



2013 ASSEMBLY BILL 453

1 **AN ACT** *to create* 146.816 of the statutes; **relating to:** uses and disclosures of
2 protected health information.

Analysis by the Legislative Reference Bureau

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

3 **SECTION 1.** 146.816 of the statutes is created to read:

4 **146.816 Uses and disclosures of protected health information.** (1) In
5 this section:

6 (a) “Business associate” has the meaning given in 45 CFR 160.103.

7 (b) “Covered entity” has the meaning given in 45 CFR 160.103.

8 (c) “Disclosure” has the meaning given in 45 CFR 160.103 and includes
9 redisclosures and rereleases of information.

10 (d) “Health care operations” has the meaning given in 45 CFR 164.501.

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1 (e) “Payment” has the meaning given in 45 CFR 164.501.

2 (f) “Protected health information” has the meaning given in 45 CFR 160.103.

3 (g) “Treatment” has the meaning given in 45 CFR 164.501.

4 (h) “Treatment facility” has the meaning given in s. 51.01 (19).

5 (i) “Use” has the meaning given in 45 CFR 160.103.

6 **(2)** Sections 51.30 (4) (a) and (e) and 146.82 and rules promulgated under s.
7 51.30 (12) do not apply to a use, disclosure, or request for disclosure of protected
8 health information by a covered entity or its business associate that meets all the
9 following criteria:

10 (a) The covered entity or its business associate makes the use, disclosure, or
11 request for disclosure in compliance with 45 CFR 164.500 to 164.534.

12 (b) The covered entity or its business associate makes the use, disclosure, or
13 request for disclosure in any of the following circumstances:

14 1. For purposes of treatment.

15 2. For purposes of payment.

16 3. For purposes of health care operations.

17 **(3)** A covered entity that is a treatment facility shall comply with the notice of
18 privacy practices obligations under 45 CFR 164.520, including the obligation to
19 include in plain language in the notice of privacy practices a statement of the
20 individual’s rights with respect to protected health information and a brief
21 description of how the individual may exercise those rights including the right to
22 request restrictions on uses and disclosures of protected health information about
23 the individual to carry out treatment, payment, or health care operations as provided
24 in 45 CFR 164.522.

