

SENATE BILL 372 (LRB -3965)

An Act to amend 146.82 (1) of the statutes; relating to: making patient health care records concerning health care operations inapplicable to restrictions on release without informed consent. (FE)

2004

01-26.	S.	Introduced by Senator Panzer ; cosponsored by Representative Gard .	
01-07.	S.	Read first time and referred to select committee on Job Creation	530
01-16.	S.	Fiscal estimate received.	
01-26.	S.	Executive action taken.	
01-27.	S.	Report passage recommended by select committee on Job Creation, Ayes 5, Noes 0	572
01-27.	S.	Available for scheduling.	
02-03.	S.	Placed on calendar 2-4-2004 by committee on Senate Organization.	
02-04.	S.	Read a second time	602
02-04.	S.	Ordered to a third reading	602
02-04.	S.	Rules suspended	602
02-04.	S.	Read a third time and passed , Ayes 29, Noes 4	602
02-04.	S.	Ordered immediately messaged	603
03-11.	A.	Received from Senate.	
03-11.	A.	Read first time.	
03-11.	A.	Rules suspended and taken up.	
03-11.	A.	Read a second time.	
03-11.	A.	Ordered to a third reading.	
03-11.	A.	Rules suspended.	
03-11.	A.	Read a third time and concurred in .	
03-11.	A.	Ordered immediately messaged.	
03-11.	S.	Received from Assembly concurred in.	

**2003
ENROLLED BILL**

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ADOPTED DOCUMENTS:

Orig **Engr** **SubAmdt**

03-3965/1

Amendments to above (if none, write "NONE"): none

Corrections - show date (if none, write "NONE"): none

Topic relates

3/12/04 [Signature]
Date Enrolling Drafter

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2003 SENATE BILL 372

January 7, 2004 - Introduced by Senator PANZER, cosponsored by Representative GARD. Referred to Select Committee on Job Creation.

- 1 **AN ACT to amend** 146.82 (1) of the statutes; **relating to:** making patient health
2 care records concerning health care operations inapplicable to restrictions on
3 release without informed consent.

Analysis by the Legislative Reference Bureau

Under current state law, patient health care records must remain confidential and may be released by a health care provider only with the informed consent of the patient or of a person authorized by the patient. This limitation on release does not apply to required reports concerning certain deaths, gunshot wounds, burns, and birth defects in infants or children, or to court-ordered examinations of patients prior to proceedings for guardianship or protective placement. In addition, patient health care records are required to be released without informed consent by the health care provider in numerous specified circumstances, including for patient treatment, health care provider payment, and medical records management, and for certain audits, program monitoring, accreditation, and health care services review activities by health care facility staff committees or accreditation or review organizations.

Under current federal law, patient health care information may be released without patient authorization by health care providers for, among other purposes, treatment, payment, and health care operations. "Health care operations" is defined in federal law to include quality assessment and improvement activities; credentialing or evaluating of health care practitioners and training; underwriting; medical review, legal services, and auditing; business planning and development; and business management and general administrative activities.

