



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2013 Wisconsin Act 111
[2013 Assembly Bill 139]

**Duty of Physicians
to Inform Patients**

Under *prior law*, any physician who treated a patient was required to inform the patient about the availability of all alternate, viable medical modes of treatment and about the benefits and risks of these treatments, subject to certain exceptions. In actions alleging that a physician has failed to provide such informed consent, the Wisconsin Supreme Court has held since at least 1975 that the “reasonable patient” standard must be applied. The Court has described the standard as follows: “Wisconsin law requires that a physician disclose information necessary for a reasonable person to make an intelligent decision with respect to the choices of treatment or diagnosis.” [*Jandre v. Physicians Insurance Company of Wisconsin*, 2012 WI 39, ¶¶ 7-8, citations omitted.]

2013 Wisconsin Act 111 requires a physician to inform the patient about the availability of reasonable alternate medical modes of treatment, instead of all alternate, viable medical modes of treatment. The Act specifies that the “reasonable physician” standard is the standard for informing a patient under this provision and provides that the “reasonable physician” standard requires disclosure only of information that a reasonable physician in the same or a similar medical specialty would know and disclose under the circumstances.

In addition, the Act provides that a physician is not required to disclose information about alternate medical modes of treatment for any condition the physician has not included in his or her diagnosis at the time the physician informs the patient.

Effective date: December 15, 2013. The Act first applied to a physician required to inform a patient about modes of treatment on December 15, 2013.

Prepared by: Jessica Karls-Ruplinger, Senior Staff Attorney

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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.wisconsin.gov>.