

2011 Jr1 DRAFTING REQUEST

Assembly Amendment (AA-SB1)

Received: 01/20/2011

Received By: **tdodge**

Wanted: **As time permits**

Companion to LRB:

For: **Peggy Krusick (608) 266-1733**

By/Representing: **Christian Moran**

May Contact:

Drafter: **tdodge**

Subject: **Health - miscellaneous**

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Krusick@legis.wisconsin.gov**

Carbon copy (CC:) to: **tamara.dodge@legis.wisconsin.gov**

Pre Topic:

No specific pre topic given

Topic:

Allow incident reports and reports sent to regulatory agencies and records of reviews to be used in criminal actions.

Instructions:

See attached.

Drafting History:

| <u>Vers.</u> | <u>Drafted</u> | <u>Reviewed</u> | <u>Typed</u> | <u>Proofed</u> | <u>Submitted</u> | <u>Jacketed</u> | <u>Required</u> |
|--------------|----------------------|------------------------|------------------------|----------------|------------------------|------------------------|-----------------|
| /? | tdodge 01/20/2011 | csicilia 01/20/2011 | | _____ | | | |
| /1 | | | jfrantze 01/20/2011 | _____ | sbasford 01/20/2011 | sbasford 01/20/2011 | |

FE Sent For:

<END>

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|--------------|----------------|-----------------|--------------|----------------|------------------|-----------------|-----------------|
| 1? | tdodge | 1/11 | 1/20 | 1/20 | 1/20 | | |

FE Sent For:

<END>

Dodge, Tamara

From: Moran, Christian
Sent: Wednesday, January 19, 2011 5:59 PM
To: Dodge, Tamara
Subject: amendment request

Please redraft SA 14 to SS SB 1 as an AA to SS SB 1. Please include this additional edit: Page 11, line 4: delete "or criminal":

Thanks for all of your help on short notice. Really appreciate it.

Christian Moran
Office of Representative Peggy Krusick
State Capitol, 128 North
Madison, WI 53708
(608) 266-1733



State of Wisconsin
2011 - 2012 LEGISLATURE

January 2011 Special Session



LRBa0190201

TJD: (.....)

In: 1/20/11 Now

RmNR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

ASSEMBLY AMENDMENT,

TO SENATE BILL 1

ys

D-note

see
handwritten

Ins 00110-1

1 At the locations indicated, amend the bill as follows:

Ins 00110-2 2 1. Page 11, line 4: delete "or criminal". ✓

3 2. Page 12, line 10: delete that line. ✓

4 3. Page 30, line 12: delete "and (e)". ✓

Ins 00110-3 5 (END)

D-note



State of Wisconsin
 2011 - 2012 LEGISLATURE
 January 2011 Special Session

INSERT



LRBa0110/1
 TJD:cjs:md

SENATE AMENDMENT 14,
 TO SENATE BILL 1

January 18, 2011 - Offered by Senators Erpenbach, Risser and Miller.

*** AUTHORS SUBJECT TO CHANGE ***

Insert a0110-1

At the locations indicated, amend the bill as follows:

Insert a0110-2

Insert a0110-3

- 1
- 2 **1.** Page 10, line 20: after "or (3m)" insert "and except that a person who
- 3 participates in the review or evaluation shall disclose an incident or occurrent report
- 4 to a court of record with regard to any criminal matter, in accordance with chs. 885
- 5 to 895 and 995 and after issuance of a subpoena".
- 6 **2.** Page 11, line 5: delete the material beginning with "except for" and ending
- 7 with "providers." on line 7.
- 8 **3.** Page 11, line 16: delete the material beginning with "civil or" and ending
- 9 with "criminal" on line 17 and substitute "civil".
- 10 **4.** Page 13, line 6: delete "or criminal".
- 11 **5.** Page 13, line 7: after "healthy care provider," insert "A record described
- 12 under sub. (2) disclosed either under sub. (3) or (3m) or in violation of this section

1 ~~remains confidential and may not be used in any criminal action against the health~~
2 ~~care provider or any other health care provider."~~

3 **6.** Page 27, line 10: delete "or criminal".

4 ~~(END)~~

(End inserts)

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBa0190/1dn

TJD: /:....

g's

Data

To Christian Moran:

5

This amendment allows incident and occurrence reports, records from a review of health care services, and reports and statements sent to regulatory agencies to be used in criminal actions. Since this amendment differs from Senate Amendment 14 to Special Session Senate Bill 1, in that it allows use in criminal actions of records from review, this amendment prohibits redisclosure of records and reports under s. 146.38 (3t) only in civil actions and reinstates s. 146.38 (3) (e), which requires disclosure of records of reviews under subpoena in a criminal action. ✓

Should you have any questions or redraft requests, please contact me. ✓

Tamara J. Dodge
Legislative Attorney
Phone: (608) 267-7380
E-mail: tamara.dodge@legis.wisconsin.gov

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBa0190/1dn
TJD:cjs:jf

January 20, 2011

To Christian Moran:

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Should you have any questions or redraft requests, please contact me.

Tamara J. Dodge
Legislative Attorney
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E-mail: tamara.dodge@legis.wisconsin.gov