was representing both the Survival Coalition and the Wisconsin Personal Services Association (WPSA), which is the largest association in the state

representing providers in the personal services care sector. She said she has chaired the Coalition's disaster preparedness efforts since 2002. She noted the two groups are educating government planners, health and human service provider organizations, and people with disabilities about issues surrounding disaster planning and that, while awareness of issues facing people with disabilities has improved, more planning and education is needed.

Ms. Anderson identified several disability issues, elaborated on in her written testimony, that need attention: communication; transportation; evacuation; special needs sheltering; and disaster education and planning. She said that there should be a state special populations "czar" to oversee the integrated coordination of disaster planning for special needs populations. She noted that there is no system of special needs shelters and that in disasters, stable disabled people without health needs should not be sent to hospitals.

Mr. Bazan noted that hospital Region 7 has a patient electronic tracking system emphasizing persons with disabilities in non institutional settings. He added that the Children's Health Alliance of Wisconsin has developed a Web site on helping children, including those with special needs, during and after disasters. On the issue of statewide 211, he noted that the plan is to reach 99% of the state, but state funding will be needed. Mr. Ritger said the disability community should be aware of available software to identify persons with disabilities in the community. Mr. Eggebrecht noted that 18 counties are covered by a radio station that will give disaster information to the Hmong population.

- ***Lori Beierle, Region 5 Hospital Preparedness Coordinator***

Ms. Beierle gave a PowerPoint presentation on hospital disaster preparedness, on behalf of Dennis Tomczyk, Director of Hospital Disaster Preparedness, DHFS. Ms. Beierle noted that her hospital region covers a 14-county area and that each of the seven state regions is headed by a coordinator funded by the federal Health Resources and Services Administration (HRSA). She said hospital preparedness takes an all-hazards approach which could address everything from a daily hospital emergency to a major disaster. She said the goals of preparedness are to enhance hospital surge capacity, collaborate on and integrate plans with all emergency response partners, and maintain services in a sustained event.

Ms. Beierle noted that personal protective equipment for biological events is stockpiled in the seven regions and that most hospitals have reached the state goal for airborne infectious isolation capacity. She said that the biggest issue at present is inpatient surge capacity and that an expert panel has developed an inpatient/outpatient ("IP/OP") surge capacity plan. She discussed a number of other issues, including regional trauma advisory councils, "triage Tuesdays," the interim pharmaceutical stockpile and the strategic national stockpile, Wisconsin disaster credentialing, physician disaster preparedness education, and pandemic flu. Regarding disaster credentialing, she explained it is a real-time, Web-based system for primary source verification of all licensed health care workers and of physician competency, available to all hospitals and local health departments.

Mr. Bazan noted that he and Mr. Tomczyk will be meeting with top hospital officials in each region to discuss the responsibilities of those officials and provide a checklist of hospital CEO duties in an emergency. Mr. Bazan cited two issues for committee consideration: (1) coverage of physicians and others under the Good Samaritan Law, which currently applies to lay volunteers; and (2) portability of

medical malpractice insurance, which might increase costs due to increased risks. Mr. Sweet noted that the Good Samaritan Law covers physicians if they are not providing care for compensation.

- ***Steve Peterson and Patrick O'Connor, Wisconsin Emergency Management (WEM), Department of Military Affairs***

Mr. Peterson discussed WEM's response to the Legislative Audit Bureau's (LAB's) Best Practices Review of County Emergency Management Activities, dated November 2006. He expressed WEM's appreciation for the time and effort of the LAB in preparing the review. He noted that it is helpful in clarifying the roles of WEM, the Adjutant General, and county level emergency management agencies, distinguishing WEM-funded and OJA-funded activities, and capturing a number of best practices. Mr. Peterson also discussed the issue of mass evacuation planning, noting that there was a southeast Wisconsin area exercise in April 2006 which led to completion of an area plan in July. He said that the exercise included identification of 13 special populations, which will be used for planning in other counties.

Mr. O'Connor noted that the Governor asked WEM to conduct catastrophic evacuation planning, including a scenario of an evacuation of 200,000 people from Milwaukee, working with the Department of Transportation. The scenario includes four reception centers in Milwaukee to which people would be encouraged to walk, if possible, and from which people would then be moved to other locations. He noted that representatives of special needs populations have been invited to participate. He distributed a template prepared to provide statewide planning guidance, which includes a list of planning objectives.

In response to a question regarding whether a preparedness "czar" should be located in WEM, Mr. O'Connor said that while he was not endorsing the concept, he thought that under the current emergency management structure, that would be the appropriate placement if the position were created. Regarding use of the LAB best practices review, Mr. Peterson said the best practices suggestions would be available to all counties. In response to a later question, he commented that there would be pros and cons to locating a special population's czar in WEM and that Nancy Anderson is needed at the table for the discussion of how to plan for special needs populations, as meeting their needs is the most difficult part of mass evacuation.

At this time, Chair Ballweg asked Mr. Alexander to discuss the City of Milwaukee's emergency management response to the recent explosion at the Falk Corporation. Mr. Alexander noted that the city emergency operations center (EOC) was activated 18 minutes after the explosion call came in. He noted that the city EOC calls the county EOC, which in turn calls the state EOC. He explained that department heads met at the city EOC and that, in retrospect, the city Department of Neighborhood Services should have been activated to assist in assessing neighborhood damage. He said there were 28 ambulance transports and that the Department of Public Works was integral to getting people out of the area and blocking routes in. He said it was fortunate that the city had exercised a big explosion scenario in a full-day session in March 2006. He noted the public-private partnerships involved in the Falk Corporation incident, including using nearby Miller Park as a joint information center.

Mr. Alexander noted that there was significant federal involvement in the incident and that work is needed on integrating activity at the scene, including tighter perimeter control. He said that, overall, he is pleased by the level of coordinated response to this incident and reiterated that the exercise in

March was very helpful. He also noted that the City of Milwaukee is going to join the Mutual Aid Box Alarm System (MABAS).

**Discussion of Memo No. 2, *Potential Recommendations*  
Submitted for the Special Committee's Consideration**

Chair Ballweg said that she has been appointed chair of the newly-created Assembly Committee on Homeland Security and State Preparedness for the 2007-09 biennium and that issues discussed by the Special Committee may also be addressed by the standing committee. Mr. Sweet noted that Memo No. 2 contains potential recommendations submitted for discussion by members of the Special Committee and that some of the recommendations would require draft legislation, while others could be transmitted in a letter to the affected agency or organization.

The committee discussed items under the following memo headings and made requests of staff as indicated:

**A. Employment**

Items 1-3: Authorize employers to require employees to use vacation during a prolonged emergency; guaranteeing job security for quarantined or isolated workers; and providing tax breaks to employers who continue to pay workers during a pandemic. The committee asked staff to solicit comments from DWD about these ideas.

**B. Waiving Legal Requirements**

Item 1: Allow certain proceedings to be held with parties absent in a declared emergency. The committee asked that staff provide additional information about the particular "civil or administrative proceedings" that could be subject to the provision and whether certain proceedings may already be conducted with the parties not present.

Item 2. Permit the Governor to waive certain environmental requirements in a declared public health emergency (for example, to dispose of human remains or animal carcasses). The committee asked staff to solicit comments from DATCP and the Department of Natural Resources.

Item 3. Allow the Governor to let local health directors set a moratorium on rental evictions during a pandemic. The committee asked staff to prepare a bill draft authorizing the Governor to declare a moratorium on evictions.

**C. Health/Public Assistance**

Item 1. Allow nurses to issue death certificates if physicians are too busy dealing with a declared emergency. The committee asked staff to determine if the statutes set a time limit within which a physician must sign a death certificate.

Item 2. Allow people to obtain emergency drugs and supplies for family or household members from dispensing sites during declared emergencies. The committee requested that staff ask the Pharmacy Examining Board if it is addressing this issue.

Items 3-5. Provide tax incentives for businesses to buy pandemic supplies; allow public health agencies to provide food for quarantined or isolated people; and provide assistance in paying utility bills to low-income families who lose income during an emergency. The committee agreed not to pursue these recommendations.

Item 6. Clarify who is responsible for costs incurred and in, and enforcement of, isolation and quarantine orders. The committee asked staff to request that DHFS develop some options for committee consideration.

Item 7. Require WEM regional directors to be members and attend meetings of hospital and public health consortia. The committee agreed to send a letter to WEM suggesting this.

Item 8. Ask DHFS to review the Uniform Emergency Volunteer Health Care Practitioners Act developed by the National Conference of Commissioners on Uniform State Laws. The committee asked staff to include this in a letter to DHFS.

#### **D. Mutual Aid/Emergency Management**

Items 1-2. Extend the MABAS law to law enforcement agencies; and expand MABAS to other areas of the state by an educational process. Following discussion with Randi Milsap, General Counsel, Department of Military Affairs, the committee decided not to pursue these recommendations.

Items 3-4. Assess state review and reimbursement for certain emergency management and HAZMAT services. Following discussion with Ms. Milsap, the committee decided not to pursue these recommendations.

Item 5. Provide for regional emergency planning committees, with leaders elected by the members. This item was held over for discussion in January.

Item 6. Ask WEM to observe county EOC exercises. Because WEM staff indicated they already attend many exercises, the committee decided not to pursue this.

Item 7. Ask OJA to restrict grants to agencies with regional mutual aid agreements. The committee asked staff to send a letter to OJA suggesting this.

Item 8. Provide funds to cover personnel costs of agencies who send staff to WEM-sponsored exercises. WEM and OJA staff explained that there is no longer money available to cover these costs.

Item 9. Discuss hospital and health care facility evacuation issues. The committee will continue its discussion of evacuation issues at the January meeting.

Item 10. Allow counties to declare emergencies. Mr. Sweet noted that counties are not referenced in the statute that provides liability protection for volunteers at hospitals during declared emergencies. The committee asked staff to prepare a bill draft.

Item 11. Provide for scenario planning in small communities for evacuation from larger communities. The committee asked staff to include this in the letter to WEM.

Item 12. Include local private industry in all disaster preparedness planning. The committee concluded that this is already done.

Item 13. Encourage participation by private organizations such as the Red Cross during and after a disaster. The committee asked staff to send a letter to regional and county emergency management directors encouraging private sector participation.

The committee will continue its discussion of Memo No. 2 at its January 10, 2007 meeting.

### **Plans for Future Meetings**

The next meeting of the Special Committee will be held on *Wednesday, January 10, 2007, at 10:00 a.m., in the Legislative Council Large Conference Room, One East Main Street, Suite 401, Madison.*

### **Adjournment**

The meeting was adjourned at 4:45 p.m.

PS:wu