



## WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

**2013 Wisconsin Act 238**  
[2013 Assembly Bill 453]

**Patient Health Care  
Records Confidentiality**

2013 Wisconsin Act 238 changes state confidentiality laws on patient health care records and mental health treatment records to more closely track the federal Health Insurance Portability and Accountability Act of 1996 (HIPAA). The Act provides that a covered entity or a business associate of a covered entity that uses, discloses, or requests disclosure of protected health information in a mental health treatment record or patient health care record is exempt from the confidentiality requirements in both ss. 51.30 (4) (a) and (e), Stats. (relating to mental health treatment records), and 146.92, Stats. (relating to patient health care records), if the use, disclosure, or request complies with federal regulations and is made for the purposes of treatment, payment, or health care operations.

The Act also provides that a covered entity that is a mental health treatment facility must comply with the notice of privacy practices requirements under federal regulations. The Act requires the Department of Health Services to make available, to all applicable health care facilities and on its Internet site, a comprehensive and accessible document written in commonly understood language that explains health information privacy rights.

*Effective date:* April 10, 2014.

*Prepared by:* Laura Rose, Deputy Director

May 19, 2014

LR:jb;jal

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This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.wisconsin.gov>.