

1987 Assembly Bill 108

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## 1987 Wisconsin Act 233

AN ACT to amend 146.82 (1); and to create 146.995 and 905.04 (4) (h) of the statutes, relating to requiring health care providers to report cases of gunshot or suspicious wounds and providing penalties.

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

SECTION 1. 146.82 (1) of the statutes is amended to read:

146.82 (1) CONFIDENTIALITY. All patient health care records shall remain confidential. Patient health care records may be released only to the persons designated in this section or to other persons with the informed consent of the patient or of a person authorized by the patient. This subsection does not prohibit reports made in compliance with s. 146.995 or testimony authorized under s. 905.04 (4) (h).

SECTION 2. 146.995 of the statutes is created to read:

**146.995 Reporting of gunshot and suspicious wounds.** (1) In this section:

(a) "Crime" has the meaning specified in s. 949.01 (1).

(b) "Inpatient health care facility" has the meaning specified in s. 140.86 (1).

(2) (a) Any person licensed, certified or registered by the state under ch. 441, 448 or 455 who treats a patient suffering from any of the following wounds shall report in accordance with par. (b):

1. A gunshot wound.

2. Any other wound if the person has reasonable cause to believe that the wound occurred as a result of a crime.

(b) For any mandatory report under par. (a), the person shall report the patient's name and the type of

wound involved as soon as reasonably possible to the local police department or county sheriff's office for the area where the treatment is rendered.

(c) Any such person who intentionally fails to report as required under this subsection may be required to forfeit not more than \$500.

(3) Any person reporting in good faith under sub. (2), and any inpatient health care facility that employs the person who reports, are immune from all civil and criminal liability that may result because of the report. In any proceeding, the good faith of any person reporting under this section shall be presumed.

(4) The reporting requirement under sub. (2) does not apply under any of the following circumstances:

(a) The patient is accompanied by a law enforcement officer at the time treatment is rendered.

(b) The patient's name and type of wound have been previously reported under sub. (2).

(c) The wound is a gunshot wound and appears to have occurred at least 30 days prior to the time of treatment.

SECTION 3. 905.04 (4) (h) of the statutes is created to read:

905.04 (4) (h) *Reporting gunshot and suspicious wounds.* There is no privilege regarding information contained in a report under s. 146.995 pertaining to a patient's name and type of wound.