

2011 Jr1 DRAFTING REQUEST

Senate Amendment (SA-SB1)

Received: 01/18/2011

Received By: **tdodge**

Wanted: As time permits

Companion to LRB:

For: **Jon Erpenbach (608) 266-6670**

By/Representing: **Julie**

May Contact:

Drafter: **tdodge**

Subject: **Health - miscellaneous**

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Erpenbach@legis.wisconsin.gov**

Carbon copy (CC:) to: **tamara.dodge@legis.wisconsin.gov**

Pre Topic:

No specific pre topic given

Topic:

Allow internal incident reports and reports sent to regulatory agencies to be used criminally

Instructions:

Allow internal incident reports and reports sent to DRL and DHS to be used in criminal prosecutions by DAs

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>
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FE Sent For:

<END>

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FE Sent For:

<END>



State of Wisconsin
2011 - 2012 LEGISLATURE

January 2011 Special Session

In: 1/18/11 NOW



LRBa0110? a 1
TJD:.....

RMR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

SENATE AMENDMENT,

TO SENATE BILL 1

D-note

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Admitted

1 At the locations indicated, amend the bill as follows:

2 1. Page 10, line 20: after "or (3m)" insert "and except that a person who
3 participates in the review or evaluation shall disclose an incident or occurrent report
4 to a court of record with regard to any criminal matter, in accordance with chs. 885
5 to 895 and 995 and after issuance of a subpoena". ✓

6 2. Page 11, line 5: delete the material beginning with "except for" and ending
7 with "providers," on line 7. ✓

8 3. Page 11, line 16: delete the material beginning with "civil or" and ending
9 with "criminal" on line 17 and substitute "civil". ✓

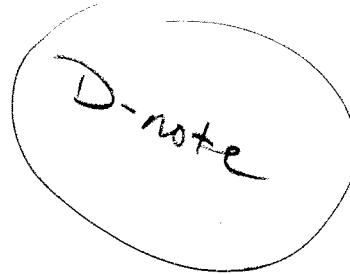
10 4. Page 13, line 6: delete "or criminal". ✓

11 5. Page 13, line 7: after "health care provider." insert "A record described
12 under sub. (2) disclosed either under sub. (3) or (3m) or in violation of this section

1 remains confidential and may not be used in any criminal action against the health
2 care provider or any other health care provider.”.

3 **6.** Page 27, line 10: delete “or criminal”.

4 (END)



D-note

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBa0110/1dn

TJD:/:....

gjs

Date

The
s
bill² vs

This amendment allows any incident or occurrence reports to be used in criminal proceedings but maintains the (bill^s) prohibition against using those reports in civil proceedings. (This) bill prohibited the release of records of a review under subpoena in a criminal action. This amendment requires that incident or occurrence reports be released upon subpoena in a criminal action, but still maintains confidentiality of records of a review. This amendment also allows reports and statements sent to DRL and DHS to be used in criminal actions but maintains the prohibition against using those reports and statements in civil actions. Please note that this amendment does not change the provision that records of a review or evaluation cannot be used in a civil or criminal action.

Should you have questions or changes to this amendment, please contact me.

Tamara J. Dodge
Legislative Attorney
Phone: (608) 267-7380
E-mail: tamara.dodge@legis.wisconsin.gov

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBa0110/1dn
TJD:cjs:md

January 18, 2011

This amendment allows any incident or occurrence reports to be used in criminal proceedings but maintains the bill's prohibition against using those reports in civil proceedings. The bill prohibits the release of records of a review under subpoena in a criminal action. This amendment requires that incident or occurrence reports be released upon subpoena in a criminal action, but still maintains confidentiality of records of a review. This amendment also allows reports and statements sent to DRL and DHS to be used in criminal actions but maintains the prohibition against using those reports and statements in civil actions. Please note that this amendment does not change the provision that records of a review or evaluation cannot be used in a civil or criminal action.

Should you have questions or changes to this amendment, please contact me.

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E-mail: tamara.dodge@legis.wisconsin.gov