



WNA Files an Amicus Brief Supporting Safe at Home Extension

On April 28, 2020 WNA's Executive Committee authorized signing on to an Amicus Brief supporting the Safe at Home Extension Executive Order.

Background

The filing of an amicus brief is in response to the Republican legislative leadership lawsuit that has gone to the Wisconsin Supreme Court to block Safer at Home and, have DHS go through a lengthy administrative rulemaking process. The lawsuit asks the Court to give DHS six days to promulgate a rule, even though Wisconsin law requires at least 20 days to promulgate an "emergency" rule due to review by multiple entities, publication in the Administrative Register, legislative hearings, and comment periods.

What this amicus brief is asking

Amici submit this brief on behalf of their members and constituents to express their full support for the March 26, 2020 Emergency Order #12, <https://evers.wi.gov/Documents/COVID19/EMO12-SaferAtHome.pdf> issued by the Department of Health Services (the "Department") and extended by the April 16, 2020 Emergency Order #28, <https://evers.wi.gov/Documents/COVID19/EMO28-SaferAtHome.pdf> and for the Department's plan to reopen Wisconsin in phases. Amici believe that relaxing restrictions over time while not compromising the health and safety of our communities is the most appropriate strategy for their members and constituents, and will give Wisconsin the necessary time to expand testing and tracing systems, build capacity within the health care system, and secure additional personal protective equipment.

What is an Amicus Brief

An amicus brief is a document that is filed in a court by someone who is not directly related to the case under consideration. The additional information found in an amicus brief can be useful for the judge(s) evaluating the case, and it becomes part of the official case record.

The tradition of accepting amicus briefs comes from a larger concept, the *amicus curiae*, or "friend of the court." A friend of the court may be interested in a case for various reasons, although he or she is not directly involved. A brief might be filed to discuss the larger ramifications of potential case outcomes, since these ramifications might not be brought up by the prosecution or defense during the course of a trial.

Amici curiae can do a variety of things in addition to filing a brief. They can also contribute academic evaluation of various matters related to a case, they may testify, and in very rare cases, they could contribute to closing oral arguments. Many advocacy organizations act as *amici curiae*, as do some concerned individuals. States and governments may also step in if they believe that a case may impact them.

Rationale for WNA decision to sign-on

1. Increase hospitalization of COVID patients put nurses at risk.
 - a. Lack of appropriate PPE remains an issue.
 - b. Lack of COVID testing supplies
 - c. Wisconsin has not had 14 days in a row of "no COVID" reports. (CDC benchmark)
 - d. 955 (15%) of WI population with COVID diagnosis are health care workers
 - e. Hospitals are beginning to increase non-COVID admissions with some patients presenting with COVID symptoms during their hospital stay.
 - f. There is no vaccine available to immunize the population from the COVID-19 virus.

2. WNA along with the Wisconsin State Medical Society and other health care related organizations sent a letter to Governor Evers on March 26, 2020 supporting his decision to extend the Safe at Home Executive Order.
3. The cases of COVID related deaths are disproportionate to Wisconsin's population. There are higher incidents of diagnosis and deaths among the African American and Hispanic population due to health care disparities.
4. WNA remains the recognized voice of nursing in Wisconsin and have a 110-plus year history of advocating for our patients, the nursing workforce and our profession.
5. Given this data and epidemiological information WNA believes that there needs to be extreme caution in opening business and recognizes the economic impact of COVID has on Wisconsin's economy. Once Wisconsin is ready to open we would like for it to be permanent.

To see the brief go to: http://www.thewheelerreport.com/wheeler_docs/files/043020wscwpha.pdf