

1999 ASSEMBLY BILL 401

July 8, 1999 – Introduced by Representatives UNDERHEIM, KREUSER, HAHN, MUSSER, OLSEN, OWENS, PLOUFF, SPILLNER, WAUKAU, KELSO and GROTHMAN, cosponsored by Senators WIRCH and ROESSLER. Referred to Committee on Health.

1 **AN ACT to amend** 804.10 (2) of the statutes; **relating to:** the inspection and
2 copying of medical and other records in certain actions.

Analysis by the Legislative Reference Bureau

Currently, when an action involves the mental or physical condition of one of the parties, the court may order that party to submit to a physical or mental examination. If the action seeks to recover damages for personal injury, under current law, the court is required to order the plaintiff to allow the defendant to inspect any X-rays taken of the plaintiff. Current law also requires the court in such actions to order the plaintiff to allow the defendant to inspect any hospital, medical and other records relevant to the action.

This bill removes the mandatory requirement that the court order the plaintiff to allow the defendant to inspect relevant hospital, medical and other records. Under the bill, the court is given discretionary authority to so order the plaintiff.

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

3 **SECTION 1.** 804.10 (2) of the statutes is amended to read:
4 804.10 (2) In any action brought to recover damages for personal injuries, the
5 court shall also order the claimant, upon such terms as are just, to give to the other

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1 party or any physician named in the order, within a specified time, consent and the
2 right to inspect any X-ray photograph taken in the course of the diagnosis or
3 treatment of the claimant. The court ~~shall~~ may also order the claimant to give
4 consent and the right to inspect and copy any hospital, medical or other records and
5 reports that are within the scope of discovery under s. 804.01 (2).

6 **SECTION 2. Initial applicability.**

7 (1) This act first applies to actions commenced on the effective date of this
8 subsection.

9 (END)