



State of Wisconsin
Department of Health and Family Services

Jim Doyle, Governor
Kevin R. Hayden, Secretary

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Contact: Stephanie Marquis, Communications Director, (608) 266-1683

Secretary Hayden Applauds Legislature for Passing Bill to Remove Barriers to Health Information Exchange

Legislation seeks to transform health care delivery in Wisconsin

Secretary Kevin R. Hayden commends the legislature for passing Senate Bill 487, which provides physicians and patients with additional, more reliable information to make important decisions about what health care treatment is best and safest. Both the Senate and the Assembly passed the bill unanimously. It now awaits Governor Doyle's signature.

"Thank you to Senator Erpenbach and Representatives Moulton, Hixson, Davis and Benedict for shepherding this bill through the legislative process," Secretary Hayden said. "I also want to recognize all of the stakeholders who worked toward a balanced approach to amending these statutes."

The Department worked for more than 18 months with privacy advocates, health information officers, providers, technology experts and consumers about how to maintain appropriate privacy protections while breaking down barriers to electronic health information exchange.

Governor Jim Doyle created the eHealth Care Quality and Patient Safety Board by Executive Order on November 2, 2005. Its purpose is to develop a strategic Action Plan for the statewide adoption and exchange of electronic health records in five years. Taking advantage of health information technology to improve health care quality and safety while reducing overall costs in the system is a key component of Governor Jim Doyle's Grow Wisconsin plan for economic development.

"Electronic health information exchange is imperative to the future of health care. It has the power to improve health care outcomes for patients in Wisconsin while protecting a patient's privacy," said Secretary Hayden. "This bill is an important first step towards improving patient care and safety by removing barriers to health information exchange among providers."

Except under limited circumstances, Chapter 51.30 of Wisconsin law prohibits disclosure of mental health, alcohol and other drug abuse, and developmental disability health information without written consent. Certain elements of a patient's treatment record, such as name, address, date of birth, date of service, diagnosis, and medications can be released without written consent to health care providers in a related health care entity. The bill also permits sharing diagnostic test results and symptoms with any healthcare provider treating the patient even if the provider is outside the related health care entity without written consent. Sharing any other health care information under Chapter 51.30 would still require written consent.

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Chapter 146 of Wisconsin law prohibits health care providers who receive general patient health care information from providers outside their institution from disclosing the same information to a subsequent provider. This significantly limits providers' access to the information they need when patients see different providers across multiple institutions for their care. The bill allows general health information to be exchanged with any health care provider who is involved with the patient's care.

Additionally, the bill permits health care providers to disclose health information to immediate members of a patient's family or a close personal friend involved in the patient's care if the patient provides informal permission, rather than requiring written consent as required in current law. If the patient is incapacitated or unavailable, a health care provider could use his or her professional judgment to determine whether sharing the information is in the best interest of the patient. Under this bill, written consent is still required for a health care provider to release a copy of a patient's health care record to family and friends.

“Major studies have estimated that medical errors in the U.S. have resulted in anywhere from 44,000 to 98,000 deaths annually,” said Hayden. “We can reduce medical errors by giving our health care providers, patients and their families access to the information they need to make important decisions about what health care treatment is best and safest. This legislation is essential to enabling electronic health information exchange—a crucial step to improving the quality and safety of health care.”

For more information and an overview of eHealth legislation, visit <http://ehealthboard.dhfs.wisconsin.gov/index.asp>

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