



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2005 Senate Bill 457	Senate Amendment 1
<i>Memo published: February 28, 2006</i>	<i>Contact: Laura Rose, Deputy Director (266-9791)</i>

2005 Senate Bill 457

2005 Senate Bill 457 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 bill 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 bill 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 bill 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.

Senate Amendment 1

Senate Amendment 1 defines "performance improvement" as a method of evaluating and improving processes of trauma patient care that emphasizes a multidisciplinary approach to problem solving. Senate Amendment 1 also provides that the confidentiality and privilege provisions in the bill 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.

Legislative History

On February 22, 2006, the Senate Committee on Health, Children, Families, Aging and Long Term Care recommended introduction and adoption of Senate Amendment 1 by a vote of Ayes, 5; Noes, 0; and recommended passage of the bill, as amended, by a vote of Ayes, 5; Noes, 0.

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