



## WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

**2017 Wisconsin Act 140**  
[2017 Assembly Bill 538]

**Transfer for Emergency Detention  
and Warning of Dangerousness**

2017 Wisconsin Act 140 establishes procedural requirements related to transferring an individual for emergency detention and warning of the dangerousness of an individual in certain cases.

### **TRANSFER FOR EMERGENCY DETENTION**

Under state law, a law enforcement officer, or other person authorized to take a child or juvenile into custody under chs. 48 or 938, Stats., may take an individual into custody for purposes of emergency detention based on criteria specified in the statutes. Act 140 provides that if an individual is in a hospital's emergency department, the law enforcement officer or other authorized person is prohibited from transporting the individual for emergency detention until a hospital employee or medical staff member determines that the transfer is medically appropriate and communicates that determination to the law enforcement officer or other authorized person.

### **WARNING OF DANGEROUSNESS**

Act 140 authorizes any health care provider or law enforcement officer to disclose information that an individual poses a substantial probability of serious bodily harm to another person in a good faith effort to prevent or lessen a serious and imminent threat to the health or safety of a person or the public.

The Act also specifies that a health care provider fulfills any duty to warn a third party of the dangerousness of an individual by taking any of the following actions:

- Contacting a law enforcement officer regarding the individual and disclosing knowledge of potential evidence of a substantial probability of harm.

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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>.

- Contacting the county department the provider reasonably believes is responsible for approving the need for emergency detention of the individual and disclosing knowledge of potential evidence of a substantial probability of harm.
- If the provider is in the position to approve the emergency detention of the individual, approving the emergency detention of the individual.
- Taking any other action that a reasonable health care provider would consider as fulfilling the duty to warn a third party of a substantial probability of harm.

### **CONFIDENTIALITY AND LIABILITY**

The Act provides that a disclosure of health information made in accordance with its provisions in good faith is exempt from confidentiality requirements. The Act also includes liability protections for individuals who act in accordance with its provisions in good faith.

*Effective date:* March 9, 2018

*Prepared by:* Brian Larson, Senior Staff Attorney

March 28, 2018

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