



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2005 Assembly Bill 207	Assembly Amendment 1
<i>Memo published: June 15, 2005</i> <i>Contact: Robert J. Conlin, Senior Staff Attorney (266-2298)</i>	

Assembly Bill 207

Generally, Assembly Bill 207 provides various employment, liability, and disciplinary protections for health care professionals, health care facilities, and certain others who refuse to participate in sterilization procedures, abortions, assisted suicide, and certain other procedures if the refusal is based on moral or religious grounds.

Assembly Amendment 1

Generally, under current law (s. 146.83, Stats.), any patient may inspect the health care records of a health care provider pertaining to that patient at any time during regular business hours, upon reasonable notice, and may receive a copy of the patient's health care records upon payment of fees established by the Department of Health and Family Services. In addition, the law provides that a patient's health care records must be provided to the patient's health care provider upon request. Section 146.83 (4) (b) provides, in part, that no person may conceal or withhold a patient health care record with intent to prevent its release to the patient or to his or her health care provider. A person who knowingly and willfully violates this provision is liable to any person injured as a result of such conduct for actual damages, exemplary damages of not more than \$25,000, plus costs and reasonable actual attorneys fees. A person who negligently violates the provision is liable to any person injured as a result of the violation for actual damages, exemplary damages of not more than \$1,000, plus costs and actual attorneys fees. The definitions of "health care provider" and "health care records" are broad.

Assembly Amendment 1 provides, generally, that the various protections afforded under the bill do not extend to a person, health care provider, or health care facility that violates s. 146.83 (4) (b), Stats., as described above.

Legislative History

Assembly Amendment 1 was offered by Representative Hundertmark on June 2, 2005. On June 8, 2005, the Assembly Committee on Labor recommended adoption of Assembly Amendment 1 on a

vote of Ayes, 8; Noes, 0, and recommended passage of the bill, as amended, on a vote of Ayes, 6; Noes, 2. The Assembly adopted Assembly Amendment 1 on a voice vote on June 14, 2005 and passed the bill, as amended, on a vote of Ayes, 60; Noes, 33; Paired, 6.

RJC:rv:wu:ksm