

Bipartisan Group of Lawmakers Introduce WHA-led Emergency Detention Reform Bill

Bill helps alleviate physician, provider concerns and frustrations during mental health crisis

A bipartisan group of four Wisconsin lawmakers released legislation September 27 to reconcile Wisconsin's emergency detention law with federal EMTALA (Emergency Medical Treatment and Active Labor Act) requirements for appropriate transfers of patients and provide additional protections for health care providers treating patients during a mental health crisis.

The bill, circulated as LRB 1983/1 by Reps. John Jagler (R-Watertown) and Eric Genrich (D-Green Bay) and Sens. Rob Cowles (R-Green Bay) and Janis Ringhand (D-Evansville), better aligns Wisconsin law with federal EMTALA duties by explicitly establishing a role in Wisconsin's emergency detention statute for emergency department staff. Under the bill, law enforcement may not transport an individual in custody of law enforcement from an emergency department until a hospital employee or medical staff have communicated to law enforcement that the transfer of the individual to the detention facility is medically appropriate.

The legislation also provides criminal and civil liability protection for actions taken in good faith by a health care provider to warn of what they believe may be an individual's dangerousness to himself or others, particularly in situations when the health care provider disagrees with a county or law enforcement decision not to detain an individual. This provision clarifies that a health care provider's liability to an individual or third party is more clearly limited to the health care provider's authority to seek, but not impose, an emergency detention on the individual. *(continued on page 5)*

BON Chair, WHA Testify Together to Maintain Nurse Licensure Compact in WI ***BON Chair thanks authors, co-authors and WHA for working with stakeholders on legislation***

During a meeting of the Assembly Health Committee September 28, WHA Vice President, Workforce and Clinical Practice Ann Zenk and Board of Nursing (BON) Chair Sheryl Krause—along with two members of the Southwest Health, Platteville leadership team, testified in support of Assembly Bill 500 to maintain Wisconsin's status as a nurse licensure compact state.

Since 2000, Wisconsin has been a part of an interstate nurse licensure agreement, which reduces regulatory burden on nurses looking to practice in Wisconsin and provides nurses with license portability to treat patients in other states. In 2015, the compact was updated and quickly adopted by 26 states—initiating the process for states in the current nurse licensure compact to transfer to the enhanced Nurse Licensure Compact (known as the eNLC). *(continued on page 2)*



Steve McCarthy and Erica Brunkow, Southwest Health; Ann Zenk, WHA; Sheryl Krause, Fort HealthCare

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“High-quality health care attracts high-quality professionals, and Wisconsin health care is ranked at or near the top by many national measures,” said Zenk to members of the Committee. “Sustaining membership in a nurse licensure compact by joining the enhanced compact will benefit high-quality health care by making it easier for patients to access care by Wisconsin nurses and removing regulatory barriers for nurses successfully recruited to work in Wisconsin’s high-quality health care facilities.”



Erica Brunkow, Southwest Health; Steve McCarthy, Southwest Health; Rep. Nancy VanderMeer, author of the AB500 e-NLC legislation; Sheryl Krause, Fort HealthCare and BON chair; Ann Zenk, WHA

“Enactment of this bill must be expedited to ensure a smooth transition into the new compact,” according to Sheryl Krause, who also serves as the emergency department director at Fort HealthCare.

WHA has been working closely with the Board of Nursing, the Department of Safety and Professional Services and several health care and nursing organizations to enact this legislation before the end of 2017. The eNLC will be effective January 19, 2018, requiring the Legislature to enact a bill before that time to ensure nurses in Wisconsin can continue to take advantage of this important interstate licensing agreement.

Steve McCarthy, chief operating officer and Erica Brunkow, human resources director at Southwest Health in Platteville, also testified in support of the legislation. McCarthy said 17 percent of their nursing workforce live in Iowa and practice in Wisconsin, making the Compact even more important for organizations like Southwest Health. Brunkow also discussed the education, training and recruitment efforts for nursing and other health care providers who are dependent on students who are educated in Iowa but trained and successfully recruited to work at Southwest Health in Wisconsin.

Assembly Bill 500 is authored by Rep. Nancy VanderMeer and Sen. Howard Marklein. The bill has a total of 96 lawmakers either co-authoring or sponsoring the legislation, thanks to the efforts of WHA’s legislative partners and our HEAT grassroots network. The Assembly Health Committee is expected to meet again October 18 to vote on the legislation with Assembly floor action to take place as soon as October 31.

To see a copy of the testimony from WHA and the Wisconsin Board of Nursing, see:

www.wha.org/pdf/2017BON-WHAtestimony-eNLC-9-28.pdf and

www.wha.org/pdf/2017WHAtestimonyAB500-eNLC-9-28.pdf.

WisEye Releases Documentary: “Straight Forward: The Truth About Addiction” Widespread viewing predicted for schools, communities throughout Wisconsin

A new documentary targeting the opioid epidemic in Wisconsin is now available through WisconsinEye, the state’s public affairs cable network, in conjunction with addiction expert Skye Tikkanen and filmmaker Tony Wood.

Straight Forward: The Truth About Addiction features honest, in-depth interviews with young Wisconsinites fighting to recover their lives and futures from addictions that in most cases, involved opioids.

“The message is as raw and disturbing as it is vital and inspiring,” said Jon Henkes, president and CEO, WisconsinEye. “If we can help even one person avoid the trap of addiction, this will have been a successful endeavor.” *(continued on page 3)*

Continued from page 2 . . . WisEye Releases Documentary: “Straight Forward: The Truth About Addiction”



Wis Attorney General Brad Schimel with WisEye President/CEO Jon Henkes at the Madison Premier of “Straight Forward: The Truth About Addiction.”

Wisconsin is not immune to the growing devastation tied to opioid and heroin addiction. The documentary was produced with the goal of having it shown to every middle and high school student in Wisconsin. Hospitals have identified alcohol and drug addiction as one of the top health needs in their communities. The new documentary could be a tool in drawing members of the community together with health care providers, educators, law enforcement and social service agencies to discuss the problem and take action to prevent and treat addiction. *Straight Forward* was premiered at Oconomowoc High School September 19 to more than a thousand students, parents, educators and community members.

Anyone interested in showing the documentary and making use of the educational materials should visit www.WisEye.org. The media kit is here: <http://bit.ly/2x0063X>.

“Straightforward, peer-to-peer messaging has the greatest potential to impact large numbers of our young people, many of whom are at moderate to high risk of addiction,” Henkes said. “We hope this documentary is seen by every young person, and every adult involved with young people.”

Andy Anderson, MD, executive vice president and chief medical officer of Aurora Health Care, provides the introduction to the documentary. “Aurora Health Care is greatly concerned about the devastating effect of opioid addiction in our communities, a growing epidemic which our providers and caregivers see firsthand on a regular basis,” Anderson said. “As such, we’re committed to proactive prevention and treatment efforts across our footprint, and are proud to support this important documentary.”

Straight Forward: The Truth About Addiction features a group of diverse young Wisconsinites from across the state sharing their personal stories of:

- What happened with their addiction;
- How they became addicted;
- What prompted them to get help;
- What they would say to others; and,
- The hope and confidence they now have for their futures.

The documentary also includes stories from parents with an addicted child, and a child who had an addicted parent. The full documentary is 48 minutes in length, with eight topical chapters that can be used or viewed independently. The eight documentary Chapters include: Getting Started, Rock Bottom, Recovery and Advice for a Friend. Curriculum and discussion guides are available.

WCMEW Conference Focus on Collaboration, Health Care Workforce Issues *WHA: Policy, practice and payment all influence supply and demand*

As two famous Pete’s noted—Drucker and Peter Sanderson, MD, medical director, informatics and ambulatory regulation, Ascension Wisconsin in his conference session—“If you want to predict the future, create it.”



More than 100 health care workforce stakeholders gathered September 27 at the Wisconsin Council on Medical Education and Workforce (WCMEW) conference, “The Future Landscape of Wisconsin’s Health Care Workforce,” to collaborate, compare perspectives and create solutions to Wisconsin’s workforce challenges. *(continued on page 4)*

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Kyle O'Brien, WHA; Bruce Palzkill, Department of Workforce Development; Bob Van Meeteren, CEO, Reedsburg Area Medical Center; Ann Zenk, WHA

Zenk, along with Bob Van Meeteren, CEO, Reedsburg Area Medical Center (RAMC) and Bruce Palzkill, deputy administrator, Department of Workforce Development (DWD), participated in a panel: "Public Policy that Bolsters the Wisconsin Health Care Workforce," moderated by Kyle O'Brien, WHA senior vice president, government affairs. The panelists and O'Brien discussed policies and health care trends that impact the health care workforce.

"Technology is advancing at a rapid pace," said Zenk. "We have an opportunity to work with technology experts, educators, policymakers, health care leaders and clinicians to build technology, policy and processes that serve the patient and the health care team, rather than a workforce to serve technology."

Van Meeteren shared an example of how RAMC is approaching this paradigm through the use of virtual scribes to support providers documenting in electronic health records.

Palzkill said interns are another way to grow a workforce locally. "Of those who complete an internship, 62 percent join the company as an employee," he said. Palzkill highlighted DWD's Fast Forward program.

Building on Palzkill's point, O'Brien added, "The Rural Wisconsin Initiative is built on the foundation that physicians who complete a rural residency in Wisconsin stay in Wisconsin to practice in rural areas."

O'Brien and Van Meeteren both cited engaging with legislators as a key takeaway for attendees. "Workforce is a big issue, and it is a focus of the State Legislature," O'Brien said, "Now is the time to engage."

Zenk said, "We all understand health care and the issues we're facing, and we even have ideas for how to solve them, but what we don't always know is how to get there." She offered attendees a roadmap developed by WHA, noting, "Using WHA's 3Ps model, Practice, Policy, and Payment, allows health care organizations and their trustees, educational institutions, policymakers, community leaders, and other key stakeholders to assess recommendations and determine priorities, evaluate feasibility and foresee barriers, and choose next steps to translate recommendations into policy, practice and payment changes."

The 3Ps were referenced by presenters and attendees throughout the day, including by Elizabeth Petty, MD, senior associate dean, academic affairs, University of Wisconsin School of Medicine and Public Health. Petty noted, "When we think about the 3Ps and education and workforce, we should add two more—pipelines and preparation."

To learn more about WHA's 3Ps Model, see www.wha.org/pdf/2017WHA3Ps.pdf or contact Ann Zenk at 608-274-1820 or azenk@wha.org.

As Ann Zenk, WHA vice president, workforce & clinical practice noted, "Workforce reports from WHA, the Wisconsin Center for Nursing and other tools and resources, such as those created by the Department of Workforce Development (<https://jobcenterofwisconsin.com/HealthCare/Default.aspx>), inspire us to collaborate, cooperate and act together, to create the workforce needed to sustain Wisconsin's top-quality health care now and in the future."

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Rep. Mike Rohrkaste, WNA's Gina Dennik-Champion, Rusk County Memorial CEO Charisse Oland and Ted Neitzke, CEO CESA 6 at the WCMEW Conference.

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Generally, only law enforcement, with the approval of the county mental health crisis agency, may place an individual on an emergency detention without a court order. Wisconsin's law does not permit health care providers to place an individual on an emergency detention without a court order. Thus, if law enforcement or a county crisis agency drops or will not initiate an emergency detention, a health care provider may not place an individual under an emergency detention, even if the health care provider reasonably believes the person is a danger to his/her self or others.

Finally, the bill also addresses a 2010 Court of Appeals case that concluded that an individual may be prohibited under Wisconsin law from disclosing information in good faith to a person in order to warn the person about a patient's substantial probability of serious physical harm to the person. The bill clarifies that a health care provider or law enforcement officer may disclose health care information in a good faith attempt to warn others of a patient's substantial probability of serious physical harm to the person. Federal restrictions on the sharing of patient health information (HIPAA) still apply.

WHA will continue to work with the Wisconsin Counties Association, the state's law enforcement organizations and individual provider organizations including the Wisconsin Psychiatric Association and Wisconsin Medical Society to marshal support for passage of this legislation.

WHA General Counsel Matthew Stanford testified to these issues in 2013, when the Wisconsin State Assembly Speaker's Task Force on Mental Health sought input and guidance from WHA during invited testimony to the task force. During this testimony, Stanford testified to requirements of Wisconsin hospitals under EMTALA, how Wisconsin's emergency detention law conflicts with this obligation and how current state law has created concern among providers if a detention doesn't occur when the provider believes it is necessary to protect the patient or the public. Several WHA groups have been involved in the development of this legislation, including WHA's Behavioral Health Task Force and Public Policy Council.

WHA members are encouraged to contact their state elected officials and encourage them to co-sponsor the legislation. Lawmakers can add their name to the bill until the end of the day October 2. If you have additional questions, contact Stanford at mstanford@wha.org or WHA Senior Vice President, Government Relations Kyle O'Brien at kobrien@wha.org.

To see a copy of the legislation and a WHA memo asking lawmakers to support the measure, go to the links below:

www.wha.org/pdf/2017WHA-Request-to-SupportLRB1983-9-27.pdf

www.wha.org/pdf/2017LegislatorCoSponsorMemoLRB1983.pdf

Fast Facts from the WHA Information Center

Number of Births to Women Over Age 35 Increases

Data from the WHA Information Center shows while the total number of births in Wisconsin has decreased, over the same time period, the number of women in Wisconsin who are giving birth after the age of 35 has increased.



Nationally, the Centers for Disease Control (CDC) reported women in the early 30s bracket had about 103 births per 100,000 people and the rate for women in their late 20s was 102 per 100,000. On average, the CDC data suggests, women are having their first child at roughly age 28.

Year	Total # Births In Wisconsin	# Births to Women 35 and Older
2014	63,745	6,279
2015	63,654	6,563
2016	63,561	6,840

Data provided by the WHA Information Center (WHAIC). WHAIC (www.whainfocenter.com) is dedicated to collecting, analyzing and disseminating complete, accurate and timely data and reports about charges, utilization, quality and efficiency provided by Wisconsin hospitals, ambulatory surgery centers and other health care providers.