

State of Wisconsin



2013 Assembly Bill 453

Date of enactment: April 8, 2014
Date of publication*: April 9, 2014

2013 WISCONSIN ACT 238

AN ACT *to create* 146.816 of the statutes; **relating to:** uses and disclosures of protected health information.

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

SECTION 1. 146.816 of the statutes is created to read:
146.816 Uses and disclosures of protected health information. (1) In this section:

(a) "Business associate" has the meaning given in [45 CFR 160.103](#).

(b) "Covered entity" has the meaning given in [45 CFR 160.103](#).

(c) "Disclosure" has the meaning given in [45 CFR 160.103](#) and includes redisclosures and rereleases of information.

(d) "Health care operations" has the meaning given in [45 CFR 164.501](#).

(e) "Payment" has the meaning given in [45 CFR 164.501](#).

(f) "Protected health information" has the meaning given in [45 CFR 160.103](#).

(g) "Treatment" has the meaning given in [45 CFR 164.501](#).

(h) "Treatment facility" has the meaning given in s. 51.01 (19).

(i) "Use" has the meaning given in [45 CFR 160.103](#).

(2) Sections 51.30 (4) (a) and (e) and 146.82 and rules promulgated under s. 51.30 (12) do not apply to a use, disclosure, or request for disclosure of protected health

information by a covered entity or its business associate that meets all the following criteria:

(a) The covered entity or its business associate makes the use, disclosure, or request for disclosure in compliance with [45 CFR 164.500 to 164.534](#).

(b) The covered entity or its business associate makes the use, disclosure, or request for disclosure in any of the following circumstances:

1. For purposes of treatment.
2. For purposes of payment.
3. For purposes of health care operations.

(3) A covered entity that is a treatment facility shall comply with the notice of privacy practices obligations under [45 CFR 164.520](#), including the obligation to include in plain language in the notice of privacy practices a statement of the individual's rights with respect to protected health information and a brief description of how the individual may exercise those rights including the right to request restrictions on uses and disclosures of protected health information about the individual to carry out treatment, payment, or health care operations as provided in [45 CFR 164.522](#).

(4) The department shall make a comprehensive and accessible document written in commonly understood language that explains health information privacy rights available to all applicable health care facilities in the state and on the department's Internet site.

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."