



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2007 Assembly Bill 863

Assembly Amendment 1

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Assembly Bill 863 does the following: (1) amends the current statute relating to confidentiality of information and health care services review; (2) makes certain reports required by a state or federal regulatory agency and other statements inadmissible as evidence in a civil or criminal action; and (3) modifies several criminal statutes.

The bill modifies two statutes that penalize abuse of an individual at risk (as defined in the statutes) and abuse and neglect of patients or residents of specified programs and facilities. The portions of these statutes that relate to negligently subjecting an individual at risk to abuse, and negligently abusing or neglecting a patient or resident, are repealed by the bill.

Assembly Amendment 1 restores the two criminal provisions described in the previous paragraph. The amendment also provides that the current law on negligently abusing or neglecting a patient or resident does not apply to a health care provider acting in the scope of his or her practice or employment who commits an act or omission of mere inefficiency, unsatisfactory conduct, or failure in good performance as the result of inability, incapacity, inadvertency, ordinary negligence, or good faith error in judgment or discretion.

Legislative History

The Assembly Committee on Health and Healthcare Reform recommended adoption of Assembly Amendment 1, and passage of the bill as amended, both by votes of Ayes, 11; Noes, 2.

RNS:jb;wu