



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2005 Wisconsin Act 315
[2005 Senate Bill 457]

**Statewide Trauma Care System:
Confidentiality and Immunity**

2005 Wisconsin Act 315 provides that all information and documents provided by a hospital to the Department of Health and Family Services (DHFS) under the statewide trauma care system are confidential. The Act also makes confidential all information and documents procured by or furnished to the DHFS, the Statewide Trauma Advisory Council (STAC), or regional trauma advisory councils (RTACs) in connection with performance improvement activities, certifications of classification levels, and documentation of the bases for hospitals' certifications. The Act defines "performance improvement" as a method of evaluating and improving processes of trauma patient care that emphasizes a multidisciplinary approach to problem solving. The Act prohibits the use of or admission into evidence such information and documents in civil actions. With respect to the communications, findings, or recommendations made by a DHFS staff member or an individual member of the STAC or a RTAC, the Act prohibits examination of the staff member or individual in an action for civil damages and provides immunity from civil liability for actions taken or omitted by the staff member or individual in an official capacity and for statements made in good faith.

The Act provides that the confidentiality and privilege provisions do not apply to the release of information and documents that are created apart from a performance improvement activity or apart from a certification by a hospital under the statewide trauma care system that are maintained by or for a hospital, the DHFS, the STAC, or a RTAC for the particular purpose of diagnosing, treating, or documenting care provided to a particular patient or for another purpose, upon a showing by clear and convincing evidence that the information or documents are otherwise unavailable.

Effective Date: The Act takes effect on April 21, 2006.

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LR:tlu

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/>.