

CHAPTER 339

AN ACT to renumber and amend 325.21; and to create 325.21 (2) of the statutes, relating to physicians or surgeons disclosing information of suspicious childrens injuries to a criminal law enforcement official or agency.

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

SECTION 1. 325.21 of the statutes is renumbered 325.21 (1) and amended to read:

325.21 (1) No physician or surgeon shall be permitted to disclose any information he may have acquired in attending any patient in a professional character, necessary to enable him professionally to serve such patient, except only:

* * * (a) In trials for homicide when the disclosure relates directly to the fact or immediate circumstances of the homicide,

* * * (b) In all lunacy inquiries,

* * * (c) In actions, civil or criminal, against the physician for malpractice,

* * * (d) With the express consent of the patient, or in case of his death or disability, of his personal representative or other person authorized to sue for personal injury or of the beneficiary of an insurance policy on his life, health, or physical condition,

* * * (e) In situations where a hospitalized person is adjudicated either mentally ill, mentally infirm or mentally deficient or is a voluntary mental patient in either a public or private institution and the release of medical information is necessary so that the person can qualify for either an insurance benefit or some type of federal, state or county benefit or pension for either himself or his dependents,

(f) *In situations where the examination of an abused or injured minor creates a reasonable ground for an opinion of the physician or surgeon that the condition was intentionally caused or inflicted by another and the child is unable or unwilling to disclose the facts and circumstances and the name of such another.*

SECTION 2. 325.21 (2) of the statutes is created to read:

325.21 (2) A physician or surgeon being of the opinion as specified in sub. (1) (f) shall report the same and the facts and circumstances forming the opinion to the district attorney or sheriff of the county.

Approved September 18, 1963.