



Wisconsin Medical Society

Your Doctor. Your Health.

TO: Senate Committee on Judiciary, Corrections, Insurance, Campaign Finance Reform and Housing

FROM: Mark Grapentine, JD – Senior Vice President, Government Relations

DATE: November 10, 2009

RE: Opposition to Senate Bill 384

On behalf of nearly 12,500 members statewide, the Wisconsin Medical Society thanks you for this opportunity to register our opposition to Senate Bill 384.

The Society's Executive Committee of the Board of Directors met recently to discuss the issues underlying introduction of this bill. The Executive Committee adopted the following American Medical Association policy as the Society's:

H-515.988 Repeal of Religious Exemptions in Child Abuse and Medical Practice Statutes
Our AMA (1) reaffirms existing policy supporting repeal of the religious exemption from state child abuse statutes; (2) recognizes that constitutional barriers may exist with regard to elimination of the religious exemption from state medical practice acts; and (3) encourages state medical associations that are aware of problems with respect to spiritual healing practitioners in their areas to investigate such situations and pursue all solutions, including legislation where appropriate, to address such matters. (BOT Rep. H, A-90; Reaffirmed: Sunset Report, I-00)

Rather than help clarify the difficult issues surrounding religious practice and children's health, Senate Bill 384 appears to add more confusion. Granting a legal privilege to s.939.45 of the state statutes, with nine factors to determine reasonableness of choosing spiritual over medical care, could create an environment where prosecutors and parents are left wondering what the statutes hold. Prosecutors may level charges in almost any case involving religious decision-making where children are harmed because the evidence and legal arguments will center on the various reasonableness factors. Parents, too, could feel concerned over exercising a choice for spiritual healing due to the factors being an issue in nearly every case.

Thus, the state could be deprived of the ability to protect children in every instance where tragic harm occurs. Instead, the law could be changed to remove the exception of spiritual healing from the child abuse laws – a policy change the Society would support.

Thank you again for this opportunity. If you have any questions on this or any other issue, please feel free to contact me at any time.