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TO: Members of the Senate Committee on Health

FROM: Abbey Rude, WHA VP Government Relations
Ann Zenk, WHA Senior Vice President, Workforce & Clinical Practice

DATE: October 22, 2025

RE: Testimony For Information Only – Senate Bill 442 Related to Surgical Smoke Mandates on Hospitals and Ambulatory Surgery Centers

While Wisconsin hospitals appreciate and agree with the authors' broader intent in Senate Bill 442 of providing safe working conditions for all health care providers, we believe this new state-level mandate on hospitals is unnecessary and caution lawmakers on adopting Senate Bill 442 into law.

The safety and wellbeing of hospital employees is of the upmost importance to Wisconsin hospitals. Wisconsin hospitals already meet and exceed a multitude of federal regulations to protect patients and our staff, including the Medicare Conditions of Participation, OSHA employee safety requirements, and other requirements through various accrediting bodies, including The Joint Commission.

Based on feedback WHA has received from our members, Wisconsin hospitals are furnished with the appropriate equipment to remove surgical smoke in operating rooms and would be able to comply with the requirements set forth in the legislation. **However, just because hospitals across Wisconsin can meet this proposed state mandate doesn't mean the legislature should adopt it into law.**

Hospitals are among the most regulated entities in Wisconsin, with onerous regulatory requirements at both the federal and state levels. According to the American Hospital Association's *Regulatory Overload Report*, the average hospital employs 59 full-time-equivalent staff and spends \$1,200 per inpatient admission simply to comply with federal regulations. The regulatory burden foisted upon hospitals is very real and should not be made worse in Wisconsin.

In 2014, WHA received bipartisan support for legislation that modernized state regulations (DHS 124) with federal hospitals requirements due to decades of outdated Wisconsin-specific regulations that eventually conflicted with federal regulations. Over time well intended state-specific regulations, like those proposed in Senate Bill 442, became outdated with federal regulatory requirements.

While we have concerns with this legislation, we'd like to thank Senator Cabral-Guevara for previously requesting feedback from WHA on this proposed bill. In her legislation, Senator Cabral-Guevara addressed concerns WHA had previously heard from our providers that smoke evacuation equipment may impact dexterity, efficiency or visibility during certain surgery operations and cause noise that can prevent communication amongst the care

team. While we remain in disagreement on the need for this legislation, WHA appreciates the language included in Senate Bill 442 accommodating providers who believe the use of such equipment is not necessary or advisable under the circumstances.

If you have any additional concerns or questions, please contact WHA's Vice President of Government Relations Abbey Rude at arude@wha.org or (608) 274-1820.