

WSHRM 2009-2010 Legislative Summary-

Senate Bill	Assembly Bill	Summary	Current Committee	Last Action
SB-103		Electronic text messaging device: use while operating a motor vehicle prohibited; definition, exception, and penalty provisions; increased penalties for causing bodily harm or death; <a href="http://www.legis.state.wi.us/2009/data/SB-103.pdf">http://www.legis.state.wi.us/2009/data/SB-103.pdf</a>	Comm. On Rules	03-03-09. S. Introduced 11-10-09. A. Referred to committee on Rules 04-28. A. Failed to concur in pursuant to Senate Joint
SB108	AB 152	This bill prohibits a health care facility from requiring an employee of the facility, or an employee of a temporary help agency or professional employer organization who is involved in providing direct health care services for patients, residents, or clients or in providing clinical or laboratory services and who is paid an hourly wage or is classified as a nonsupervisory employee to work for more than a regularly scheduled daily work shift that has been determined and agreed to before the performance of the work (no mandatory overtime or on call) <a href="http://www.legis.state.wi.us/2009/data/SB-108.pdf">http://www.legis.state.wi.us/2009/data/SB-108.pdf</a>	Health, Health Insurance, Privacy, Property tax relief and Revenue	1/14/10 Public Hearing Referred to joint committee on Finance by committee On Senate Organization pursuant to Senate Rule 41 04-28. S. Failed to pass pursuant to Senate Joint Resolution 1
SB 163		This bill requires health insurance policies and plans that cover any diagnostic or surgical procedures to cover colorectal cancer examinations and laboratory tests for any insured for enrollee who is 50 years of age or older or any insured or enrollee who is under 50 yrs of age and high risk for colorectal cancers. <a href="http://www.legis.state.wi.us/2009/data/SB-163.pdf">http://www.legis.state.wi.us/2009/data/SB-163.pdf</a>	Health, Health Insurance, Privacy, Property tax relief and Revenue	4/8/09-read first time, sent to committees. 8/18/09-Public Hearing 04-20-10. S. Action ordered immediately messaged 05-14. S. Report approved by the Governor on 5-13-2010. 2009 Wisconsin Act 346 05-17. S. Published 5-27-2010
SB 180		This bill authorizes the Psychology Examining Board in the Department of Regulation and Licensing to issue a certificate of prescriptive authority to a psychologist licensed by the examining board. A person certified by the examining board may use the title, prescribing psychologist. <a href="http://www.legis.state.wi.us/2009/data/SB-180.pdf">http://www.legis.state.wi.us/2009/data/SB-180.pdf</a>	Health, Health Insurance, Privacy, Property tax relief and Revenue	4/24/09-read first time, sent to committees. 5/5/09-Rep. Townsend withdrawn as Sponsor 1/26/10: No Further Action 04-28. S. Failed to pass pursuant to Senate Joint Resolution 1
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Senate Bill	Assembly Bill	Summary	Committee	Last Action
SB182		Under current law generally, if a person is injured as a result of the negligence of another, the person has three years after the injury to bring an action against the negligent person. However, if the injury was the result of an intentional tort, such as liable, slander, assault or battery, the injured person must bring the action within two years after the injury. This bill increases the time limit for bringing action for an intentional tort from two years to three. <a href="http://www.legis.state.wi.us/2009/data/SB-182.pdf">http://www.legis.state.wi.us/2009/data/SB-182.pdf</a>	Judiciary, Corrections, Insurance, Campaign Finance Reform and Housing.	1/19/10: Read a third time and concurred in, <a href="#">Ayes 6</a> , <a href="#">Noes 32</a> ACT 120 <a href="http://www.legis.state.wi.us/2009/data/acts/09Act120">http://www.legis.state.wi.us/2009/data/acts/09Act120</a> 02-11.S. Report approved by the Governor on 2-11-2010. 2009 Wisconsin <a href="#">Act 120</a> 02-16. S. Published 2-25-2010
SB 184	AB 267	This bill regulates the practice of radiography, defined in the bill as the imaging of anatomical structures by application of X-rays to the human body... Under the bill, no person may practice radiography except a person who holds a license or who holds a limited X-ray machine operator permit (limited permit) <a href="http://www.legis.state.wi.us/2009/data/SB-184.pdf">http://www.legis.state.wi.us/2009/data/SB-184.pdf</a>	Health, Health Insurance, Privacy, Property Tax Relief and Revenue	1/19/10 Read a third time and concurred in, <a href="#">Ayes 85</a> , <a href="#">Noes 11</a> (Passed) Wisconsin has created a board of Radiology examination) 02-05.S. Report approved by the Governor on 2-4-2009 Wisconsin <a href="#">Act 106</a> 02-09. S. Published 2-18-2010.
SB 203	AB 291	Under current law, a parent does not have the right to recover for the loss of society and companionship of an adult child and an adult child does not have the right to recover for the loss of society and companionship of a parent whose injuries were the result of medical malpractice. This bill provides that a parent of an adult child and the adult child of a parent do have the right to recover for loss of society and companionship if the parent's adult child is injured as the result of medical malpractice. <a href="http://www.legis.state.wi.us/2009/data/SB-203.pdf">http://www.legis.state.wi.us/2009/data/SB-203.pdf</a> <a href="http://www.legis.state.wi.us/2009/data/AB-291.pdf">http://www.legis.state.wi.us/2009/data/AB-291.pdf</a>	Judiciary, Corrections, Insurance, Campaign Finance, Reform, and Housing	1/25/10 Read first time and referred to committee on Rules Senate Passed awaiting Assembly 04-15. A. Made a special order of business at 11:36 A.M. on 4-20-2010 pursuant to Assembly Resolutio 04-28. A. Failed to concur in pursuant to Senate Jo Resolution 1
Changes to WISTAT. 448		Governor Jim Doyle recently signed into law a bill that makes changes to Wisconsin statutes related to: summary suspensions ordered by the Medical Examining Board (MEB), reporting of physicians to the MEB, continuing medical education requirements and temporary educational permits to practice medicine- No link to changes available at this time. Legal summary <a href="http://www.hinshawlaw.com/wisconsin-changes-laws-regulating-physicians-06-01-">http://www.hinshawlaw.com/wisconsin-changes-laws-regulating-physicians-06-01-</a>		

		<a href="#">2010/</a>		
AB 710	AN ACT <i>to create</i> 904.14 of the statutes; <b>relating to:</b> inadmissibility of a statement, a gesture, or conduct expressing apology or condolence by a health care provider.  Under current law, certain types of evidence are not allowed to be admitted in a court action for various policy reasons. For example, evidence of measures taken after damage occurred that would have made the damage less likely is not admissible to prove negligence or culpable conduct in connection with the damage. As another example, no written or oral communication relating to a dispute in mediation is admissible or subject to discovery in any judicial proceeding or administrative action.  This bill provides that a statement, a gesture, or conduct of a health care provider that expresses apology, condolence, compassion, benevolence, or sympathy to a patient or patient's relative or representative is not admissible into evidence or subject to discovery in any civil action or administrative hearing regarding the health care provider as evidence of liability or as an admission against interest. <a href="http://www.legis.state.wi.us/2009/data/AB-710.pdf">http://www.legis.state.wi.us/2009/data/AB-710.pdf</a>	committee on Judiciary/Ethics	<b>02-09-10 A. Introduced by</b> Representatives Benedict, Nygren, Jorgensen, Vos, Berceau, Van Roy, A. Ott, Knodl, Zepnick, Townsend, Ballweg, Steinbrink, Bie and Pasch; cosponsored by Senators Taylor, Lehman, Schultz, Holperin, Vineho Darling and Olsen.  <b>03-03-10. A. Assembly amendment</b>	
SB 127	AB 179	The first major civil justice reform bill, <a href="#">Assembly Bill 179</a> and <a href="#">Senate Bill 127</a> , introduced by Representative <a href="#">David Cullen</a> and Senator <a href="#">Fred Risser</a> , would remove the requirement that a person injured by medical malpractice involving a state officer, employee, or agent serve notice of claim with the Attorney General within 180 days of the injury. The bill would effectively apply the same 3-year statute of limitations for medical malpractice cases currently in place for privately run health systems to state officers and other governmental bodies	Public hearing August 18 <sup>th</sup> 2009	<b>1/19/10 S. Senate substitute amendment 1</b> offered by Senators Risser, Erpenbach and Taylor .....
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Senate Bill	Assembly Bill	Summary	Committee	Last Action
SB-451	AB-675	<p>This bill eliminates the requirement that a licensed nurse–midwife collaborate with and enter into a written agreement with a physician. If a person practicing nurse–midwifery discovers evidence of any aspect of care that jeopardizes the health or life of a newborn or mother, a licensed nurse–midwife must consult with a qualified health care professional or make a referral. The bill defines a qualified health care professional as a health care practitioner who is performing services within his or her scope of practice. A health care practitioner is defined under current law to include an individual who is licensed, registered, or certified by the medicalexamining board, the board of nursing, and the pharmacy examining board.</p> <p><b>Health care liability coverage</b> Nurse–midwives are not required to provide services under the direction and supervision of a physician or nurse anesthetist and since, under the bill, they are no longer required to provide services in collaboration with a physician, they would not be covered by the fund as employees. Therefore, the bill modifies the definition of a health care practitioner to exclude nurse–midwives so that a nurse–midwife is covered by the fund, as under current law, if he or she is providing services as an employee of a health care provider who is subject to the health care liability statutes. In addition, the bill authorizes nurse–midwives to elect to be subject to the health care liability statutes. If a nurse–midwife elects to be subject to those statutes, the nurse–midwife would be required to carry health care liability insurance with the specified limits, would be required to pay the assessments, and, even if not an employee of a health care provider subject to the health care liability statutes, would be covered by the fund for damages exceeding the limits of insurance</p> <p><a href="http://www.legis.state.wi.us/2009/data/SB-451.pdf">http://www.legis.state.wi.us/2009/data/SB-451.pdf</a></p>		<p>01-07-10 Introduced by Senators Robson and Vineho cosponsored bRepresentatives Roys, Smith, Young, Berceau, Pasch, Sinicki, Turner and Vruwink.</p> <p>01-07-10 S. Read first time and referred to committee Health, Health Insurance, Privacy, Property Tax Relief, and Revenue</p> <p>02-17-10 S. Public hearing held.</p> <p>03-22. S. Senate amendment 1 offered by Senator Robson</p>
SB-563		<p>The court held in Estate of Genrich v. OHIC Ins. Co., 2009 WI 67, that the time limit for a wrongful death action caused by medical malpractice is counted from the date of the deceased person’s injury instead of the date This bill reverses that decision. Under this bill, the time limit on all wrongful death claims is counted from the date of the person’s death. The wrongful death claim, even if caused by medical malpractice, exists for three years from the person’s death, for up to six years after the malpractice. of death.</p>		<p>02-26-10. S. Introduced by Senators Miller and Risse cosponsored by Representatives Pope-Roberts, YOUNG, Turner and A. Williams.</p> <p>02-26-10. S. Read first time and referred to committee on Judiciary, Corrections, Insurance, Campaign Finance Reform, and Housing ..... 596</p> <p>04-01-10. S. Public hearing held.</p>

		<a href="http://www.legis.state.wi.us/2009/data/SB-563.pdf">http://www.legis.state.wi.us/2009/data/SB-563.pdf</a> AMA Position <a href="http://wispolitics.com/1006/040110_Medical_Opposition.pdf">http://wispolitics.com/1006/040110_Medical_Opposition.pdf</a>		
<b>Senate Bill</b>	Assembly Bill	Summary	Committee	
<b>SB 657</b>		Under this bill, conduct may not be considered “abuse” or “neglect” if the act is mere inefficiency, unsatisfactory conduct, or failure in good performance as the result of inability, incapacity, inadvertency, or ordinary negligence in an isolated instance, or a good faith error in judgment or discretion by a health care provider who acts within the scope of his or her practice or employment. <a href="http://www.legis.state.wi.us/2009/data/SB-657.pdf">http://www.legis.state.wi.us/2009/data/SB-657.pdf</a>		04-22-10. S. Ordered to a third reading. 04-22-10. S. Rules suspended. 04-22-10. S. Read a third time and <b>passed</b> . 04-22-10. S. Ordered immediately messaged. 04-22-10. A. Received from Senate. 04-22-10. A. Read first time and referred to committee on Rules
	AB-760	Ambulatory surgical facility licensing requirements created . . . . .		
	AB-336	Under current law, a physician who in good faith provides the Medical Examining Board with information concerning an allegation that another physician has engaged in unprofessional conduct or acted negligently in treating a patient is immune from liability for any damage that results from any act or omission in providing the information and may not be disciplined by that board for providing the information. This bill provides for immunity from liability for any health care provider, health care facility, Health care facility, health care provider, or employee of: liability from immunity for reporting violation of law or certain standards, unprofessional conduct, or negligence in patient care; Confidentiality of patient health care records provision <a href="http://www.legis.state.wi.us/2009/data/AB-336.pdf">http://www.legis.state.wi.us/2009/data/AB-336.pdf</a>		06-30-09. A. Read first time and referred to committee on Judiciary and Ethics
	AB-76	An Act to amend 343.17 (3) (b); and to create 343.177 of the statutes; relating to: requiring the Department of Transportation to establish rules allowing living will and health care power of attorney information to be included on driver’s licenses, providing an exemption from emergency rule procedures, and granting rule-making  02-20-09. A. Introduced by Representatives Vruwink, Richards, Shilling, Roys, Pasch, Schneider, Sinicki, Smith, A. Williams, Berceau, Stone, Kerkman, Seidel and Zepnick; cosponsored by Senators Kreitlow, Hansen, Erpenbach, Lassa, Lehman, Coggs and Vinehout <a href="http://www.legis.state.wi.us/2009/data/AB-76.pdf">http://www.legis.state.wi.us/2009/data/AB-76.pdf</a>		04-07-09. A. Referred to committee on Rules

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	AB-659	HIV testing consent provisions and disclosure of results revised; penalty and DHS duties . <a href="http://www.legis.state.wi.us/2009/data/AB-659.pdf">http://www.legis.state.wi.us/2009/data/AB-659.pdf</a>		04-22-10. A. Report approved by the Governor on 4-21-2010. <a href="#">2009 Wisconsin Act 209</a> . 04-27-10. A. Published 5-5-2010.
President Obama's American Recovery And Reinvestment Act of 2009		NOTES;  See ASHRM Monograph "A risk Manager's tour of the ARRA. Fay Rozovsky, JD, MPH, DFASHRM <a href="http://www.ashrm.org/ashrm/education/development/monographs/Mono_ARRA.pdf">http://www.ashrm.org/ashrm/education/development/monographs/Mono_ARRA.pdf</a>		
		Notes:		