

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3965/1dn
DAK:kmg:rs

January 5, 2004

1. Section 146.82, stats., is inartfully drafted in several ways. One change to s. 146.82 (1), stats., that could be made in this draft and that would help would be to add "release of" after "prohibit." I do not think that the inapplicability is meant to extend to confidentiality, but the statute is relatively unclear as to that point.
2. A disadvantage to the approach taken in this bill is this: since activities under s. 146.82 (2) (b) 1., 2., and 3., stats., are a subset of "health care operations," the bill now makes release of patient health care records for those purposes inapplicable to restriction under s. 146.82 (1), stats., but continues to require them to be released under s. 146.82 (2), stats.

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