



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2007 Assembly Bill 224

Assembly Amendments 2 and 4

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Current law prohibits a health care facility or health care provider from taking or threatening to take disciplinary action against an employee of the facility or provider who, in good faith, reports a possible law violation or standard of care violation to specified individuals or entities. [s. 146.997, Stats.] *2007 Assembly Bill 224* adds to current s. 146.997 whistleblower protections immunity from civil and criminal liability for good faith reporting of possible law violations or standard of care violations. The immunity extends not only to an employee of a health care provider or health care facility, but also to a health care provider or facility. The bill does affect the current whistleblower protections.

Assembly Amendment 2 contains two provisions:

1. *Application of immunity to self-reporting.* The amendment clarifies that the liability immunity provided under Assembly Bill 224 does not extend to a health care provider or facility or employee of a provider or facility who reports or provides information or initiates, participates in, or testifies in any action or proceeding concerning a law or standard of care violation by the health care provider or facility or employee of a provider or facility who is reporting, providing the information, or initiating, participating in, or testifying in the action or proceeding. [See items 3 through 7 of Assembly Amendment 2.]

2. *Disclosure of patient information to regulatory agency.* Item 7 of the amendment, page 2, lines 4 to 17, provides that a health care provider or facility or employee of a provider or facility reporting information concerning a possible law or standard of care violation to an agency that has authority to investigate and take action against a health care provider or facility or employee for the type of conduct reported may disclose to the agency the name of the patient who was the subject of, and a description of the event giving rise to, the alleged violation. An agency receiving identifying information about a patient must keep the information confidential and may not disclose that information except: for the purpose of investigating and taking action on the allegation; with the informed consent of the patient or a person authorized by the patient; or as authorized by a court.

Assembly Amendment 4:

1. Extends the bill's liability immunity to a health care provider, facility, or employee who in good faith provides to a prospective employer any information relating to an allegation that an employee or former employee has violated a law or standard of care, has engaged in unprofessional conduct, or has negligently treated a patient. [See item 8 of the amendment.]

2. Applies the condition that "the disclosure" is not prohibited by state law or rule or federal law or regulation" to any type of disclosure for which immunity is provided under the bill. [See item 4 (and items 5 to 7) of the amendment.]

Legislative History

Assembly Amendment 2 was offered by Representative Pridemore. Assembly Amendment 4 was offered by Representative Kleefisch. Both amendments were adopted by the Assembly by voice vote. The proposal is scheduled for 3rd reading.

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