1999 ASSEMBLY BILL 427

August 17, 1999 – Introduced by Joint Legislative Council. Referred to Committee on Health.

AN ACT *to amend* 51.30 (1) (a) and 51.30 (1) (b); and *to create* 146.81 (6) of the statutes; **relating to:** defining "record" for purposes of patient health care and mental health confidentiality statutes.

Analysis by the Legislative Reference Bureau

This bill is explained in the Notes provided by the joint legislative council in the bill.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

 $\label{prepared} \mbox{ Prefatory note: This bill was prepared for the joint legislative council's special committee on telemedicine issues.}$

Section 51.30, stats., relates to access to, and confidentiality of, mental health records. Sections 146.81 to 146.84, stats., relate to general patient health care records. While those statutes use the term "record", they do not specify the format of the records that are covered. This bill defines "record", for purposes of those statutes, as "any material on which written, drawn, printed, spoken, visual, electromagnetic or digital information is recorded or preserved, regardless of physical form or characteristics". The intent of this definition is to ensure that the confidentiality laws cover all formats for patient records.

SECTION 1. 51.30 (1) (a) of the statutes is amended to read:

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51.30 **(1)** (a) "Registration records" include all the records of the department, county departments under s. 51.42 or 51.437, treatment facilities, and other persons providing services to the department, county departments or facilities which identify individuals who are receiving or who at any time have received services for mental illness, developmental disabilities, alcoholism or drug dependence. <u>In this paragraph</u>, "record" means any material on which written, drawn, printed, spoken, visual, electromagnetic or digital information is recorded or preserved, regardless of physical form or characteristics.

Section 2. 51.30 (1) (b) of the statutes is amended to read:

51.30 (1) (b) "Treatment records" include the registration and all other records concerning individuals who are receiving or who at any time have received services for mental illness, developmental disabilities, alcoholism, or drug dependence which are maintained by the department, by county departments under s. 51.42 or 51.437 and their staffs, and by treatment facilities. Such records do not include notes or records maintained for personal use by an individual providing treatment services for the department, a county department under s. 51.42 or 51.437, or a treatment facility if such notes or records are not available to others. In this paragraph, "record" means any material on which written, drawn, printed, spoken, visual, electromagnetic or digital information is recorded or preserved, regardless of physical form or characteristics.

SECTION 3. 146.81 (6) of the statutes is created to read:

146.81 **(6)** "Record" means any material on which written, drawn, printed, spoken, visual, electromagnetic or digital information is recorded or preserved regardless of physical form or characteristics.