



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2007 Assembly Bill 556

Assembly Amendment 1

Memo published: December 17, 2007

Contact: Richard Sweet, Senior Staff Attorney (266-2982)

Under *current law*, a patient has a privilege to refuse to disclose and to prevent other persons from disclosing confidential communications made or information obtained or disseminated for purposes of diagnosis or treatment of the patient's physical, mental, or emotional condition, among the patient, or the patient's physician, registered nurse, chiropractor, psychologist, social worker, marriage and family therapist, professional counselor or persons, including members of the patient's family, who are participating in the diagnosis or treatment under the direction of one of the specified providers. However, current law states that there is no privilege in situations where the examination of an abused or neglected child creates a reasonable ground for an opinion of one of the specified providers that the abuse or neglect was other than accidentally caused or inflicted by another.

Assembly Bill 556 repeals the exception to the privilege, as described in the previous paragraph. In its place, the bill states that there is no privilege for information contained in a report of child abuse or neglect that is provided under s. 48.981 (3), Stats., when that report is required under s. 48.981 (2), Stats.

Assembly Amendment 1 eliminates from the bill the language "when that report is required under s. 48.981 (2)", so that the bill is not limited just to required reports.

Legislative History

The Assembly Committee on Public Health recommended adoption of Assembly Amendment 1, and passage of the bill as amended, both on votes of Ayes, 9; Noes, 0.

RNS:jb:jal