ASSEMBLY AMENDMENT 1,

TO 2005 ASSEMBLY BILL 207

June 2, 2005 – Offered by Representative HUNDERTMARK.

1   At the locations indicated, amend the bill as follows:

2   **1.** Page 5, line 19: after that line insert:

3   "**SECTION 4m.** 111.337 (2) (c) of the statutes is created to read:

4   111.337 **(2)** (c) To engage in any action prohibited under s. 111.322 on the basis

5   of an employee's or prospective employee's violation of, or statement of intent to

6   violate, s. 146.83 (4) (b).".

7   **2.** Page 6, line 2: substitute "the ~~hospital~~" for "~~the hospital~~".

8   **3.** Page 10, line 5: after that line insert:

9   "**SECTION 14m.** 253.09 (6) of the statutes is created to read:

10   253.09 **(6)** (a) Nothing in this section prohibits any of the following:

11   1. Disciplinary or recriminatory action against a physician or any other person

12   who is a member of or associated with the staff of a health care facility, or any

1   employee of a health care facility who violates, or states an intention to violate, s.

2   146.83 (4) (b).

3   2. By a health care facility, school, or employer, discrimination with regard to

4   admission; hiring or firing; tenure, term, condition, or privilege of employment;

5   student status; or staff status against a person who violates, or states an intention

6   to violate, s. 146.83 (4) (b).

7   3. By a court, public official, or other public authority, an order requiring a

8   recipient, under state or federal law, of a grant, contract, loan, or loan guarantee to

9   comply with s. 146.83 (4) (b).

10   (b) Nothing in this section authorizes a health care facility, a physician, or any

11   other person who is a member of or associated with the staff of a health care facility,

12   or any employee of a health care facility to conceal or withhold a patient health care

13   record in violation of s. 146.83 (4) (b).

14   (c) Nothing in this section limits the liability of a health care facility, a

15   physician, or any other person who is a member of or associated with the staff of a

16   health care facility, or any employee of a health care facility for damage caused by

17   a violation of s. 146.83 (4) (b).".

18   **4.** Page 12, line 5: after that line insert:

19   "**SECTION 19m.** 441.06 (7m) of the statutes is created to read:

20   441.06 **(7m)** (a) Nothing in sub. (6) (b) limits the liability of a person licensed

21   as a registered nurse under this section or as a practical nurse under s. 441.10 for

22   damage caused by a violation of s. 146.83 (4) (b).

23   (b) Nothing in sub. (7) authorizes a person licensed as a registered nurse under

24   this section or as a practical nurse under s. 441.10 to withhold or conceal a patient

1   health care record in violation of s. 146.83 (4) (b) or prohibits the board or department

2   from disciplining a person who violates s. 146.83 (4) (b).".

3   **5.** Page 14, line 20: after that line insert:

4   "**SECTION 25m.** 448.03 (5) (ap) of the statutes is created to read:

5   448.03 **(5)** (ap) Nothing in par. (am) limits the liability of a person licensed or

6   certified under this subchapter for damage caused by a violation of s. 146.83 (4) (b).

7   Nothing in par. (an) authorizes a person licensed or certified under this subchapter

8   to withhold or conceal a patient health care record in violation of s. 146.83 (4) (b), or

9   prohibits the board or department from disciplining a person licensed or certified

10   under this subchapter who violates s. 146.83 (4) (b).".

11   **6.** Page 16, line 19: delete "(a)".

12   **7.** Page 17, line 1: before that line insert:

13   "**(3m)** (a)   Nothing in sub. (2) limits the liability of a person licensed as a

14   pharmacist under this chapter for damage caused by a violation of s. 146.83 (4) (b).

15   (b) Nothing in sub. (3) authorizes a person licensed as a pharmacist under this

16   chapter to withhold or conceal a patient health care record in violation of s. 146.83

17   (4) (b) or prohibits the board or department from disciplining a person who violates

18   s. 146.83 (4) (b).".

19   **8.** Page 17, line 1: substitute "**(4)** (a)" for "(b) 1.".

20   **9.** Page 17, line 3: substitute "(b)" for "2.".

21   **10.** Page 17, line 4: delete "par. (a)" and substitute "sub. (3)".

22   **(END)**