

Wisconsin Senate Passes HIPAA Harmonization Bill Re: Health Insurance Portability and Accountability Act

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On January 22, the Wisconsin State Senate passed the [Mental Health Care Coordination Bill](#) (a.k.a. HIPAA Harmonization), which updates Wisconsin law to be more consistent with standards outlined in the **Health Insurance Portability and Accountability Act of 1996 (HIPAA)**. HIPAA Harmonization was passed today along with a number of additional bills that address the behavioral health care system in Wisconsin.

Currently, Wisconsin law (Chapter 51 of the Wisconsin Statutes) requires confidentiality of **behavioral health treatment** and registration records beyond the privacy requirements outlined in HIPAA. These state requirements and restrictions on access to behavioral health records have been criticized as creating a barrier to appropriate treatment.

HIPAA Harmonization creates Wis. Stat. § 146.816, which provides that certain restrictions in Wis. Stat. § 51.30 do not apply to a use, disclosure, or request for disclosure of protected health information (by a covered entity or its business associate) if the use, disclosure, or request is otherwise in compliance with HIPAA and made for purposes of treatment, payment, or health care operations. The bill adopts the HIPAA definitions of business associate, covered entity, use, disclosure, treatment, payment, health care operations, and protected health information.

The HIPAA Harmonization Bill will now move to the Governor for his signature. Once signed, the new law will remove some statutory restrictions on behavioral health providers coordinating a patient's care with other treating providers. However, providers should take note – other state and federal law requirements for the confidentiality of certain types of health information (e.g., alcohol and other drug abuse records, HIV test results, psychotherapy notes) remain in place, and providers must continue to comply with such requirements.

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National Law Review, Volume IV, Number 23

Source URL: <https://natlawreview.com/article/wisconsin-senate-passes-hipaa-health-insurance-portability-and-accountability-act-ha>

