

HOUSE BILL NO. HB0029

Health care provider reports.

Sponsored by: Representative(s) McMurtrey

A BILL

for

1 AN ACT relating to public health and safety; requiring
 2 reports of patient information by health care providers and
 3 hospitals to law enforcement agencies under certain
 4 circumstances; delineating the contents of the report;
 5 providing for immunity under certain circumstances;
 6 providing a penalty; and providing for an effective date.

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8 *Be It Enacted by the Legislature of the State of Wyoming:*

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10 **Section 1.** W.S. 35-4-901 is created to read:

11

ARTICLE 9

12

HEALTH CARE PROVIDER REPORTS

13

14

15 **35-4-901. Injuries to be reported; penalty for**
 16 **failure to report; immunity from liability.**

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1 (a) Any health care provider as defined by W.S.
2 35-2-605(a)(viii) who attends or treats any significant
3 injury shall report the injury to the local law enforcement
4 agency or cause a report to be made if he has reason to
5 believe:

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7 (i) The injury involves a serious wound or other
8 serious physical injury intentionally inflicted by a
9 person; or

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11 (ii) The patient was a victim of abuse, neglect
12 or domestic violence and:

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14 (A) In the exercise of the health care
15 provider's professional judgment, he believes the
16 disclosure is necessary to prevent serious harm to the
17 individual or other potential victims; or

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19 (B) If the individual is unable to agree
20 because of incapacity and a law enforcement official
21 represents that the protected health information for which
22 disclosure is sought is not intended to be used against the
23 individual and that an immediate enforcement activity that
24 depends upon the disclosure would be materially and

1 adversely affected by waiting until the individual is able
2 to agree to the disclosure.

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4 (b) The report shall be by telephone or other spoken
5 communication and shall not release any health information
6 except to state, if known, the name and address, date and
7 place of birth, social security number, ABO blood type and
8 Rh factor, type of injury, date and time of treatment, date
9 and time of death, if applicable, and a description of
10 distinguishing physical characteristics, including height,
11 weight, gender, race, hair and eye color, presence or
12 absence of facial hair, scars and tattoos of the injured
13 person and the name, address and telephone number of the
14 person making the report.

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16 (c) A health care provider who has personal knowledge
17 that the report of an injury has been made in compliance
18 with this section does not have a duty to make a report.

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20 (d) A health care provider who in good faith reports
21 pursuant to this section is immune from any civil or
22 criminal liability that might otherwise result by reason of
23 the action.

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1 (e) Any health care provider who fails to make a
2 report as required by this section is guilty of a
3 misdemeanor, punishable by a fine of seven hundred fifty
4 dollars (\$750.00), imprisonment in the county jail for six
5 (6) months, or both.

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7 **Section 2.** This act is effective July 1, 2003.

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(END)