



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

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

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a subsequent version of this draft.

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

3 **SECTION 1.** 146.816 of the statutes is created to read:
4 **146.816 Uses and disclosures of protected health information. (1)** In
5 this section:
6 (a) "Business associate" has the meaning given in 45 CFR 160.103.
7 (b) "Covered entity" has the meaning given in 45 CFR 160.103.
8 (c) "Disclosure" has the meaning given in 45 CFR 160.103 and includes
9 redisclosures and rereleases of information.

1 (d) “Health care operations” has the meaning given in 45 CFR 164.501.

2 (e) “Payment” has the meaning given in 45 CFR 164.501.

3 (f) “Protected health information” has the meaning given in 45 CFR 160.103.

4 (g) “Treatment” has the meaning given in 45 CFR 164.501.

5 (h) “Use” has the meaning given in 45 CFR 160.103.

6 **(2)** Sections 51.30 (4) (a) and (e) and 146.82 and rules promulgated under s.
7 51.30 (12) do not apply to a use, disclosure, or request for disclosure of protected
8 health information by a covered entity or business associate that meets all the
9 following criteria:

****NOTE: Please confirm that s. 51.30 (4) (a) and (e), not s. 51.30 (4) (a) to (e), do
not apply to uses and disclosures under the circumstances in this draft.

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

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

14 1. For purposes of treatment.

15 2. For purposes of payment.

16 3. For purposes of health care operations.

17 **(END)**