



## WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

**2005 Wisconsin Act 152**  
[2005 Senate Bill 489]

**Department of Employee Trust  
Funds (Remedial Legislation)**

2005 Wisconsin Act 152 is remedial legislation proposed by the Department of Employee Trust Funds (ETF) that was introduced by the Law Revision Committee under s. 13.83 (1) (c) 4., Stats.

The Act would conform state statutes relating to access to medical records in the possession of ETF to the provisions of the federal Health Insurance Portability and Accountability Act. Specifically, the Act would provide that medical records may be disclosed by ETF when a health insurance claim denial is appealed; when ordered by a hearing examiner, upon prior notice to ETF and upon a showing to an administrative tribunal that the information is relevant to a pending administrative action; and to the person who is the subject of the medical records or to the person's designee, unless the person's access is otherwise prohibited by law. The Act also explicitly provides that medical information gathered for any benefit plan administered under ch. 40, Stats., may be used by any other benefit plan established under ch. 40, Stats.

**Effective Date:** The Act takes effect on April 5, 2006.

**Prepared by:** William Ford, Senior Staff Attorney

April 20, 2006

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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.state.wi.us/>.