



**SENATE SUBSTITUTE AMENDMENT 1,  
TO 1995 SENATE BILL 274**

August 23, 1995 – Offered by Senator DRZEWIECKI.

1     **AN ACT** *to amend* 48.375 (4) (a) 1. and 448.02 (3) (a); *to repeal and recreate*  
2             46.245 and 253.10; and *to create* 69.186 (1) (j), 441.07 (1) (f), 441.07 (1r), 448.02  
3             (3) (bm), 457.26 (2) (gm), 457.26 (2m) and 893.55 (3m) of the statutes; **relating**  
4             **to:** expanding requirements for a woman’s informed consent for performance  
5             or inducement of an abortion and for consent to a minor’s obtaining an abortion  
6             and providing a penalty.

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

7             **SECTION 1.** 46.245 of the statutes is repealed and recreated to read:  
8             **46.245 Information for certain pregnant women.** A county department  
9             under s. 46.215, 46.22 or 46.23 shall do all of the following:  
10            **(1)** Upon request, distribute the materials described under s. 253.10 (3) (d), as  
11            prepared and distributed by the department. The county department may charge a  
12            fee not to exceed the actual cost of preparation and distribution of the materials. A  
13            physician who intends to perform or induce an abortion or another qualified  
14            physician, as defined in s. 253.10 (2) (g), who reasonably believes that he or she might

1 have a patient for whom the information under s. 253.10 (3) (d) is required to be  
2 given, shall request a reasonably adequate number of the materials from the county  
3 department under this subsection or from the department under s. 253.10 (3) (d). An  
4 individual may request a reasonably adequate number of the materials.

5 (2) In any county in which a hospital, clinic or other facility in which abortions  
6 are performed is located, prepare the list specified under s. 253.10 (3) (cm) and  
7 distribute the list to each of those hospitals, clinics or other facilities.

8 **SECTION 2.** 48.375 (4) (a) 1. of the statutes is amended to read:

9 48.375 (4) (a) 1. The person or the person's agent has, either directly or through  
10 a referring physician or his or her agent, received and made part of the minor's  
11 medical record, under the requirements of s. 253.10, the voluntary and informed  
12 written consent of the minor and the voluntary and informed written consent of one  
13 of her parents; or of the minor's guardian or legal custodian, if one has been  
14 appointed; or of an adult family member of the minor; or of one of the minor's foster  
15 parents or treatment foster parents, if the minor has been placed in a foster home  
16 or treatment foster home and the minor's parent has signed a waiver granting the  
17 department, a county department, the foster parent or the treatment foster parent  
18 the authority to consent to medical services or treatment on behalf of the minor.

19 **SECTION 3.** 69.186 (1) (j) of the statutes is created to read:

20 69.186 (1) (j) If the patient is a minor, whether consent was provided under s.  
21 48.375 (4) (a) 1. for the abortion and, if so, the relationship of the individual providing  
22 consent to the minor; or, if consent under s. 48.375 (4) (a) 1. was not provided, on  
23 which of the bases under s. 48.375 (4) (a) 2. or (b) 1., 1g., 1m., 2. or 3. the abortion was  
24 performed.

25 **SECTION 4.** 253.10 of the statutes is repealed and recreated to read:

1           **253.10 Voluntary and informed consent for abortions. (1) LEGISLATIVE**

2 FINDINGS AND INTENT. (a) The legislature finds that:

3           1. Many women now seek or are encouraged to undergo elective abortions  
4 without full knowledge of the medical and psychological risks of abortion,  
5 development of the unborn child or of alternatives to abortion. An abortion decision  
6 is often made under stressful circumstances.

7           2. The knowledgeable exercise of a woman's decision to have an elective  
8 abortion depends on the extent to which the woman receives sufficient information  
9 to make a voluntary and informed choice between 2 alternatives of great  
10 consequence: carrying a child to birth or undergoing an abortion.

11           3. The U.S. supreme court has stated: "In attempting to ensure that a woman  
12 apprehend the full consequences of her decision, the State furthers the legitimate  
13 purpose of reducing the risk that a woman may elect an abortion, only to discover  
14 later, with devastating psychological consequences, that her decision was not fully  
15 informed." *Planned Parenthood of Southeastern Pennsylvania v. Casey*, 112 U.S.  
16 2791, 2823 (1992).

17           4. It is essential to the psychological and physical well-being of a woman  
18 considering an elective abortion that she receive complete and accurate information  
19 on all options available to her in dealing with her pregnancy.

20           5. The vast majority of elective abortions in this state are performed in clinics  
21 that are devoted solely to providing abortions and family planning services. Women  
22 who seek elective abortions at these facilities normally do not have a prior  
23 patient-physician relationship with the physician who is to perform or induce the  
24 abortion, normally do not return to the facility for post-operative care and normally  
25 do not continue a patient-physician relationship with the physician who performed

1 or induced the abortion. In most instances, the woman's only actual contact with the  
2 physician occurs simultaneously with the abortion procedure, with little opportunity  
3 to receive personal counseling by the physician concerning her decision. Because of  
4 this, certain safeguards are necessary to protect a woman's right to know.

5 6. A reasonable waiting period is critical to ensure that a woman has the fullest  
6 opportunity to give her voluntary and informed consent before she elects to undergo  
7 an abortion.

8 (b) It is the intent of the legislature in enacting this section to further the  
9 important and compelling state interests in all of the following:

10 1. Protecting the life and health of the woman subject to an elective abortion  
11 and, to the extent constitutionally permissible, the life of her unborn child.

12 2. Fostering the development of standards of professional conduct in the  
13 practice of abortion.

14 3. Ensuring that prior to the performance or inducement of an elective abortion,  
15 a woman considering an elective abortion receive personal counseling by the  
16 physician and be given a full range of information regarding her pregnancy, her  
17 unborn child, the abortion, the medical and psychological risks of abortion and  
18 available alternatives to the abortion.

19 4. Ensuring that a woman who decides to have an elective abortion gives her  
20 voluntary and informed consent to the abortion procedure.

21 **(2) DEFINITIONS.** In this section:

22 (a) "Abortion" means the use of an instrument, medicine, drug or other  
23 substance or device with intent to terminate the pregnancy of a woman known to be  
24 pregnant or for whom there is reason to believe that she may be pregnant and with

1 intent other than to increase the probability of a live birth, to preserve the life or  
2 health of the infant after live birth or to remove a dead fetus.

3 (b) "Agency" means a private nonprofit organization or a county department  
4 under s. 46.215, 46.22 or 46.23.

5 (c) "Disability" means a physical or mental impairment that substantially  
6 limits one or more major life activities, a record of having such an impairment or  
7 being regarded as having such an impairment. "Disability" includes any physical  
8 disability or developmental disability, as defined in s. 51.01 (5) (a).

9 (d) "Medical emergency" means a condition, in a physician's reasonable medical  
10 judgment, that so complicates the medical condition of a pregnant woman as to  
11 necessitate the immediate abortion of her pregnancy to avert her death or for which  
12 a 24-hour delay in performance or inducement of an abortion will create serious risk  
13 of substantial and irreversible impairment of one or more of the woman's major  
14 bodily functions.

15 (e) "Probable gestational age of the unborn child" means the number of weeks  
16 that have elapsed from the probable time of fertilization of a woman's ovum, based  
17 on the information provided by the woman as to the time of her last menstrual period,  
18 her medical history, a physical examination performed by the physician who is to  
19 perform or induce the abortion or by any other qualified physician and any  
20 appropriate laboratory tests performed on her.

21 (f) "Qualified person assisting the physician" means a social worker certified  
22 under ch. 457, a registered nurse or a physician assistant to whom a physician who  
23 is to perform or induce an abortion has delegated the responsibility, as the  
24 physician's agent, for providing the information required under sub. (3) (c) 2.

1 (g) “Qualified physician” means a physician who by training or experience is  
2 qualified to provide the information required under sub. (3) (c) 1.

3 (h) “Viability” has the meaning given in s. 940.15 (1).

4 **(3) VOLUNTARY AND INFORMED CONSENT.** (a) *Generally.* An abortion may not be  
5 performed or induced unless the woman upon whom the abortion is to be performed  
6 or induced has and, if the woman is a minor and s. 48.375 (4) (a) 2. does not apply,  
7 the individual who also gives consent under s. 48.375 (4) (a) 1. have given voluntary  
8 and informed written consent under the requirements of this section.

9 (b) *Voluntary consent.* Consent under this section to an abortion is voluntary  
10 only if the consent is given freely and without coercion by any person.

11 (c) *Informed consent.* Except if a medical emergency exists, a woman’s consent  
12 to an abortion is informed only if all of the following first take place:

13 1. At least 24 hours before the abortion is to be performed or induced, the  
14 physician who is to perform or induce the abortion or any other qualified physician  
15 has, in person, orally informed the woman of all of the following:

16 a. Whether or not, according to the reasonable medical judgment of the  
17 physician, the woman is pregnant.

18 b. The probable gestational age of the unborn child at the time that the  
19 information is provided. The physician or other qualified physician shall also  
20 provide this information to the woman in writing at this time.

21 c. The particular medical risks, if any, associated with the woman’s pregnancy.

22 d. The probable anatomical and physiological characteristics of the woman’s  
23 unborn child at the time the information is given.

24 e. The details of the medical or surgical method that would be used in  
25 performing or inducing the abortion.

1           f. The medical risks associated with the particular abortion procedure that  
2 would be used, including the risks of infection, psychological trauma, hemorrhage,  
3 endometriosis, perforated uterus, incomplete abortion, failed abortion, danger to  
4 subsequent pregnancies and infertility.

5           g. That the state of Wisconsin encourages the woman to view an ultrasonic  
6 image and hear or view the heartbeat of her unborn child before she decides to have  
7 an abortion. If the woman chooses to view an ultrasonic image or hear or view the  
8 heartbeat of her unborn child, the physician who is to perform or induce the abortion  
9 or the other qualified physician who provides the information that is required under  
10 this subdivision shall provide the heartbeat transmittal or ultrasound service free  
11 of charge or at a nominal charge or order the heartbeat transmittal or ultrasound  
12 service for the woman at any facility that provides heartbeat transmittal or  
13 ultrasound imaging services. Any person who provides heartbeat transmittal or  
14 ultrasound imaging services under this subd. 1. g. shall adjust the resolution,  
15 magnification, amplification and other controls of the equipment in a manner that  
16 gives the clearest visual image of the unborn child that is reasonably possible and  
17 the clearest audible sound of the unborn child's heartbeat that is reasonably possible.

18           h. The recommended general medical instructions for the woman to follow after  
19 an abortion to enhance her safe recovery and the name and telephone number of a  
20 physician to call if complications arise after the abortion.

21           i. If, in the reasonable medical judgment of the physician, the woman's unborn  
22 child has reached viability, that the physician who is to perform or induce the  
23 abortion is required to take all steps necessary under s. 940.15 to preserve and  
24 maintain the life and health of the child.

1           j. Any other information that a reasonable patient would consider material and  
2 relevant to a decision of whether or not to carry a child to birth or to undergo an  
3 abortion.

4           k. That the woman may withdraw her consent to have an abortion at any time  
5 before the abortion is performed or induced.

6           L. That the woman is not required to pay any amount for performance or  
7 inducement of the abortion until at least 24 hours have elapsed after the  
8 requirements of this paragraph are met.

9           2. At least 24 hours before the abortion is to be performed or induced, the  
10 physician who is to perform or induce the abortion, a qualified person assisting the  
11 physician or another qualified physician has, in person, orally informed the woman  
12 of all of the following:

13           a. That benefits under the medical assistance program may be available for  
14 prenatal care, childbirth and neonatal care.

15           b. That the father of the unborn child is liable for assistance in the support of  
16 the woman's child, if born, even if the father has offered to pay for the abortion.

17           c. That the woman has a legal right to continue her pregnancy and to keep the  
18 child, place the child in foster care, place the child with a relative for adoption or  
19 petition the court for placement of the child for adoption in the home of a person who  
20 is not a relative.

21           d. That the woman has the right to receive and review the printed materials  
22 described in par. (d). The physician or qualified person assisting the physician shall  
23 physically give the materials to the woman and shall, in person, orally inform her  
24 that the materials are free of charge, have been provided by the state and describe



1 the unborn child and list agencies that offer alternatives to abortion and shall  
2 provide her with the current updated copies of the printed materials free of charge.

3 e. If the woman has received a diagnosis of disability for her unborn child, that  
4 the printed materials described in par. (d) contain information on community-based  
5 services and financial assistance programs for children with disabilities and their  
6 families, information on support groups for people with disabilities and parents of  
7 children with disabilities and information on adoption of children with special needs.

8 f. If the woman asserts that her pregnancy is the result of sexual assault or  
9 incest, that the printed materials described in par. (d) contain information on  
10 counseling services and support groups for victims of sexual assault and incest and  
11 legal protections available to the woman and her child if she wishes to oppose  
12 establishment of paternity or to terminate the father's parental rights.

13 3. The information that is required under subds. 1. and 2. is provided to the  
14 woman in an individual setting that protects her privacy, maintains the  
15 confidentiality of her decision and ensures that the information she receives focuses  
16 on her individual circumstances. This subdivision may not be construed to prevent  
17 the woman from having a family member, or any other person of her choice, present  
18 during her private counseling.

19 4. Whoever provides the information that is required under subd. 1. or 2., or  
20 both, provides adequate opportunity for the woman to ask questions, including  
21 questions concerning the pregnancy, her unborn child, abortion, foster care and  
22 adoption, and provides the information that is requested or indicates to the woman  
23 where she can obtain the information.

24 5. The woman certifies in writing on a form that the department shall provide,  
25 prior to performance or inducement of the abortion, that the information that is

1 required under each subdivision paragraph of subds. 1. and 2. has been provided to  
2 her in the manner specified in subd. 3., that she has been offered the information  
3 described in par. (d) and that all of her questions, as specified under subd. 4., have  
4 been answered in a satisfactory manner. The physician who is to perform or induce  
5 the abortion or the qualified person assisting the physician shall write on the  
6 certification form the name of the physician who is to perform or induce the abortion.  
7 The woman shall indicate on the certification form who provided the information to  
8 her and when it was provided.

9 6. Prior to the performance or the inducement of the abortion, the physician  
10 who is to perform or induce the abortion or the qualified person assisting the  
11 physician receives the written certification that is required under subd. 5. The  
12 physician or qualified person assisting the physician shall place the certification in  
13 the woman's medical record and shall provide the woman with a copy of the  
14 certification.

15 7. If the woman considering an abortion is a minor, unless s. 48.375 (4) (a) 2.  
16 applies, the requirements to provide information to the woman under subds. 1. to 6.  
17 apply to also require provision of the information to the individual whose consent is  
18 also required under s. 48.375 (4) (a) 1. If the woman considering an abortion has been  
19 adjudicated incompetent under ch. 880, the requirements to provide information to  
20 the woman under subds. 1. to 6. apply to also require provision of the information to  
21 the person appointed as the woman's guardian.

22 (cm) *List upon request.* Upon request of the woman receiving information  
23 under par. (c), the physician who is to perform or induce the abortion, a qualified  
24 person assisting the physician or another qualified physician shall provide the  
25 woman with the list distributed under s. 46.245 (2) by a county department. The list

1 shall specify public and private agencies and services that are available to provide  
2 the woman with birth control information, including natural family planning  
3 information.

4 (d) *Printed information.* By the date that is 60 days after the effective date of  
5 this paragraph .... [revisor inserts date], the department shall cause to be published  
6 in English, Spanish, and other languages spoken by a significant number of state  
7 residents, as determined by the department, materials that are in an easily  
8 comprehensible format and are printed in type of not less than 12-point size. The  
9 department shall distribute a reasonably adequate number of the materials to  
10 county departments as specified under s. 46.245 (1) and upon request, annually  
11 review the materials for accuracy and exercise reasonable diligence in providing  
12 materials that are accurate and current. The department may charge a fee not to  
13 exceed the actual cost of the preparation and distribution of the materials. The  
14 materials shall be all of the following:

15 1. Geographically indexed materials that are designed to inform a woman  
16 about public and private agencies, including adoption agencies, and services that are  
17 available to provide ultrasound imaging services, to assist her if she has received a  
18 diagnosis that her unborn child has a disability or if her pregnancy is the result of  
19 sexual assault or incest and to assist her through pregnancy, upon childbirth and  
20 while the child is dependent. The materials shall include a comprehensive list of the  
21 agencies available, a description of the services that they offer and a description of  
22 the manner in which they may be contacted, including telephone numbers and  
23 addresses, or, at the option of the department, the materials shall include a toll-free,  
24 24-hour telephone number that may be called to obtain an oral listing of available  
25 agencies and services in the locality of the caller and a description of the services that

1 the agencies offer and the manner in which they may be contacted. The materials  
2 shall provide information on the availability of governmentally funded programs  
3 that serve pregnant women and children. Services identified for the woman shall  
4 include aid to families with dependent children under s. 49.19, medical assistance  
5 for pregnant women and children under s. 49.47 (4) (am), the job opportunities and  
6 basic skills program under s. 49.193, the availability of family or medical leave under  
7 s. 103.10, child care services, child support laws and programs and the credit for  
8 expenses for household and dependent care and services necessary for gainful  
9 employment under section 21 of the internal revenue code. The materials shall state  
10 that it is unlawful for any person to coerce a woman to undergo an abortion, that any  
11 physician who performs or induces an abortion without obtaining the woman's  
12 voluntary and informed consent is liable to her for damages in a civil action and is  
13 subject to a civil penalty, that the father of a child is liable for assistance in the  
14 support of the child, even in instances in which the father has offered to pay for an  
15 abortion, and that adoptive parents may pay the costs of prenatal care, childbirth  
16 and neonatal care. The materials shall include information, for a woman whose  
17 pregnancy is the result of sexual assault or incest, on legal protections available to  
18 the woman and her child if she wishes to oppose establishment of paternity or to  
19 terminate the father's parental rights. The materials shall state that the state of  
20 Wisconsin encourages the woman to view an ultrasonic image and hear or view the  
21 heartbeat of her unborn child before she decides to have an abortion.

22 2. Materials, including photographs, pictures or drawings, that are designed  
23 to inform the woman of the probable anatomical and physiological characteristics of  
24 the unborn child at 2-week gestational increments for the first 16 weeks of her  
25 pregnancy and at 4-week gestational increments from the 17th week of the

1 pregnancy to full term, including any relevant information regarding the time at  
2 which the unborn child could possibly be viable. The pictures or drawings must  
3 contain the dimensions of the unborn child and must be realistic and appropriate for  
4 the stage of pregnancy depicted. The materials shall be objective, nonjudgmental  
5 and designed to convey only accurate scientific information about the unborn child  
6 at the various gestational ages, including appearance, mobility, brain and heart  
7 activity and function, tactile sensitivity and the presence of internal organs and  
8 external members. The materials shall also contain objective, accurate information  
9 describing the methods of abortion procedures commonly employed, the medical and  
10 psychological risks commonly associated with each such procedure, including the  
11 risks of infection, psychological trauma, hemorrhage, endometriosis, perforated  
12 uterus, incomplete abortion, failed abortion, danger to subsequent pregnancies and  
13 infertility, and the medical risks commonly associated with carrying a child to birth.

14 3. A certification form for use under par. (c) 5. that lists, in a check-off format,  
15 all of the information required to be provided under that subdivision.

16 (e) *Requirement to obtain materials.* A physician who intends to perform or  
17 induce an abortion or another qualified physician, who reasonably believes that he  
18 or she might have a patient for whom the information under par. (d) is required to  
19 be given, shall request a reasonably adequate number of the materials that are  
20 described under par. (d) from the department under par. (d) or from a county  
21 department as specified under s. 46.245 (1).

22 (f) *Medical emergency.* If a medical emergency exists, the physician who is to  
23 perform or induce the abortion necessitated by the medical emergency shall inform  
24 the woman, prior to the abortion if possible, of the medical indications supporting the  
25 physician's reasonable medical judgment that an immediate abortion is necessary

1 to avert her death or that a 24-hour delay in performance or inducement of an  
2 abortion will create a serious risk of substantial and irreversible impairment of one  
3 or more of the woman's major bodily functions. If possible, the physician shall obtain  
4 the woman's written consent prior to the abortion. The physician shall certify these  
5 medical indications in writing and place the certification in the woman's medical  
6 record.

7 (g) *Presumptions.* Satisfaction of the conditions required under par. (c) creates  
8 a rebuttable presumption that the woman's consent and, if the woman is a minor and  
9 if s. 48.375 (4) (a) 2. does not apply, the consent of the individual who also gives  
10 consent under s. 48.375 (4) (a) 1. to an abortion is informed. The presumption of  
11 informed consent may be overcome by a preponderance of evidence that establishes  
12 that the consent was obtained through fraud, negligence, deception,  
13 misrepresentation or omission of a material fact. There is no presumption that  
14 consent to an abortion is voluntary.

15 (4) **HOTLINE.** The department may maintain a toll-free telephone number that  
16 is available 24 hours each day, to provide the materials specified in sub. (3) (d) 1.

17 (5) **PENALTY.** Any person who violates sub. (3) shall be required to forfeit not  
18 less than \$5,000 nor more than \$10,000.

19 (6) **CIVIL REMEDIES.** (a) A person who violates sub. (3) is liable to the woman  
20 on or for whom the abortion was performed or induced for damages arising out of the  
21 performance or inducement of the abortion, including damages for personal injury  
22 and emotional and psychological distress.

23 (b) A person who has been awarded damages under par. (a) shall, in addition  
24 to any damages awarded under par. (a), be entitled to not less than \$5,000 nor more

1 than \$10,000 in punitive damages for a violation that satisfies a standard under s.  
2 895.85 (3).

3 (c) A conviction under sub. (5) is not a condition precedent to bringing an action,  
4 obtaining a judgment or collecting the judgment under this subsection.

5 (d) Notwithstanding s. 814.04 (1), a person who recovers damages under par.  
6 (a) or (b) may also recover reasonable attorney fees incurred in connection with the  
7 action.

8 (e) A contract is not a defense to an action under this subsection.

9 (f) Nothing in this subsection limits the common law rights of a person that are  
10 not in conflict with sub. (3).

11 **(7) AFFIRMATIVE DEFENSE.** No person is liable under sub. (5) or (6) or under s.  
12 441.07 (1) (f) or 457.26 (2) (gm) for failure under sub. (3) (c) 2. d. to provide the printed  
13 materials described in sub. (3) (d) to a woman or for failure under sub. (3) (c) 2. d.,  
14 e. or f. to describe the contents of the printed materials if the person has made a  
15 reasonably diligent effort to obtain the printed materials under sub. (3) (e) and s.  
16 46.245 (1) and the department and the county department under s. 46.215, 46.22 or  
17 46.23 have not made the printed materials available at the time that the person is  
18 required to give them to the woman.

19 **(8) CONFIDENTIALITY.** (a) Notwithstanding ss. 801.09 (1), 801.095, 802.04 (1)  
20 and 815.05 (intro.), in an action brought under sub. (5) or (6), the plaintiff may  
21 substitute her initials, or fictitious initials, and her age and county of residence for  
22 her name and address on the summons and complaint. The plaintiff's attorney shall  
23 supply the court with the name and other necessary identifying information of the  
24 plaintiff. The court shall maintain the name and other identifying information, and

1 supply the information to other parties to the action, in a manner that reasonably  
2 protects the information from being disclosed to the public.

3 (b) Upon motion by the plaintiff, and for good cause shown, or upon its own  
4 motion, the court may make any order that justice requires to protect a plaintiff who  
5 is using initials in an action under sub. (5) or (6) from annoyance, embarrassment,  
6 oppression or undue burden that would arise if any information identifying the  
7 plaintiff were made public.

8 (9) CONSTRUCTION. Nothing in this section may be construed as creating or  
9 recognizing a right to abortion or as making lawful an abortion that is otherwise  
10 unlawful.

11 **SECTION 5.** 441.07 (1) (f) of the statutes is created to read:

12 441.07 (1) (f) Violated the requirements of s. 253.10 (3) (c) 2., 3., 4., 5., 6. or 7.

13 **SECTION 6.** 441.07 (1r) of the statutes is created to read:

14 441.07 (1r) (a) In a hearing brought to determine if a violation of sub. (1) (f) has  
15 occurred, the person who files the informal complaint may substitute her initials, or  
16 fictitious initials, and her age and county of residence for her name and address to  
17 the extent that her name and address may appear on any pleading, notice, order or  
18 other paper filed in the disciplinary proceeding. The attorney of the person who files  
19 the informal complaint shall supply the board with the name and other necessary  
20 identifying information of the person. The board shall maintain the name and other  
21 identifying information, and supply the information to parties to the hearing, in a  
22 manner that reasonably protects the information from being disclosed to the public.

23 (b) Upon request by the person who files the informal complaint, and for good  
24 cause shown, or upon its own motion, the board may make any order that justice  
25 requires to protect a person who files the informal complaint, who is using initials



1 in a hearing brought to determine if a violation of sub. (1) (f) has occurred, from  
2 annoyance, embarrassment, oppression or undue burden that would arise if any  
3 information identifying the person were made public.

4 **SECTION 7.** 448.02 (3) (a) of the statutes is amended to read:

5 448.02 (3) (a) The board shall investigate allegations of unprofessional conduct  
6 and negligence in treatment by persons holding a license, certificate or limited  
7 permit granted by the board. An allegation that a physician has violated s. 253.10  
8 (3), 448.30 or 450.13 (2) or has failed to mail or present a medical certification  
9 required under s. 69.18 (2) within 21 days after the pronouncement of death of the  
10 person who is the subject of the required certificate or that a physician has failed at  
11 least 6 times within a 6-month period to mail or present a medical certificate  
12 required under s. 69.18 (2) within 6 days after the pronouncement of death of the  
13 person who is the subject of the required certificate is an allegation of unprofessional  
14 conduct. Information contained in reports filed with the board under s. 49.45 (2) (a)  
15 12r., 50.36 (3) (b), 609.17 or 632.715 or under 42 CFR 1001.109 (e) and 42 CFR  
16 1001.124 (a) (3) and (b) shall be investigated by the board. Information contained  
17 in a report filed with the board under s. 655.045 (1), as created by 1985 Wisconsin  
18 Act 29, which is not a finding of negligence or in a report filed with the board under  
19 s. 50.36 (3) (c) may, within the discretion of the board, be used as the basis of an  
20 investigation of the persons named in the reports. The board may require a person  
21 holding a license, certificate or limited permit to undergo and may consider the  
22 results of one or more physical, mental or professional competency examinations if  
23 the board believes that the results of any such examinations may be useful to the  
24 board in conducting its investigation.

25 **SECTION 8.** 448.02 (3) (bm) of the statutes is created to read:

1           448.02 (3) (bm) 1. In a hearing brought to determine if a violation of s. 253.10  
2 (3) has occurred, the person who files the informal complaint may substitute her  
3 initials, or fictitious initials, and her age and county of residence for her name and  
4 address to the extent that her name and address may appear on any pleading, notice,  
5 order or other paper filed in the disciplinary proceeding. The attorney of the person  
6 who files the informal complaint shall supply the board with the name and other  
7 necessary identifying information of the person. The board shall maintain the name  
8 and other identifying information, and supply the information to parties to the  
9 hearing, in a manner that reasonably protects the information from being disclosed  
10 to the public.

11           2. Upon request by the person who files the informal complaint, and for good  
12 cause shown, or upon its own motion, the board may issue any order that justice  
13 requires to protect a person who files the informal complaint, who is using initials  
14 in a hearing brought to determine if a violation of s. 253.10 (3) has occurred, from  
15 annoyance, embarrassment, oppression or undue burden that would arise if any  
16 information identifying the person were made public.

17           **SECTION 9.** 457.26 (2) (gm) of the statutes is created to read:

18           457.26 (2) (gm) Violated the requirements of s. 253.10 (3) (c) 2., 3., 4., 5., 6. or  
19 7.

20           **SECTION 10.** 457.26 (2m) of the statutes is created to read:

21           457.26 (2m) (a) In a hearing brought to determine if a violation of sub. (2) (gm)  
22 has occurred, the person who files the informal complaint may substitute her initials,  
23 or fictitious initials, and her age and county of residence for her name and address,  
24 to the extent that her name and address may appear on any pleading, notice, order  
25 or other paper filed in the disciplinary proceedings. The attorney of the person who

1 files the informal complaint shall supply the social worker section of the examining  
2 board with the name and other necessary identifying information of the person. The  
3 social worker section of the examining board shall maintain the name and other  
4 identifying information, and supply the information to parties to the hearing, in a  
5 manner that reasonably protects the information from being disclosed to the public.

6 (b) Upon request by the person who files the informal complaint, and for good  
7 cause shown, or upon its own motion, the social worker section of the examining  
8 board may issue any order that justice requires to protect a person who files the  
9 informal complaint, who is using initials in a hearing brought to determine if a  
10 violation of sub. (2) (gm) has occurred, from annoyance, embarrassment, oppression  
11 or undue burden that would arise if any information identifying the person were  
12 made public.

13 **SECTION 11.** 893.55 (3m) of the statutes is created to read:

14 893.55 (3m) (a) Notwithstanding ss. 801.09 (1), 801.095, 802.04 (1) and 815.05  
15 (intro.), in an action brought under this section resulting from a violation of s. 253.10  
16 (3) or in an action to recover damages for injury that arises from the performance or  
17 inducement of an abortion, the plaintiff may substitute her initials, or fictitious  
18 initials, and her age and county of residence for her name and address on the  
19 summons and complaint. The plaintiff's attorney shall supply the court with the  
20 name and other necessary identifying information of the plaintiff. The court shall  
21 maintain the name and other identifying information, and supply the information  
22 to other parties to the action, in a manner that reasonably protects the information  
23 from being disclosed to the public.

24 (b) Upon motion by the plaintiff, and for good cause shown, or upon its own  
25 motion, the court may make any order that justice requires to protect a plaintiff who

1 is using initials in an action under this section resulting from a violation of s. 253.10  
2 (3) or in an action to recover damages for injury that arises from the performance or  
3 inducement of an abortion from annoyance, embarrassment, oppression or undue  
4 burden that would arise if any information identifying the plaintiff were made  
5 public.

6 (END)