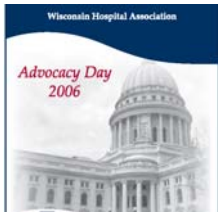


April 7, 2006

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## Hospital Advocates Converge on Madison: Set New Attendance Record for Advocacy Day

**Hospital supporters to legislators: Taxpayer Protection Amendment “a big concern”**  
**Governor Credits WHA for cutting through politics on medical liability issue**



There is power in numbers. That power was demonstrated this week in Madison when 530 hospital advocates joined forces to make their voices heard in the halls of the Capitol. Health care was first and foremost on the minds of those in Madison for WHA Advocacy Day April 5, as they filled the conference center at Monona Terrace to learn more about the issues they were scheduled later in the afternoon to discuss with their legislators.

They came from as far north as Ashland and as far south as Beloit, and represented every point in between. The “Blue Dogs” arrived from Chippewa Falls in their bus. Beloit’s dedicated group could be easily identified in the crowd by their red jackets. They came from different zip codes but they shared the same passion: advocate for their hospitals on issues that affect the health status of their communities. Their goal before leaving Madison was to make sure their legislators know where they stand on issues that impact hospitals, particularly the Taxpayer Protection Amendment.

Their main concern expressed to their legislators in the Capitol was the devastating impact the Taxpayer Protection Amendment (TPA) will have on an already underfunded Medicaid program. It doesn’t matter whether its coming from a hospital manager or from a hospital volunteer, all experience first hand the important safety net that their local hospital is to their community.

A volunteer from River Falls Area Hospital commented, “We see everyone who walks through the doors and the hospital staff tell me about the problems with Medicaid not paying us enough. I worry that with the Taxpayer Protection Amendment the day might come when we have to shut our doors due to lack of funding. My message to my lawmakers is you have got to do something about Medicaid funding.

WHA and other health care organizations are trying to make sure that legislators are reminded about the continued problems with inadequate Medicaid funding and how the “hidden tax on health care,” is shifted to private sector businesses. Earlier in the week, WHA partnered with the Wisconsin Association of Health Plans, Wisconsin Medical Society and Wisconsin Health Care Association and issued a press release that expressed concerns about the proposed constitutional amendment and its potential impact on an already underfunded state Medicaid program. *See the release on WHA’s website [www.wha.org](http://www.wha.org).*

“We have no qualms with the notion of limiting taxes and spending; this is not a partisan issue for us,” said Wisconsin Hospital Association President Steve Brenton. “But it’s hard to watch hospital Medicaid payments drop below 50 percent of cost, and the Medicaid ‘Hidden Health Care Tax’ rise to \$546 million in 2005 and not be concerned about the TPA. This is the situation that has developed without a constitutional limit on spending; what will happen *with* one?”

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That is exactly the concern that hospital advocates raised with their elected officials and their staff on Wednesday as they converged on the Capitol. In one of many examples, Mike Sanders, CEO of the Monroe Clinic, expressed his concern to staff members representing Sen. Erpenbach and Rep. Davis in a meeting that Medicaid funding must be a priority for the Legislature, and it would be nearly impossible in a TPA environment.

### ***Governor Doyle: "Wisconsin's Health Care System is Second to None"***

In his introduction of Governor Jim Doyle, WHA President Steve Brenton recognized the Governor and his senior team for embracing an agenda that includes private-sector led public reporting and encouraging the introduction of cutting edge health information technology. Brenton said information technology is an essential ingredient for improving patient quality and safety that will begin to lower the rate of health care cost inflation. The partnership with the Governor's office is significant, according to Brenton, in the fact that Wisconsin is a recognized national leader in efforts to report health care for quality, safety and service measures.

Brenton noted that Gov. Doyle and his senior team are also important partners with WHA, in ensuring that hospitals, home health agencies and nursing homes will have an adequate supply of health care professionals to care for our patients.

"Health care jobs are, in fact, the kinds of careers that provide family sustaining jobs, envisioned in Gov Doyle's 'Grow Wisconsin' initiative," Brenton said.

Brenton noted that when Governor Doyle signed AB 1073, which restored a cap on medical malpractice non-economic damages, he returned Wisconsin to the elite ranks of a handful of states that are considered to have favorable medical liability environments for practicing without undo fear of lawsuits.

"The Governor's support, along with the strong bipartisan support of the Wisconsin Legislature, has helped turn back on the 'Welcome to Wisconsin' sign that was turned off last summer," according to Brenton. "That is not insignificant for a state that must import physicians in order to have an adequate workforce to care for our patients."

The Governor opened his remarks by recognizing the work of the WHA staff and members.

"I thank you and all your members for what you have done to move Wisconsin's health care agenda forward. Advocacy Day has proved to be a powerful tool over the years as a way to make sure that your concerns and issues are brought before the policy makers here at the state capitol," according to Gov. Doyle.

Governor Doyle thanked the WHA for its diligent work to restore a cap on medical malpractice. Doyle vetoed the first bill that came to his desk that set a cap at \$450,000.

"At that point everyone could have just walked off the field and said, 'let's play politics.' The Republican Party is for caps, the Governor is against, let's just fight it out. But it took some people with a bigger vision than that to make sure that something positive happened," he said.

"I want to thank Steve and Eric and the leadership of WHA that in many ways, led the efforts to make sure we didn't just lock ourselves into two opposing camps and not come together. With some very, very good work, I believe we came with a bill that is a reasonable compromise to make sure that the caps are in place that gives people the predictability that they need and that tells doctors who are thinking of coming to Wisconsin that they are coming to a place with both a cap and a patient's compensation fund that assures them of real stability in their insurance costs," Doyle continued.

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## President 's Column

Wisconsin hospitals and physicians found out this week that we will be losing a true legislative *friend* with the announcement that State Representative Curt Gielow (R-Mequon) will **not** seek re-election to a third term in the Wisconsin State Assembly this fall. Curt has been what has become a rarity in our modern era...a true citizen legislator...who arrived in Madison to serve, get things done, and then return to life in the private sector.



*From left: 2004 Health Care Advocate Award Recipient - Rep. Curt Gielow; 2006 WHA Chair Mary Starmann-Harrison; WHA President Steve Brenton*

During Curt's brief Legislature tenure, he accomplished much. He chaired the Assembly Committee on Medicaid Reform and was an active member of the Assembly Committee on Health

and the Assembly

Committee on Insurance, demonstrating in all three positions an almost unmatched knowledge of health care delivery and an interest in identifying and solving problems.

***Curt has been what has become a rarity in our modern era...a true citizen legislator...who arrived in Madison to serve, get things done, and then return to life in the private sector.***

Following the disastrous July 14, 2005 Wisconsin Supreme Court decision overturning non-economic damage caps, Curt chaired the Speaker's Medical Malpractice Reform Task Force, the group that ultimately identified the parameters of legislation needed to restore meaningful caps on damage awards.

Curt's health care accomplishments were many, including:

- ✓ Leadership in passing "co-op care," the cooperative purchasing agreement that allows small businesses and individuals to purchase group health insurance
- ✓ Leadership in reforming Wisconsin's Health Insurance Risk Sharing Pool (HIRSP) that promises to provide a more private sector-oriented approach to an important but rapidly expanding (some suggest "out of control") program
- ✓ Championed the strengthening of Wisconsin's Injured Patients and Families Compensation Fund
- ✓ Provided physicians the opportunity to organize as LLCs under Wisconsin law

Just as important, Curt encouraged WHA's pursuit of our health care transparency agenda, specifically applauding CheckPoint and PricePoint as tools that will serve as resources for health care consumers and benchmarks for clinicians seeking to improve health care outcomes.

***Curt encouraged WHA's pursuit of our health care transparency agenda, specifically applauding CheckPoint and PricePoint as tools that will serve as resources for health care consumers and benchmarks for clinicians seeking to improve health care outcomes.***

In 2004, Representative Gielow was awarded WHA's Health Care Advocate Award. At that time, Curt pledged to continue to seek and advance meaningful solutions for real problems and challenges facing Wisconsin providers and consumers. He certainly kept that pledge during his brief but impressive and eventful four-year legislative career.

Steve Brenton  
President

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"In this world, that seems normal, that you work out a deal like that and get it done. But occasionally, in that capitol up there, things don't work that way. But it did take people with vision to really make sure that people didn't just walk off the field and start fighting. It took people who were willing to find the middle ground, and I thank you for that. Signing that bill was a real accomplishment for the people in this room, and it did something very good for the people of Wisconsin," he said.

According to Doyle, there is not a governor in this country, if they were honest about it, who wouldn't come to the State of Wisconsin and trade him even up for the health care systems. He credited the "people in this room" for ensuring that the quality of care that people receive is high, even though many patients are uninsured and those costs are "borne by the hospitals in this room."

Health care is Wisconsin's largest, and growing, industry, but Governor Doyle said at its most basic level, it is about whether a sick child gets the care he or she needs. He added that employers want to do the right thing for their employees and offer them affordable medical coverage to ensure that they get the health care they need.

"With the help of WHA, I have focused on trying to make health care more affordable," the Governor said.

### **Legislative Panelists Advice on Grassroots: Just Do It**



*State Legislative Leadership Panel  
From left: Sen. Judith Robson (D-Beloit), Senate Minority Leader; Sen. Dale Schultz (R-Richland Center), Senate Majority Leader; Rep. Kitty Rhoades (R-Hudson); Rep. Sheldon Wasserman (D-Milwaukee); Eric Borgerding, WHA*

During a panel discussion, four key legislators shared their insights into successful legislative contacts with the eager crowd.

"Successful legislative contacts are made by building relationships," according to Rep. Dale Schultz (R-Richland Center). "Personal relationships are essential if we're going to solve issues together," Schultz emphasized.

Rep. Sheldon Wasserman, (D-Milwaukee) encouraged contact with legislators and said, "Calls, emails and letters all make a difference."

In her response to a question about what makes an effective grassroots contact, Sen. Judy Robson (D-Beloit) told 2006 Advocacy Day attendees this: "A walk around through the emergency room or a hospital meeting with the management staff is good. The stories about the problems you're having,

personal stories are important. A thank you note – 'a happy note' – goes a long way. The voices make a difference. If you think the lobbyists have all the influence, that is not the case at all."

Rep. Kitty Rhoades (R- Hudson) and a member of the Joint Finance Committee, noted that in the last state budget Medicaid became "the premiere Issue—because you made it one" due to the flood of emails, letters and meetings that hit the Capitol on the issue. When an increase in Medicaid reimbursement for nursing homes was on the table, the grassroots pressure was nearly unbearable by some.

"At one point my fellow legislators said, 'Kitty, turn it off—we're hearing from too many people! Actually, we were successful. We had the first veto override in 20 years,'" Rhoades said. "Again, the most important thing about contacting legislators is to do it!" she emphasized.

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### ***WHA Presents Awards to Reps. Rhoades, Underheim and Meriter Hospital***

Rep. Kitty Rhoades (R-Hudson) received WHA's top legislative leadership honor, Rep. Gregg Underheim (R-Oshkosh) received a lifetime recognition award and Meriter Hospital received WHA's All Star Grassroots Advocate Award during the 2006 Advocacy Day luncheon.

Rep. Kitty Rhoades was awarded WHA's Healthcare Leadership Award, which recognizes a legislator who understands and works in their legislative capacity to advocate on behalf of Wisconsin's community hospitals. Randy Farrow, CEO of River Falls Area Hospital, and Marian Furlong, president/CEO of Hudson Hospital, the two hospitals in Rep. Rhoades' district, jointly presented Rep. Rhoades her award.



*Randy Farrow and Marian Furlong present Kitty Rhoades with WHA's Healthcare Leadership Award*

"During last year's budget debate, Rep. Rhoades led the effort to craft a fully funded Medicaid budget package and WHA worked closely with her on this," Farrow said in presenting the award. "That package included the first increase in hospital outpatient reimbursement rates *in over 12 years.*"

Rep. Rhoades sits on the Legislature's powerful budget-writing committee and her leadership helped secure the committee's unanimous, bipartisan support of a fully funded Medicaid budget including the reimbursement increase.

"Rep. Rhoades simply believes that Medicaid must be a budget priority, and she fought to make it so... Throughout it all, Rep. Kitty Rhoades elevated the discussion of Medicaid with her peers and made that discussion a priority as they crafted the state budget. What more can we and WHA say but 'thank you.'"

### ***Meriter Receives All Star Grassroots Advocate Award***



*WHA VP Jenny Boese presents Meriter Health CEO Terri Potter with WHA's prestigious All Star Grassroots Advocate Award.*

President and CEO Terri Potter accepted the prestigious WHA All Star Grassroots Advocate Award on behalf of Meriter Hospital from presenter Jenny Boese, external relations/member advocacy vice president at WHA. The award is given each year to one hospital that best represents a commitment and dedication to grassroots and forms a grassroots partnership with WHA to advance important health care issues in Wisconsin.

"The Wisconsin Legislature and the U.S. Congress create rules and laws every day which have a major impact on health care organizations, our employees, friends and patients and the communities in which we live," according to Meriter CEO Terri Potter. "We must be part of the political process - keeping in touch with our elected officials so they can make informed decisions. If not, decisions about health care will be made only with the input of others, and most likely at our expense."

To make sure that doesn't happen, WHA and Meriter have partnered on priority issues over the past year, which included the "Make Medicaid a Priority" campaign and the campaign to restore a medical liability cap in Wisconsin. Through it all, Meriter continually and aggressively answered the grassroots call.

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"In terms of mobilization, Meriter produced hundreds and hundreds of legislative contacts on Medicaid and restoring a medical liability cap. In fact, their grassroots efforts on restoring a cap were very important in helping secure the votes of several key Madison area legislators," said Boese in presenting the award.

She went on to add Meriter regularly hosts area legislators at their hospital so staff can interact with legislators and stay informed on legislative issues. They also regularly attend WHA Advocacy Day in Madison and participate in the annual WHA Congressional trip to Washington, DC

"In so many ways Meriter has embraced grassroots and integrated it into their culture. WHA depends on this commitment to advocacy, and we can't thank them enough," Boese concluded.

### **Rep. Underheim Recognized for 19 years of Public Service**

In a special award given to retiring State Representative Gregg Underheim, WHA praised Underheim for his "distinguished commitment to health care issues."

Presenting the award was WHA Senior VP Eric Borgerding whose professional relationship with Underheim has spanned over 13 years.

"I knew he was someone I needed to watch closely when back in 1993, lobbying for WHA the first time, I went into his office and saw him putting over a hundred big colored pins on a map of the state of Wisconsin," Borgerding began. "When I asked what he was doing, he said, 'I want to know where every hospital is in this state.'"

Serving 11 years as Chair of the Assembly Health Committee, the longest to ever hold that post, Rep. Underheim's tenure was marked by his "tenacious" style, a willingness to sink his teeth into issues and fight hard for what he believes in.

"But Gregg's greatest accomplishments are reflected not inside the Capitol, but in what is happening to health care outside the Capitol. PricePoint, CheckPoint, The Wisconsin Collaborative for Health Care Quality and the Wisconsin Health Information Organization – all nationally recognized programs that are setting the standard for reliable information about health care quality, safety and value," said Borgerding.

One of the bills authored by Rep. Underheim in the final year of his legislative career was WHA requested legislation to make changes to Wisconsin's peer review statutes. The legislation, Senate Bill 578, is currently awaiting action by the Governor.

"Most importantly, [we will remember] the person who after 19 years of dedicated public service has left a permanent and shining mark on health care in Wisconsin," closed Borgerding.

### **Speakers**



John Fund

John Fund, an editorial writer at the *Wall Street Journal* who provided the keynote address, told the group that they have a big advantage when they walk into a meeting with a legislator. "Health care is a universal issue. People will listen to you. You are the professionals who wear the white coats, and the people who take the risks to make sure that people get adequate health care," Fund told them. "On any list of occupations, nurses and physicians rank very highly. Journalists, like me, and state legislators, don't," he quipped.

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Eric Borgerding with Rep. Gregg Underheim

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Christopher Kush

"I know you are here because you have pressing issues. Taxpayer Protection Act is a concern to you because it's going to have an impact on you," Fund said.

"Our health care system is broken, and it will stay broken unless we break out some fresh thinking. You have made a start with health care transparency and you lead the nation. (PricePoint and CheckPoint) have a direct benefit to consumers. Continue to expand on that," Fund urged.

National grassroots consultant Christopher Kush provided attendees with insight into effectively meeting and discussing issues with legislators.

## End-of-Life Care Focus of May 16 Seminar

Facilitating patient-focused care during the last stage of life may be one of the most important gifts that a hospital can give to its patients. Over the past few years, several WHA members have indicated an interest in learning more about what can be done to improve existing services in this area.

WHA has developed a one-day conference, titled "Hopeful Responses to Meeting End-of-Life Care Challenges," to explore legal and ethical issues, and to learn from other Wisconsin organizations about how they are approaching this important topic internally and from a community perspective.

The conference is scheduled for May 16, 2006, at Stoney Creek Inn in Mosinee, from 9 am to 4 pm. A full brochure with registration information is available online at [www.wha.org](http://www.wha.org).

If you have questions about the content of this seminar, contact Jennifer Frank at [jfrank@wha.org](mailto:jfrank@wha.org). If you have registration questions, contact Sherry Rabuck at [srabuck@wha.org](mailto:srabuck@wha.org).

## Member News: Grant Regional Health Center Names Nicole Clapp President/CEO



Nicole Clapp

The Grant Regional Health Center (GRHC) Board of Directors announces the appointment of Nicole Clapp as president/CEO effective April 1, 2006. Clapp, who most recently served as vice president of professional services at GRHC, succeeds Larry Rentfro.

Clapp joined GRHC in June of 1996 as quality improvement, utilization review, and risk management coordinator. Clapp has also held the position of vice president of professional services.

Clapp is board certified in Healthcare Management and a Fellow of the American College of Healthcare Executives and was named ACHE Young Healthcare Executive of the Year in 2004. She holds a bachelor's degree in nursing from the University of Iowa.

Rick Kolb, GRHC chairman of the board, said, "I have the utmost confidence in Nicole's ability to lead our hospital. Her knowledge and proven ability far exceed her years. Our board unanimously agrees the future of our hospital is in very capable hands."

## Special Reminder

Please take the opportunity to rate WHA's value and effectiveness by completing the WHA Leadership Survey, which was distributed directly to hospital and health system leaders in electronic and written formats in late March.

**Please complete either the online or written version of the WHA Leadership Survey by April 17.**

### **Supreme Court Reconsiders *Maurin* Application of Wrongful Death Caps**

On April 5, the Wisconsin Supreme Court heard oral arguments in *Bartholomew v. Wisconsin Patients Compensation Fund*, revisiting issues resolved less than two years ago in its *Maurin v. Hall* decision. The issue before the court in *Bartholomew* is whether the court in *Maurin* properly required a reduction of all non-economic damages to the wrongful death cap limit in medical malpractice wrongful death cases (making it a lower cap when the patient dies than when the patient lives). Prior to *Maurin*, WHA had argued that the wrongful death cap was a cap within the medical malpractice cap.

The current case involves a woman, Helen Bartholomew who, having pain in her chest and left shoulder and arm, went to a walk-in clinic and was sent home undiagnosed. Bartholomew suffered a heart attack the next day. The jury found that she had not been properly diagnosed at the walk-in clinic. As a result of the heart attack, Bartholomew lived in a nursing home until she died five years later. A jury awarded damages of \$500,000 to Bartholomew's estate for pre-death pain and suffering, \$350,000 to her husband for the loss of his wife's society and companionship pre-death and another \$350,000 for the loss of society and companionship after her death.

The plaintiff argues in this case that the wrongful death cap applies only to post-death loss of society and companionship, as it does in other tort actions. The plaintiff further argues that prior to the medical malpractice cap being found unconstitutional, the medical malpractice cap applied only to pre-death claims such as pain and suffering and loss of consortium. In medical malpractice cases in which the plaintiff dies, therefore, there would be two stackable caps: the medical malpractice cap for pre-death claims and the wrongful death cap for post-death loss of society and companionship.

In *Maurin*, the Court held that in medical malpractice cases that result in death, there is only one applicable cap, the wrongful death cap (\$350,000 for adults/\$500,000 for children). Steven Means, an attorney at Michael Best and Friedrich representing the Fund, summarized the plaintiff's argument that *Maurin* should be overturned as follows: "Bartholomew urges that *Maurin* is "unworkable" because of *Ferdon*. To that end, he rolls out a parade of horrors in which physicians are incentivized to fatally injure patients, defense counsel are motivated to prolong trials, surviving spouses are torn between pursuing survivorship claims or wrongful death actions and battles ensue among competing claimants."

Means argued that the case should be decided based on the doctrine of *stare decisis*, which requires a court to "stand by things decided." Means argued, "Neither the legislative history nor the Legislature's rationales have changed since [*Maurin*]. Likewise, it is undisputed that the facts of this case have not changed during the course of this litigation. In fact, the only thing that has changed between the time of the *Maurin* and *Ferdon* decisions is the composition of the Court itself. But this is not a valid basis for overturning precedent."

The Court's decision in *Bartholomew* will be forthcoming.



## ***Stories From Our Hospitals***

### **Aurora Health Care Addresses Abuse in the Community**

Aurora Health Care researched a diverse sample of Wisconsin women who had been abused (1,268 anonymous surveys; 75 in Spanish). The study revealed 50 percent of adult female patients had experienced physical/emotional abuse in their lifetimes. While only 1 in 4 had been asked about abuse by a health care provider, 83 percent of respondents wanted to be asked and 85 percent said they would disclose abuse if asked in a private, respectful manner.

**Aurora's Abuse Response Services** is an intricate web of services. Because abused women use medical services at a higher rate than women who have not been abused, Aurora providers have unique opportunities to offer interventions to abused women to decrease their isolation and increase their safety. Those interventions are:

- **Aurora's SATC (Sexual Abuse Treatment Center)** at Aurora Sinai Medical Center is the second busiest program of its kind nationwide, serving victims throughout southeast Wisconsin. Since 1986, the SATC has provided medical, forensic and support services to more than 700 children and adults annually. In 2005 it provided 321 counseling sessions, responded to over 4,000 crisis calls, and presented sexual assault prevention education to 554 junior- and 1,151 senior-high students.
- **The Healing Center** was created in 2000 to provide ongoing support services for sexual abuse victims, their family and friends and is located in Walker's Point Community Clinic on Milwaukee's south side. Abuse survivors resoundingly report The Health Center services have a direct effect on their self-esteem, self-image and overall health. In 2005, more than 400 survivors received one-to-one services, and 120 new clients received intensive counseling by psychotherapists. More than 600 participants attended a series of weekly structured art and craft therapy workshops that incorporate creativity into the healing process. Outreach and education reached more than 1,200 people, and another 575 people were helped through telephone, advocacy, group and counseling contacts.
- **Aurora's Domestic Violence Program** develops awareness of abuse and its impact on patient health; provides crisis intervention/advocacy to patients identified in metro Milwaukee health care settings; promotes safe health environments and effective responses to patients who have been abused; and creates community relationships to bridge the gap between health care and legal/social services.
- **Safe Mom Safe Baby** is a collaborative model of care for pregnant and recently pregnant women experiencing intimate partner violence many of whom reside within urban neighborhoods. Consider these statistics:
  - Of the 120 deaths by homicide in Wisconsin reported to the Office of Justice Assistance in 2001, 42 deaths were related to domestic violence.
  - In Milwaukee in 2003:
    - ◆ more than 5,000 people requested restraining orders
    - ◆ more than 1,500 entered domestic violence shelters
    - ◆ 640 sexual assault survivors were served by the Sexual Assault Treatment Center.

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The Safe Mom Safe Baby program at Aurora Sinai Medical Center combines screening, case management, advocacy and mentoring. In addition to the medical component, Aurora's integrated health system offers patients social/psychological support. Women who participate and receive direct services engage in safety behaviors and at increased levels with health care providers.

Through our collaboration with community-based organizations and integration of diverse services within Aurora, we are better meeting community need and working to change the cycle of abuse.

**Submit hospital community benefit stories to Mary Kay Grasmick, editor, [mgrasmick@wha.org](mailto:mgrasmick@wha.org) or call 608-274-1820.**