



State of Wisconsin  
Department of Health Services

Tony Evers, Governor  
Karen E. Timberlake, Secretary-Designee

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**TO:** Members of the Study Committee on Uniform Death Reporting Standards

**FROM:** HJ Waukau, Legislative Director

**DATE:** December 15, 2022

**RE:** December Committee Preliminary Draft Bill Discussion

The Department of Health Services (DHS) appreciates the continued partnership and dialogue with the members and staff of the Study Committee on Uniform Death Report Standards. DHS has reviewed the revised versions of LRB-0524 and LRB-0521 DHS and offers the following comments.

Overall DHS thanks the Committee for restructuring both draft bills to provide clarity and streamlining the initial requirements of the bills. These changes clarify DHS' proposed roles regarding fatality review teams and the promulgation of best practices for coroners and medical examiners. DHS would also like to reemphasize for the Committee that it consider providing DHS with the resources necessary to implement the requirements of the bills. These resources would include both financial support and staffing authority. Without the requisite resources it would be incredibly difficult for DHS staff to implement the Committee's bills with only its existing resources.

DHS does not have any additional comments for LRB-0521, though it does have comments regarding LRB-0524 as follows:

- Remove the reference to establishing best practices for death investigations under Wis. Stat. ch. 979 from Wis. Stat. § 69.02(3), and create a new and separate statutory requirement in the bill for death investigations within Wis. Stat. ch. 979. This would avoid confusion and less adversely impact DHS's relationships with its business partners.
- Clarify the Committee's intent as to whether it intends to create requirements for coroners and medical examiners, or if DHS should simply publish and promote best practices. Requiring DHS to promulgate rules to codify best practices may create tension and confusion between DHS staff and coroners/medical examiners regarding whether or not the best practices are simply guidelines, or requirements.
- If the intent of the Committee is to create rules to be enforced, consider changing the language regarding the promulgation of best practices to "the department shall promulgate rules based on best practices..." Additionally, if it is the intent of the Committee is for DHS to incorporate professional standards in its administrative code, such an action would require consent from the attorney general per Wis. Stat. § 227.21(2)(b).

DHS thanks the Committee for its diligence and efforts in drafting all of the bills under consideration and looks forward to continued partnership and dialogue.