



Wisconsin Chapter American College of Emergency Physicians

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**TO: Senator Van Wanggaard, Chair
Members, Senate Committee on Judiciary and Public Safety**

**FROM: Lisa Maurer, MD
Member, Board of Directors**

DATE: January 27, 2016

RE: Support for SB 383

The Wisconsin Chapter of the American College of Emergency Physicians (WACEP) urges you to support SB 383. WACEP is the largest body of Emergency Physicians in Wisconsin, currently representing hundreds of Emergency Physicians across the state.

Patients who are to have their body searched by court order are often brought to an Emergency Physician to perform said search. Not infrequently, these patients are holding potentially life-threatening substances such as illicit drugs in their body cavities, but are disincentivized to cooperate with search for, and potential removal of, such substances given their legal ramifications. Performing these searches can be medically high-risk procedures in and of themselves. Emergency Physicians are therefore charged with the difficult tasks of not only attempting to do what is best for their patient in this medically complicated circumstance, but also balancing issues of patient consent with legal mandates before them. Should we comply with the court order against the patient's wishes, we are potentially at risk for being charged with battery. And if we refuse to proceed with the search, we are violating a Court Order. In addition, employers and health care facilities have advised their providers to avoid such body searches in order to avoid possible liability.

Affording civil and criminal immunity to Emergency Physicians, as well as physician assistants and registered nurses involved in these patients' care, assures that we can focus on keeping the patient's health a priority during a time when the patients themselves might not be able to do so. Extending that immunity to providers' employers and the facilities they practice in returns the decision-making process to the hands of the providers who are there caring for the patient. Emergency Physicians are, of course, still held to the highest of standards during care involving these searches, as they would be for care of any patient.

Therefore, WACEP urges you to support SB 383 to confer civil and criminal immunity when performing court-ordered searches. Thank you for the opportunity to provide testimony on this important issue.