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# Wisconsin Legislative Council

## AMENDMENT MEMO

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**Memo published:** October 13, 2023    **Contact:** Amber Otis, Senior Staff Attorney, and Kelly McGraw, Staff Attorney

**2023 Senate Bill 177**

**Senate Amendment 1**

### 2023 SENATE BILL 177

Wisconsin's current statutes do not expressly govern fatality review teams, though several types of such teams currently exist in Wisconsin based on voluntary efforts primarily organized by counties, with state-level technical assistance available for certain types of teams.

Senate Bill 177 establishes fatality review teams under state law by creating a framework governing such teams, if established locally, and requiring the Department of Health Services (DHS) to provide certain state-level assistance to any such established teams. Under the bill, a fatality review team is defined as a multidisciplinary and multiagency team reviewing one or more types of death among children or adults, and developing recommendations to prevent future deaths of similar circumstances. The bill generally governs a team's responsibilities, if established, as well as an established team's ability to access certain records, confidentiality requirements, and disclosure of information.

#### DHS's Duties and Authority

Under the bill, DHS must establish a fatality review program comprised of local fatality review teams established at the option of a county, a local health department, a tribal health department, or a combination of these entities. The bill also authorizes, but does not require, DHS to create state fatality review teams. The bill requires DHS to perform various duties, in consultation with other state agencies as appropriate, and allows DHS to contract with an entity to perform any of its duties under the bill.

#### Team Functions

The bill contains general provisions governing any type of fatality review team. The bill identifies examples of the types of deaths that may constitute a reviewable death, including those caused by unintentional injury, overdose, suicide, and homicide, among other causes. The bill also provides a non-exhaustive list of potential team members.

Under the bill, a fatality review team has the purpose of gathering information about reviewable deaths to examine risk factors and understand how deaths may be prevented, through identifying recommendations for cross-sector, system-level policy and practice changes, and promoting cooperation and coordination among the agencies involved in understanding causes of reviewable deaths or in providing services to surviving family members.

#### Team Record Access and Confidentiality

The bill authorizes a fatality review team to access records from a variety of sources, such as certain state agencies, law enforcement, medical examiners, and coroners, health care providers, human service agencies, schools, and the prescription drug monitoring program, among others, subject to certain restrictions under the bill and current law.

Information and records provided to or created by a fatality review team are confidential, subject to limited exceptions provided under the bill, and are not subject to Wisconsin's public records laws. The bill requires team members, and other individuals invited to attend a team meeting, to sign a confidentiality agreement before participating in or attending a fatality review team meeting. The bill authorizes disclosure of information if such disclosure serves a team's purpose and certain other conditions are met, such as the information does not allow for identification of individuals and does not contain conclusory information attributing fault. The bill exempts fatality review team meetings from Wisconsin's Open Meetings Law, but does allow for public meetings to share summary findings and recommendations, subject to certain limitations.

## **SENATE AMENDMENT 1**

Senate Amendment 1 expands the non-exhaustive list of types of reviewable deaths to include maternal deaths occurring during or within a year of a pregnancy. Relatedly, the amendment adds references to maternal mortality review teams in the bill's provisions referencing other specific types of teams for purposes of access to the records of the prescription drug monitoring program.

## **BILL HISTORY**

The Joint Legislative Council introduced Senate Bill 177 on April 3, 2023. On September 29, 2023, Senator Ballweg offered Senate Amendment 1. On October 12, 2023, the Senate Committee on Health recommended adoption of the amendment, and passage of the bill, as amended, on votes of Ayes, 6; Noes, 0.

For a full history of the bill, visit the Legislature's [bill history page](#).

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