

# WISCONSIN

## Public Health Law - Statutes Modernization Project Update

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CENTER FOR  
HEALTH POLICY  
COLUMBIA UNIVERSITY  
SCHOOL OF NURSING



The Center for Law & the Public's Health  
at Georgetown & Johns Hopkins Universities

CDC Collaborating Center Promoting Health through Law  
WHO/PAHO Collaborating Center on Public Health Law and Human Rights

# Objectives

- Assess the effectiveness of the
  - Model State Emergency Health Powers Act and
  - Turning Point Model State Public Health Actas tools to promote public health through legal reforms at the state and local level;
- Describe how Wisconsin actors have employed these models in legislative and regulatory reform initiatives;
- Apply lessons learned from these experiences to future state legislative reform efforts.

# Wisconsin Public Health Law Reform

- **Background**
  - Need for Reform
  - MSEHPA
  - Turning Point
- **Methods**
- **Wisconsin Case Study**
- **Analysis**
- **Need for Public Health Law Reform**
  - Public Health Law Reform in the 21st Century
  - Assessment of State Public Health Laws
  - Benefits and Risks in Law Reform
  - Healthy People 2010

# Wisconsin Public Health Law Reform

- **Background**
  - Need for Reform
  - MSEHPA
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- **Methods**
- **Wisconsin Case Study**
- **Analysis**
- **MSEHPA**
  - Sept. 11, 2001
  - Anthrax
- **Center for Law & the Public's Health**
- **Public Health Powers**
  - Pre-emergency
  - After a governor declares a public health emergency
- **Wisconsin Codification – Act 109**



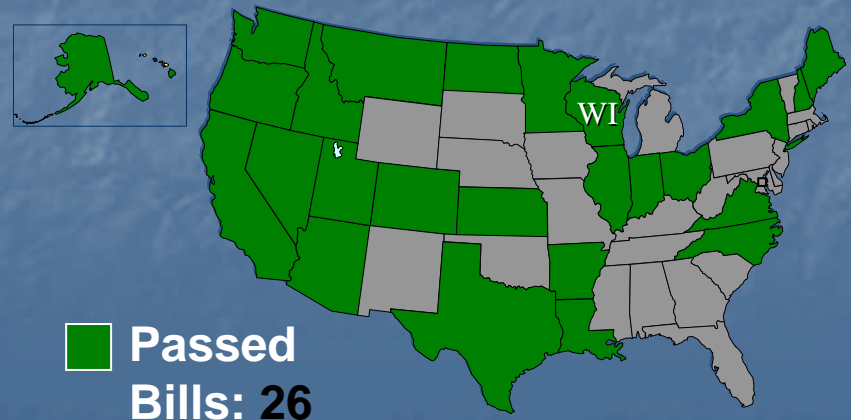
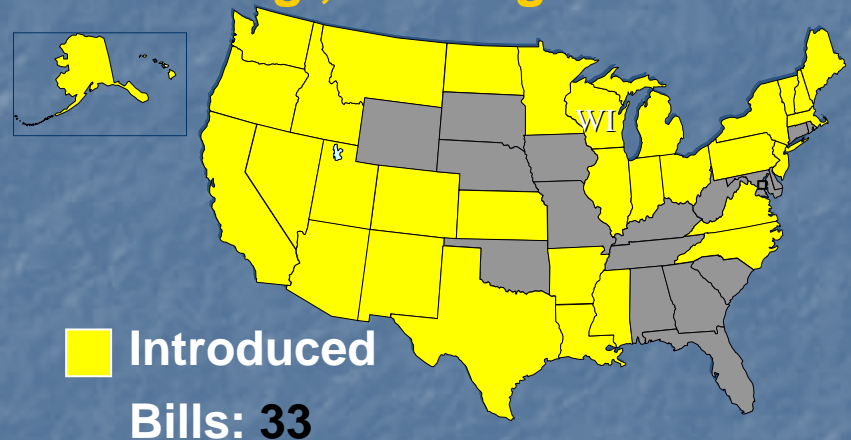
# Wisconsin Public Health Law Reform

- **Background**
  - Need for Reform
  - MSEHPA
  - Turning Point
- **Methods**
- **Wisconsin Case Study**
- **Analysis**
- **Turning Point**
  - Turning Point Collaborative
  - Model Public Health Act
- **Wisconsin Public Health Law Reform**
  - Wisconsin's Role in the Turning Point Collaborative

# Wisconsin Public Health Law Reform

- Background
- Methods
- Wisconsin Case Study
- Analysis

- **Legislative Tracking**
  - E.g., Turning Point Act



# Wisconsin Public Health Law Reform

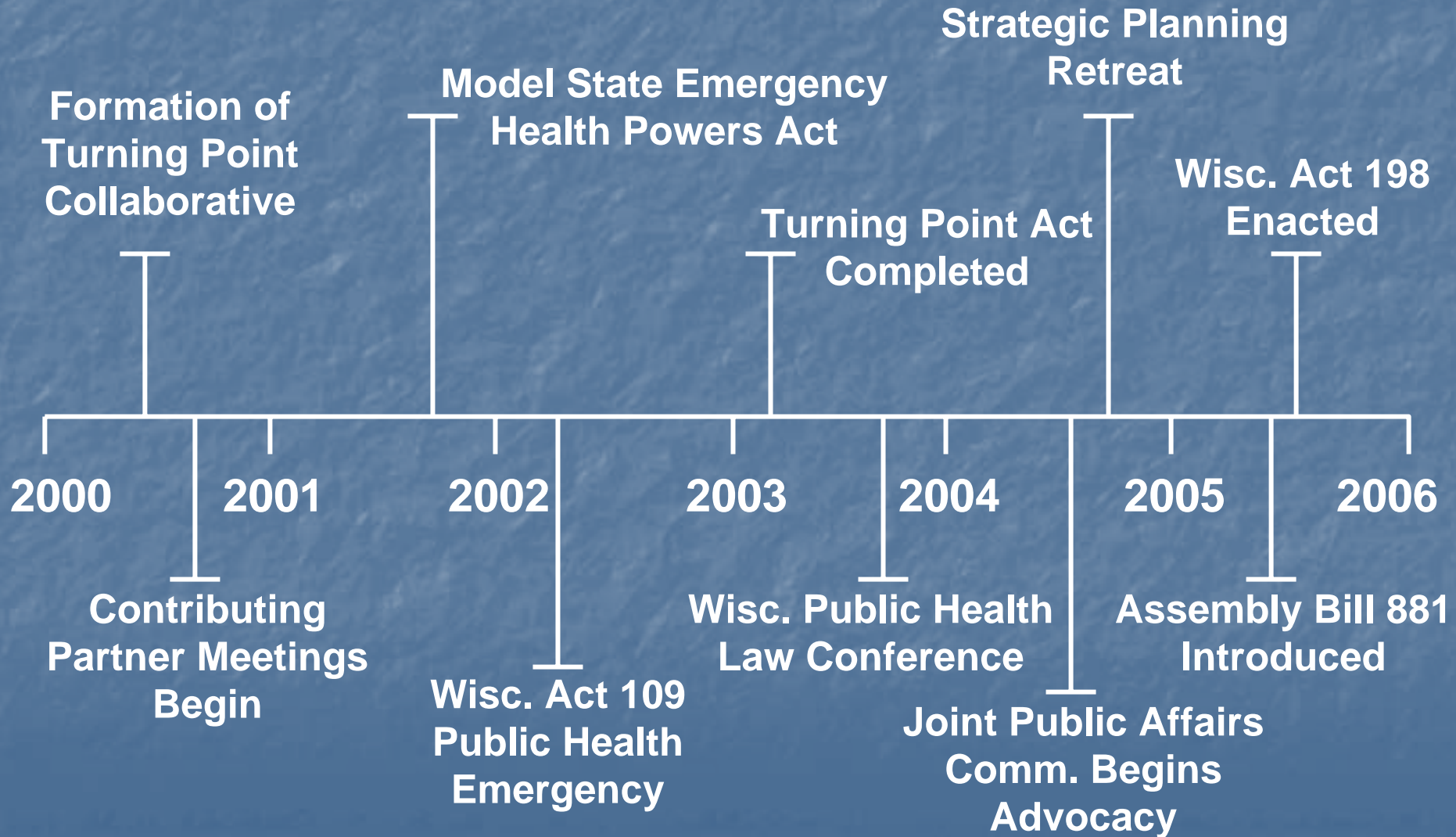
- Background
- Methods
- Wisconsin Case Study
- Analysis
- **Comparative Case Study**
  - **Case Study Method**
  - **Legislators, Bureaucrats, Advocates**



Informant Role	Number
DHFS Officials	3
Legislators / Legislative Staff	3
State & Local Health Officials	4
Nongovernmental Advocates & Lobbyists	3

- **Semi-Structured Interviews**

# Wisconsin Public Health Law Reform





# Wisconsin Public Health Law Reform

- Background
- Methods
- **Wisconsin Case Study**
  - **AB 881**
- Analysis
- **Joint Public Affairs Committee**
- **Chair – Assembly Committee on Public Health**
- **Testimony / Lobbying**

# Turning Point vs. AB 881

Subject:	AB 881	Turning Point Act
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## Legislative Purpose

Section 3. 250.03 (1) (k)

Promote cooperation and formal collaborative agreements among any of the following with regard to public health: **planning, priority setting, information and data sharing, reporting, resource allocation, funding, service delivery, and jurisdiction...**

Section 5. 250.04 (12m)

In public health planning, the department shall **collaborate with local health departments on an ongoing basis and shall consult with private sector entities**, as defined in s. 229.41 (9), and with public sector entities, as defined in s. 229.41 (10).

Section 1-101

(8) **Promote and build strong relationships among state or local public health agencies and their public and private sector partners** within the public health system;

Section 1-101

(9) Promote cooperation and formal collaborative agreements between the state and tribes, tribal organizations, and the Indian Health Service regarding public health **planning, priority setting, information and data sharing, reporting, resource allocation, funding, service delivery, jurisdiction**, full faith and credit and comity of state and tribal court orders issued in this [State], and other matters addressed in this Act...

# Turning Point vs. AB 881

Subject:	AB 881	Turning Point Act
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## Reporting

Section 15. 252.05 (2) - amended to read:  
Each laboratory shall report as prescribed by the department those specimen results that indicate that an individual providing the specimen has a communicable disease, or having a communicable disease, has died, or that the department finds necessary for the surveillance, control, diagnosis, and prevention of communicable diseases.

Section 7-104 “Security Safeguards”  
“State and local public health agencies have a **duty to acquire, use, disclose, and store identifiable health information in a confidential manner** that safeguards the security of the information.”

SECTION 22. 979.012 (1) – amended to read:  
If a coroner or medical examiner is aware of the death of a person who, at the time of his or her death, had an illness or a health condition that satisfies s.166.02 (7) (a) or if the coroner or medical examiner knows or suspects that the person had a communicable disease that, under rules promulgated by the department of health and family services, must be reported to a local health officer or to the state epidemiologist, the coroner or medical examiner shall **report the illness or, health condition, or communicable disease to the department of health and family services and to the local health department**, as defined in s. 250.01 (4), in whose jurisdiction the coroner or medical examiner is located in writing or by electronic transmission within 24 hours of learning of the deceased’s illness or, health condition, or communicable disease.

# Turning Point vs. AB 881

<b>Subject:</b>	<b>AB 881</b>	<b>Turning Point Act</b>
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## Essential Public Health Services

Section 4. 250.03 (1) (L)

Perform or facilitate the performance of all of the following services and functions:

1. Monitor the health status of populations to identify and solve community health problems.
2. Investigate and diagnose community health problems and health hazards.
3. Inform and educate individuals about health issues.
4. Mobilize public and private sector collaboration and action to identify and solve health problems.
5. Develop policies, plans, and programs that support individual and community health efforts.
6. Enforce statutes and rules that protect health and ensure safety.
7. Link individuals to needed personal health services.
8. Assure a competent public health workforce.
9. Evaluate effectiveness, accessibility, and quality of personal and population-based health services.
10. Provide research to develop insights into and innovative solutions for health problems.

Section 2-102. Essential Public Health Services and Functions

For the purposes of this Act, “essential public health services and functions” mean services and functions to:

- [a] Monitor health status to identify and solve community health problems;
- [b] Investigate and diagnose health problems and health hazards in the community;
- [c] Inform, educate, and empower individuals about health issues;
- [d] Mobilize public and private sector collaboration and action to identify and solve health problems;
- [e] Develop policies, and plans, and programs that support individual and community health efforts;
- [f] Enforce laws and regulations that protect health and ensure safety;
- [g] Link individuals to needed personal health services and assure the provision of health care when otherwise unavailable;
- [h] Assure a competent public health workforce;
- [i] Evaluate effectiveness, accessibility, and quality of personal and population-based health services; and
- [j] Research for new insights and innovative solutions to health problems.

# Transforming National Collaboration into State Legislation

- Background
- Methods
- Wisconsin Case Study
- Analysis
  - The Turning Point Experience
  - Partnerships
  - Gap Analysis



# Transforming National Collaboration into State Legislation

- Background
- Methods
- Wisconsin Case Study
- **Analysis**
  - **The Turning Point Experience**
  - Partnerships
  - Gap Analysis
- **Considered & Tested Legislative Language**
- **Leadership for Change**
- **Legitimacy/Best Practices**
  - Drafting
  - Leadership
  - Legislative Process

# Transforming National Collaboration into State Legislation

- Background
- Methods
- Wisconsin Case Study
- **Analysis**
  - The Turning Point Experience
  - **Partnerships**
  - Gap Analysis
- **Process**
  - **Contributing Partner Meetings**
  - **Resolution & Coordination**
- **Partners**
  - **“Doc”**
  - **Joint Public Affairs Committee**
  - **DHFS**

# Transforming National Collaboration into State Legislation

- Background
- Methods
- Wisconsin Case Study
- **Analysis**
  - The Turning Point Experience
  - Partnerships
  - **Gap Analysis**
- **Contents**
  - Turning Point Language
  - Current Wisconsin Legislation
  - Options for Reform
- **Advantages**
  - Highlights Legislative Need/Tradeoffs
  - Assists Legislative Drafting
  - Prevents Backsliding



# Process Model of Wisconsin Public Health Law Reform

	<b>Stage 1 - The Emergence and Utilization of the Turning Point Act</b>	<b>Stage 2 - The Development of Draft Law</b>	<b>Stage 3 - Legislative Action</b>
<b>Dominant Actors</b>	<ul style="list-style-type: none"> <li>* Turning Point Collaborative</li> <li>* Steering Committee</li> <li>* Contributing Partners</li> </ul>	<ul style="list-style-type: none"> <li>* Strategic Planning Retreat Participants</li> <li>* Chair, Assembly Comm. on Public Health</li> <li>* Wisconsin Leg. Council</li> </ul>	<ul style="list-style-type: none"> <li>* Legislative Committee Chairs</li> <li>* Joint Public Affairs Committee of WPHA and WALHDAB</li> </ul>
<b>Key Forces</b>	<ul style="list-style-type: none"> <li>* Agenda Setting</li> <li>* Partnership Development</li> </ul>	<ul style="list-style-type: none"> <li>* Gap Analysis</li> <li>* Public Health Necessity</li> <li>* Political Needs/ Tradeoffs</li> </ul>	<ul style="list-style-type: none"> <li>* The Turning Point Experience</li> <li>* Politicization of Health</li> <li>* Grassroots Advocacy</li> </ul>
<b>Result</b>	<ul style="list-style-type: none"> <li>* Model Developed for Discussion of Issue</li> <li>* Public Health Law Conference</li> </ul>	<ul style="list-style-type: none"> <li>* Law Developed Pursuant to Turning Point Act but Specific to State Needs &amp; Political Circumstances</li> </ul>	<ul style="list-style-type: none"> <li>* Reformed State Public Health Law</li> </ul>

# **Future Wisconsin Modernization Efforts?**

# Additional Resources

- State Public Health Law Legislative Tracking
  - Center for Law & the Public's Health, at [www.publichealthlaw.net](http://www.publichealthlaw.net)
- Wisconsin Turning Point Case Study
  - Center for Health Policy, at [http://www.nursing.columbia.edu/chphsr/projects/law/public\\_health.html](http://www.nursing.columbia.edu/chphsr/projects/law/public_health.html)