

1983 Assembly Bill 671

Date of enactment: **May 2, 1984**
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1983 Wisconsin Act 400

AN ACT *to renumber 905.04 (1) (e); to renumber and amend 905.04 (1) (a), 905.04 (1) (b), 905.04 (1) (c) and 905.04 (1) (d); to amend 905.04 (title) and 905.04 (2), (3) and (4) (a) and (e); and to create 905.04 (1) (intro.) and 905.04 (1) (f) of the statutes, relating to privileged communications between a patient and a registered nurse.*

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

SECTION 1. 905.04 (title) of the statutes is amended to read:

905.04 (title) Physician-patient, registered nurse-patient, chiropractor-patient or psychologist-patient privilege.

SECTION 2. 905.04 (1) (intro.) of the statutes is created to read:

905.04 (1) (intro.) In this section:

SECTION 3. 905.04 (1) (a) of the statutes is renumbered 905.04 (1) (c) and amended to read:

905.04 (1) (c) A ~~“patient”~~ is “Patient” means a person who consults or is examined or interviewed by a physician, registered nurse, chiropractor or psychologist.

SECTION 4. 905.04 (1) (b) of the statutes is renumbered 905.04 (1) (d) and amended to read:

905.04 (1) (d) A ~~“physician”~~ is “Physician” means a person as defined in s. 990.01 (28), or reasonably believed by the patient so to be.

SECTION 5. 905.04 (1) (c) of the statutes is renumbered 905.04 (1) (b) and amended to read:

905.04 (1) (b) A communication or information is “confidential” if not intended to be disclosed to 3rd persons other than those present to further the interest of the patient in the consultation, examination, or interview, or persons reasonably necessary for the transmission of the communication or information or persons who are participating in the diagnosis and treatment under the direction of the physician, registered nurse, chiropractor or psychologist, including the members of the patient’s family.

SECTION 6. 905.04 (1) (d) of the statutes is renumbered 905.04 (1) (e) and amended to read:

905.04 (1) (e) A ~~“psychologist”~~ “Psychologist” means a licensed psychologist, as that term is defined in s. 455.01 (4), or a person reasonably believed by the patient to be a psychologist.

SECTION 7. 905.04 (1) (e) of the statutes is renumbered 905.04 (1) (a).

SECTION 8. 905.04 (1) (f) of the statutes is created to read:

905.04 (1) (f) “Registered nurse” means a nurse who has a certificate of registration under s. 441.06 or a person reasonably believed by the patient to be a registered nurse.

SECTION 9. 905.04 (2), (3) and (4) (a) and (e) of the statutes are amended to read:

905.04 (2) **GENERAL RULE OF PRIVILEGE.** A patient has a privilege to refuse to disclose and to prevent any other person 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, the patient’s physician, the patient’s registered nurse, the patient’s chiropractor, the patient’s psychologist or persons, including members of the patient’s family, who are participating in the diagnosis or treatment under the direction of the physician, registered nurse, chiropractor or psychologist.

(3) **WHO MAY CLAIM THE PRIVILEGE.** The privilege may be claimed by the patient, by the patient’s guardian or conservator, or by the personal representative of a deceased patient. The person who was the physician, registered nurse, chiropractor or psychologist may claim the privilege but only on behalf of the patient. The authority so to do is presumed in the absence of evidence to the contrary.

(4) (a) *Proceedings for hospitalization.* There is no privilege under this rule as to communications and information relevant to an issue in proceedings to hospitalize the patient for mental illness, if the physician, registered nurse, chiropractor or psychologist

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in the course of diagnosis or treatment has determined that the patient is in need of hospitalization.

(e) *Abused or injured child.* There is no privilege in situations where the examination of an abused or injured child creates a reasonable ground for an opinion of the physician, registered nurse or chiropractor that the condition was other than accidentally caused or inflicted by another.
