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## WISCONSIN LEGISLATIVE COUNCIL

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### PERFORMANCE-BASED DISEASE MANAGEMENT PROGRAMS FOR LARGE POPULATIONS

Legislative Council Conference Room  
Madison, Wisconsin

February 11, 2009  
10:00 a.m. - 4:00 p.m.

[The following is a summary of the February 11, 2009 meeting of the Special Committee on Performance-Based Disease Management Programs for Large Populations. 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>.]

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#### Call to Order and Roll Call

Chairperson Lassa called the meeting to order. The roll was called and it was determined that quorum was present. She explained to the committee that as the newly installed chair of the committee, she directed staff to make several modifications to the drafts that had been requested at the November meeting. She explained that she requested these changes in light of the bleak state budget situation that had developed since the November meeting. She said she worked with staff to try to develop a package that would have a likelihood of passage despite the severe fiscal constraints faced by the state.

Ms. Matthias explained the process that the drafts approved by the committee would follow after this final meeting of the committee.

<p><b>*ATTENTION:</b> This was the final meeting of the Special Committee on Performance-Based Disease Management Programs for Large Populations. Committee members are requested to send any corrections regarding these Minutes to the Legislative Council staff. After the incorporation of any corrections, these Minutes will be considered approved</p>
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COMMITTEE MEMBERS PRESENT: Sen. Julie Lassa, Chair; Rep. Chuck Benedict; and Public Members Dr. Alexandra Adams, Cinthia Christensen, Mikki Duran, Jo Musser, Susan Nitzke, Dr. Kenneth Schellhase, and Dr. Deborah Wubben.

COMMITTEE MEMBERS EXCUSED: Public Members Marilyn Follen and Steve Wieckert.

COUNCIL STAFF PRESENT: Rachel Letzing and Mary Matthias, Senior Staff Attorneys.

APPEARANCES: Amy Meinen, MPH, RD, CD, Nutrition & Physical Activity Program, Nutrition Coordinator/Fruit and Vegetable Nutrition Coordinator, Department of Health Services (DHS); Jennifer Kammerud, Legislative Liaison, Department of Public Instruction (DPI); and Bridget Holcomb, Associate Policy Director, Michael Fields Agricultural Institute.

### **Approval of the Minutes of the Special Committee's November 21, 2008 Meeting**

*Ms. Nitzke moved, seconded by Rep. Benedict, that the minutes of the November 21, 2008 meeting be approved. The motion was approved by unanimous consent.*

### **Discussion of Bill Drafts Distributed**

#### ***WLC: 0384/1, relating to the electronic medical records tax credit***

Ms. Matthias explained WLC: 0384/1.

The committee discussed the draft and, by consensus, asked for the following changes to the draft:

1. In allocating the tax credits, require the Department of Commerce (Commerce) to give priority to claims based on:
  - a. Expenses related to the establishment of new electronic medical records (EMR) systems (rather than expenses related to ongoing costs of maintaining already-established systems).
  - b. Expenses related to upgrading a system to enable it to become certified by the Certification Commission for Healthcare Information Technology (CCHIT) or other recognized HIT certification systems.
2. In allocating the tax credits, require Commerce to give consideration to the size of the medical practice making the claim and the ability of the claimant to pay for HIT without the financial assistance provided by the tax credit.
3. In allocating the tax credits, require Commerce to give priority to claims made by claimants that provide health care to underserved or low-income populations.

The committee asked staff to prepare a revised draft and to mail it to the committee for its final approval by mail ballot.

***WLC: 0389/1, relating to health care homes***

Ms. Matthias described the draft. Committee members asked how the fiscal estimate on the program would be developed. Ms. Matthias explained that the agency responsible for implementing a program, in this case DHS, would prepare the estimate. The committee also discussed the Marshfield Clinic Physician Group Practice Demonstration Project and whether the goal-setting aspects of that program could be added to this draft. The committee decided not to add those elements to the draft. The committee asked staff to specify in the draft that the per patient, per month care management fee should be at an amount sufficient to provide an incentive for providers to choose to participate in the program.

By unanimous consent, the committee approved WLC: 0389/1, as amended.

***WLC: 0382/1, relating to traditional neighborhood development ordinances***

***WLC: 0391/1, relating to mixed-use zoning***

***WLC: 0390/2, relating to department of transportation planning for bicycle and pedestrian ways***

***WLC: 0392/1, relating to the state housing plan***

Ms. Matthias described these four bill drafts, which she said all promote the development of walkable and bikeable communities. She explained that WLC: 0382/1, pertaining to traditional neighborhood ordinances, does not create a penalty for municipalities that have not adopted a model ordinance, as originally requested by the committee. Also, the draft encourages, rather than requires, smaller municipalities to adopt a traditional neighborhood ordinance. She explained that these modifications were made in light of the budgetary constraints currently facing municipalities.

Ms. Matthias also explained that several modifications were made to WLC: 0390/1, relating to Department of Transportation (DOT) planning, that had been mailed to the committee. These modifications are included in the revised draft, WLC: 0390/2. She explained that these modifications were made at the request of DOT.

By unanimous consent, the committee approved the four drafts and requested that they be combined into one draft.

***Health provider shortage areas***

At its November meeting, the committee requested information regarding the extent to which any state agency assists communities in obtaining a designation as health provider shortage areas (HPSA's). Lindsay Read, Legislative Council Staff Intern, presented information to the committee on this topic. She explained that the Primary Care Program within DHS' Division of Public Health is responsible for administering applications for HPSAs. They also collect data on primary care, dental care, and psychiatric physicians who work in HPSAs to fulfill requirements by the federal government for HPSAs to receive federal aid. She stated that it appears that DHS is doing what it can given its resource constraints to process applications and has applied for grant money to explore ways to expand its capacity to collect workforce data required for the program.

***WLC: 0385/1, relating to a quality rating system for child care***

Ms. Letzing described the draft. Following committee discussion, the committee agreed that the Department of Children and Families (DCF) should not be limited to the child care rating system quality indicators specifically listed in the draft. Chair Lassa stated that she would like to amend the draft to include a provision directing DCF to seek funding to create a grant program to assist child care centers in improving under a rating system. Ms. Nitzke expressed disappointment that the nutrition of the food and beverages provided by a child care center was not included as a quality indicator in the draft. Amy Meinen, MPH, RD, CD, Nutrition & Physical Activity Program, Nutrition Coordinator/Fruit and Vegetable Nutrition Coordinator, DHS, explained that other states have provided a best practice nutrition guide to child care centers which provides information and recommendations regarding healthy food and beverage guidelines, including prohibiting food with low nutrient value, portion sizes, and policies that support breastfeeding. The committee then discussed whether to include an additional quality indicator in the child care rating system concerning the nutrition of food and beverages provided by a child care center.

By unanimous consent, the committee asked for the following changes in the draft:

1. Specify that the quality rating system shall include, but not be limited to, the quality indicators provided in the draft.
2. Require DCF to include a quality indicator in the child care rating system regarding the nutritional value of the food and beverages provided to children by a child care provider and any other nutritional policies implemented by the provider.
3. Direct DCF to work with DHS in establishing the quality indicators used to evaluate the quality of care provided by child care providers.
4. Require DCF to pursue funding to create a grant program to assist licensed child care centers in improving under the quality rating system.

The committee asked staff to prepare a revised draft and to mail it to the committee for its final approval by mail ballot.

***WLC: 0386/1, relating to physical education***

Ms. Letzing described WLC: 0386/1. Ms. Letzing explained that this bill was drafted, at the request of Chair Lassa, instead of a bill draft requiring that physical education for students in grades K-6 be taught only by a licensed physical education teacher. Jennifer Kammerud, Legislative Liaison, DPI, explained that DPI currently does a survey or sample survey of the physical education programs in all middle and high schools, but not elementary schools. Ms. Kammerud also noted that this project is funded by the Centers for Disease Control, as is the project's staff person in the department. Ms. Duran stated that directing DPI to evaluate the quality of physical education programs in grades K-12 will not improve the quality of physical education. Chair Lassa noted that the committee could require schools to have only licensed physical education teachers teach K-6 physical education classes, but that many schools do not have the funds to accomplish this. The committee discussed the draft and agreed that it will not accomplish the committee's goal of increasing the quality of physical education taught in schools.

By unanimous consent, the committee agreed to have a new bill drafted which will require that physical education class for students in grades K-6 be taught by a licensed physical education teacher and to have this bill draft introduced as a separate bill. The committee asked staff to prepare a revised draft and to mail it to the committee for its final approval by mail ballot.

***WLC: 0387/2, relating to physical fitness assessments***

Ms. Letzing described WLC: 0387/2. Ms. Letzing noted that the differences between this redraft and the initial draft are that schools would not be required to assess students who have a disability or other condition as specified by DPI administrative rule and that schools would be required to “provide” rather than “send” an individual student’s results to their parent or guardian. Ms. Duran stated that some schools use a test other than the Fitnessgram, which includes the PACER test, to conduct physical fitness assessments. Ms. Musser noted that the bill draft provides that DPI will designate the assessment instrument to be used and that a school would not necessarily be restricted to using the PACER test. Mr. Schellhase stated that body mass index (BMI) should be included in a school’s fitness assessment. Ms. Nitzke explained that the Wisconsin Partnership for Activity and Nutrition (WIPAN) is currently working on BMI guidance for schools.

By unanimous consent, the committee approved WLC: 0387/2.

***WLC: 0388/1, relating to school nutrition***

Ms. Letzing described WLC: 0388/1, which is based upon the guidelines used by the Appleton School District. Ms. Duran and Ms. Adams expressed concern that allowing candy and soda to be available immediately after the end of the school day makes these products too accessible to students. Ms. Duran noted that the school day does not include after-school activities or programs. Ms. Nitzke asked that the definitions of “candy” and “soda” provided in the draft be changed to a more comprehensive listing of added sugars. She suggested that the U.S. Department of Agriculture (USDA) list of added sugars be included in the definition of “candy” and in the definition of “soft drink.” Ms. Nitzke also stated that the definition of “soft drink” should include artificial sweeteners or stevia. The USDA list is available at: [www.mypyramid.gov/pyramid/discretionary\\_calories\\_sugars.html](http://www.mypyramid.gov/pyramid/discretionary_calories_sugars.html).

By unanimous consent, the committee asked for the following changes in the draft:

1. Specify that one half-hour after the end of the school day, soft drinks and candy that are not sold by a vending machine may be sold on school grounds.
2. Amend the definition of “candy” to specify that candy means any item that contains any added sugar specified on the USDA added sugars list listed as one of the first two ingredients.
3. Amend the definition of “soft drink” to specify that “soft drink” means a flavored nonalcoholic beverage that contains any of the items on the USDA added sugars list, artificial sweeteners, or stevia as an ingredient. The remainder of this definition in the bill draft will not be amended.

The committee asked staff to prepare a revised draft and to mail it to the committee for its final approval by mail ballot.

***Draft letter to Governor Doyle relating to a quality rating system***

By unanimous consent, the committee approved this letter and agreed to copy the letter to the DCF Secretary. The DHS Secretary will also be copied on the letter.

***Draft letter on congressional delegation relating to menu labeling***

By unanimous consent, the committee approved this letter.

***Draft letter to Governor Doyle and the Co-Chairs of the Joint Committee on Finance relating to school lunch and school breakfast reimbursement and incentives***

By unanimous consent, the committee approved this letter.

***Draft letters to Governor Doyle and the Co-Chairs of the Joint Committee on Finance relating to the Americorps farm-to-school pilot program***

By unanimous consent, the committee approved this letter.

***Draft letters to Governor Doyle and the Co-Chairs of the Joint Committee on Finance relating to buy local buy Wisconsin***

Ms. Bridget Holcomb, Associate Policy Director, Michael Fields Agricultural Institute, distributed a letter that she and Luke Rollins, Chair of Advocacy, WIPAN, Director of State Advocacy, American Heart Association, wrote to the committee regarding farm-to-school policy options for improving school nutrition and briefly addressed the committee regarding the requests outlined in the letter.

The committee agreed, by unanimous consent, to approve the draft letters regarding Buy Local Buy Wisconsin and to amend them to include a request for a position within the Department of Agriculture and Consumer Protection to facilitate collaboration among the various farm-to-school initiatives that currently exist.

**Other Business**

Chair Lassa thanked committee members for their service and hard work. There was no other business brought before the committee.

**Adjournment**

The meeting was adjourned at 3:45 p.m.

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