



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-3543/1
TJD:klm

2017 SENATE BILL 287

June 2, 2017 - Introduced by Senators DARLING, JOHNSON, OLSEN, WANGGAARD and COWLES, cosponsored by Representatives RODRIGUEZ, C. TAYLOR, KULP, STEFFEN, FELZKOWSKI, R. BROOKS, BALLWEG, RIPP, QUINN, GENRICH and TUSLER. Referred to Committee on Health and Human Services.

1 **AN ACT** *to repeal* 253.12 (3) (c); *to amend* 253.12 (2) (a) (intro.), 253.12 (2) (d),
2 253.12 (3) (a) 2. and 253.12 (4) (a); and *to create* 253.12 (3) (d) and 253.12 (5)
3 (a) 5. of the statutes; **relating to:** various changes to birth defect prevention
4 and surveillance system.

Analysis by the Legislative Reference Bureau

This bill makes various changes to the birth defect prevention and surveillance system. Under current law, with consent of a parent or guardian of an infant or child who has been diagnosed with or is suspected of having a birth defect, a physician or pediatric specialty clinic is required to report the diagnosis or suspicion of birth defect to the Department of Health Services if the birth defect is on a list promulgated by rule. A hospital is allowed, with parent or guardian consent, to report the diagnosis or suspicion of birth defect to DHS. The bill, instead of requiring affirmative consent for birth defect reporting, allows the parent or guardian to state in writing that he or she refuses to release the name or address of the child.

Under current law, DHS is required to promulgate rules to specify which birth defects are required to be reported. This bill requires the DHS secretary to maintain a list of birth defects that the Council on Birth Defect Prevention and Surveillance has unanimously decided should be required to be reported. The bill requires that DHS specify by rule any birth defects that it determines are required to be reported and that the council has not unanimously decided to require to be reported.

Under current law, information in reports to the birth defect prevention and surveillance system that identifies the subject of the report is confidential except

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under certain conditions, such as releasing the information to the parent or guardian of the infant or child for whom the report is made or to a local health officer or other coordinator of a special needs program to render and coordinate services. This bill allows release of information identifying the subject of the report to the state registrar, vital records system, and other data systems of the state or a federal agency for the purposes of determining whether multiple reports are made for the same infant or child, matching information with vital records and other registries, and making referrals to intervention and treatment.

The bill eliminates a provision in the administrative code for DHS that requires DHS to delete the name of the child from the report within 10 years of the date of receipt of the report by the birth defects prevention and surveillance system. The bill also conforms the administrative code for DHS to the statutory changes in the bill.

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

1 **SECTION 1.** 253.12 (2) (a) (intro.) of the statutes is amended to read:

2 253.12 (2) (a) (intro.) Except as provided in par. (b), all of the following shall
3 report in the manner prescribed by the department under sub. (3) (a) 3. a birth defect
4 in an infant or child that is specified under sub. (3) (a) 2. or (d):

5 **SECTION 2.** 253.12 (2) (d) of the statutes is amended to read:

6 253.12 (2) (d) The department may not require a person specified under par.
7 (a) 1. or 2. to report the name of an infant or child for whom a report is made under
8 par. (a) if the parent or guardian of the infant or child ~~refuses to consent~~ states in
9 writing that he or she refuses to the release of the name or address of the infant or
10 child.

11 **SECTION 3.** 253.12 (3) (a) 2. of the statutes is amended to read:

12 253.12 (3) (a) 2. Specify by rule ~~the~~ any birth defects the department
13 determines the existence of which requires a report under sub. (2) to be submitted
14 to the department and that the council under sub. (4) does not unanimously decide
15 should be reported.

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1 **SECTION 4.** 253.12 (3) (c) of the statutes is repealed.

2 **SECTION 5.** 253.12 (3) (d) of the statutes is created to read:

3 253.12 (3) (d) The secretary, after reviewing recommendations of the council
4 under sub. (4), shall maintain a list of specific birth defects the existence of which
5 requires a report under sub. (2) to be submitted to the department and that the
6 council unanimously decides are required to be reported.

7 **SECTION 6.** 253.12 (4) (a) of the statutes is amended to read:

8 253.12 (4) (a) Make recommendations to the department regarding the
9 establishment of a registry that documents the diagnosis in the state of an infant or
10 child who has a birth defect, as required under sub. (3) (a) 1. and regarding, the
11 specific birth defects for which a report is required under sub. (2) on which the council
12 unanimously decides, the rules that the department is required to promulgate under
13 sub. (3) (a) ~~2. and 3. on the birth defects to be reported under sub. (2),~~ and on the
14 general content and format of the report under sub. (2) and procedures for submitting
15 the report. The council shall also make recommendations regarding the content of
16 a report that, because of the application of sub. (2) (d), does not contain the name of
17 the subject of the report.

18 **SECTION 7.** 253.12 (5) (a) 5. of the statutes is created to read:

19 253.12 (5) (a) 5. The state registrar, the vital records system, and other data
20 systems maintained by the department or another state or federal agency for
21 purposes including determining whether multiple reports are made for an infant or
22 child, matching reported information on infants or children with vital records and
23 other registries, and making referrals to intervention and treatment.

24 **SECTION 8.** DHS 116.04 (2) (d) of the administrative code is amended to read:

