



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2007 Wisconsin Act 108
[2007 Senate Bill 487]

**Release of Treatment Records and
Patient Health Care Records**

2007 Wisconsin Act 108 makes the following changes to state laws relating to mental health treatment records and patient health care records:

Mental Health Treatment Records

Act 108 makes the following changes to laws related to mental health treatment records:

- Permits release of these records, without informed consent, to a health care provider, or a person acting under the supervision of the health care provider who is involved with an individual's care, if necessary for the individual's current treatment. Prior to the passage of Act 108, these records could be released without written informed consent only to a health care provider in a "related health care entity".
- Expands the type of information that can be released to a health care provider to include diagnostic test results, and symptoms.
- Permits a health care provider to release a portion of a patient health care record to:
 - Any person, if the patient or a person authorized by the patient is not incapacitated, is physically available, and agrees to the release of that portion.
 - Any of the following, as applicable, if the patient and person authorized by the patient are incapacitated or are not physically available, or if an emergency makes it impracticable to obtain an agreement from the patient or from the authorized person, and if the health care provider determines that the release is in the patient's best interest:
 - To a member of the patient's immediate family; a relative; a close personal friend; or an individual identified by the patient; that portion of the record that is directly relevant to the involvement of that person in the patient's care.

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.state.wi.us/>.

- To any person, that portion of the record that is necessary to identify, locate, or notify a member of the patient's immediate family or another person that is responsible for the care of the patient concerning the patient's location, general condition, or death.

Redisclosure of Health Care Records

Act 108 eliminates restrictions on the redisclosure of health care records. The Act authorizes the redisclosure of a patient health care record by a covered entity (as defined under federal law), for a purpose for which a release is otherwise permitted. A record may be redisclosed by a noncovered entity only if the patient or a person authorized by the patient provides informed consent for the redisclosure; there is a court order for the redisclosure; or redisclosure is limited to the purpose for which the patient health care record was initially received.

Effective Date: Act 108 takes effect April 1, 2008, except for provisions that change the law regarding the release of mental health records to a related health care entity, which take effect on October 1, 2008.

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LR:jal