

1999 DRAFTING REQUEST

Bill

Received: **04/19/99**

Received By: **nelsorp1**

Wanted: **As time permits**

Identical to LRB:

For: **Gregg Underheim (608) 266-2254**

By/Representing:

This file may be shown to any legislator: **NO**

Drafter: **nelsorp1**

May Contact:

Alt. Drafters:

Subject: **Courts - civil procedure**

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Access to medical records in civil actions

Instructions:

Amend s. 804.10 (2) to give judge discretion to order records in second sentence. see -2508

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	nelsorp1 04/21/99	ygeller 04/22/99		_____			
/1			mclark 04/26/99	_____	lrb_docadmin 04/26/99	lrb_docadmin 05/18/99	

FE Sent For:

<END>

1999 DRAFTING REQUEST

Bill

Received: **04/19/99**

Received By: **nelsorp1**

Wanted: **As time permits**

Identical to LRB:

For: **Gregg Underheim (608) 266-2254**

By/Representing:

This file may be shown to any legislator: **NO**

Drafter: **nelsorp1**

May Contact:

Alt. Drafters:

Subject: **Courts - civil procedure**

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Access to medical records in civil actions

Instructions:

Amend s. 804.10 (2) to give judge discretion to order records in second sentence. see -2508

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	nelsorp1 04/21/99	ygeller 04/22/99		_____			
/1			mclark 04/26/99	_____	lrb_docadmin 04/26/99		

FE Sent For:

<END>

1999 DRAFTING REQUEST**Bill**Received: **04/19/99**Received By: **nelsorp1**Wanted: **As time permits**

Identical to LRB:

For: **Gregg Underheim (608) 266-2254**

By/Representing:

This file may be shown to any legislator: **NO**Drafter: **nelsorp1**

May Contact:

Alt. Drafters:

Subject: **Courts - civil procedure**

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Access to medical records in civil actions

Instructions:

Amend s. 804.10 (2) to give judge discretion to order records in second sentence. see -2508

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	nelsorp1	1 4/22 jlg	4-26 MRC	MRC/JF 4-26-99			

FE Sent For:

<END>

2935
LRB-2000/1
RPN:jlg:mrc
↑
stays

1999 BILL

Regen

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

BILL

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)

**SUBMITTAL
FORM**

**LEGISLATIVE REFERENCE BUREAU
Legal Section Telephone: 266-3561
5th Floor, 100 N. Hamilton Street**

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and **sign** on the appropriate line(s) below.

Date: 4/26/99

To: Representative Underheim

Relating to LRB drafting number: LRB-2935

Topic

Access to medical records in civil actions

Subject(s)

Courts - civil procedure

1. **JACKET** the draft for introduction _____

in the **Senate** ____ or the **Assembly** (check only one). Only the requester under whose name the drafting request is entered in the LRB's drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT.** See the changes indicated or attached _____

A revised draft will be submitted for your approval with changes incorporated.

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction _____

If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

Robert P. Nelson, Senior Legislative Attorney
Telephone: (608) 267-7511

Not Needed