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**Testimony for Special Committee on Emergency Management and
Continuity of Government
Wednesday, July 30, 2008**

**Tom Anderson, Emergency Coordinator
Wisconsin Department of Health Services
Division of Public Health**

Honorable Chair, Vice Chair, Distinguished members and staff of the Study Committee,

My Name is Tom Anderson. I am the Emergency Coordinator for the Wisconsin Department of Health Services (DHS) and work in the Preparedness Unit in the Division of Public Health.

Thank you for the opportunity to provide comments in regard to Chapter 166 of the Wisconsin Statutes. Chapter 166, titled Emergency Management, contains many references to a state of emergency and the powers and duties within the State of Wisconsin, particularly with respect to the Governor, Adjutant General, Department of Military Affairs, Division of Emergency Management and our local units of government.

Chapter 166 also contains the definition and provisions for declaring a Public Health Emergency in our State. These provisions were added after September 11, 2001 and the subsequent anthrax letters that killed and caused illness to civilians. Bioterrorism, or the intentional use of a biological, chemical or radiological agent against a segment of our population may require the public health community to take necessary actions in order to vaccinate or treat exposed individuals. A novel virus that could trigger pandemic influenza will also require a similar response.

While the definitions of bioterrorism, biological, chemical, and radiological agents, local health departments, and bioterrorism are contained within Chapter 166, the attendant powers and duties of DHS, and Local Health Departments if designated, are scattered in Chapter 250 pertaining to Health: Administration and Supervision (eg. distribute pharmaceuticals) and Chapter 252 pertaining to Communicable Disease (eg order compulsory vaccinations). It would helpful if all of these references pertaining to a public health emergency be referenced in a specific area within Chapter 166.

In a large-scale exposure, the current workforce of local and state public health staff will need to be augmented in order to treat all of those exposed in the required time period to prevent death or disease. Many local health departments have developed plans and exercised these plans utilizing volunteers to surge their workforce to meet this time-sensitive activity. In the last legislative session, both houses passed and the governor signed into law, legislation to protect volunteers from liability should they be needed in a health facility, including a mass clinic setting.

Chapter 166 now includes a generalized exemption from liability for persons (individuals, corps, etc) for provide services during a declared emergency. Chapter 250 provides state agent status to volunteer health care professionals and health care facilities, meaning that the Wisconsin Department of Justice would represent them

and the state would indemnify if they were liable for damages. After considering the type of liability protection the state will offer volunteer health professionals and entities that assist in public health emergencies, language that addresses this and other issues regarding the use of volunteers during a public health emergency could be referenced in a specific area of Chapter 166.

Our review of the public health provisions contained within chapter 166 have included consultation and input from our Department's Office of Legal Counsel. Shelley Malofsky, an attorney from that office is with me today. She has assisted in our efforts to protect the public's health and safety in the area of preparedness.

I would like to note that the DHS works very closely with our state's emergency management agency, Wisconsin Emergency Management, in all phases planning, prevention, response and recovery, of emergency management. We also are very involved in the Wisconsin Recovery Task Force that has been convened to assist citizens and businesses who have been impacted during the flooding.

I will be followed by a co-worker of mine, Billee Bayou, who coordinates the Wisconsin Emergency Assistance Volunteer Registry. Billee will update you on important information that pertains to volunteers responding from one state to another when they are needed to respond to a disaster.

Thank you again for the opportunity to share information with you today about Chapter 166 and our Department's work. We look forward to working with this committee and would like to offer you our expertise and involvement.

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