

**CHAPTER 375 , Laws of 1981**

AN ACT to amend 448.02 (3) (intro.) and 448.40; and to create 448.30 of the statutes, relating to requiring physicians to inform their patients of alternate modes of treatment, granting rule-making authority and creating a penalty.

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

SECTION 1. 448.02 (3) (intro.) of the statutes is amended to read:

448.02 (3) INVESTIGATION; HEARING; ACTION. (intro.) The board shall investigate allegations of unprofessional conduct by persons holding a license or certificate granted by the board. A finding by a panel established under s. 655.02 or by a court that a physician has acted negligently is an allegation of unprofessional conduct. An allegation that a physician has violated s. 448.30 is an allegation of unprofessional conduct. After the investigation, if the board finds that there is probable cause to believe that the person is guilty of unprofessional conduct, the board shall hold a hearing on such conduct. The board may, when it finds a person guilty of unprofessional conduct, warn or reprimand that person, or limit, suspend or revoke any license or certificate granted by the board to that person. The board shall comply with rules of procedure for such investigation, hearing and action promulgated under s. 440.03 (1).

SECTION 2. 448.30 of the statutes is created to read:

**448.30 Information on alternate modes of treatment.** Any physician who treats a patient shall inform the patient about the availability of all alternate, viable medical modes of treatment and about the benefits and risks of these treatments. The physician's duty to inform the patient under this section does not require disclosure of:

- (1) Information beyond what a reasonably well-qualified physician in a similar medical classification would know.
- (2) Detailed technical information that in all probability a patient would not understand.
- (3) Risks apparent or known to the patient.
- (4) Extremely remote possibilities that might falsely or detrimentally alarm the patient.
- (5) Information in emergencies where failure to provide treatment would be more harmful to the patient than treatment.
- (6) Information in cases where the patient is incapable of consenting.

SECTION 3. 448.40 of the statutes is amended to read:

**448.40 Rules.** The board may adopt rules pursuant to ch. 227 to carry out the purposes of this chapter. The board shall adopt rules to implement s. 448.30.

---