

2001 DRAFTING REQUEST

Assembly Amendment (AA-AB116)

Received: 03/05/2001

Received By: malaigm

Wanted: Soon

Identical to LRB:

For: Glenn Grothman (608) 264-8486

By/Representing: Anne Sappenfield

This file may be shown to any legislator: NO

Drafter: malaigm

May Contact:

Addl. Drafters:

Subject: Mental Health - AODA
Mental Health - detent/commit

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Psychotropic medication; require consent of minor 14 or over

Instructions:

require consent of minor 14 or over for administration of psychotropic medications.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	malaigm 03/05/2001	jdye 03/06/2001					
/1			martykr 03/06/2001		lrb_docadmin 03/06/2001	lrb_docadmin 03/06/2001	
/2	malaigm 03/16/2001	jdye 03/19/2001	martykr 03/19/2001		lrb_docadmin 03/19/2001	lrb_docadmin 03/19/2001	

FE Sent For:

<END>

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/?	malaigm	1 3/6 jld	km 3/6	PG 3 km 2			

FE Sent For:

<END>

2001

Date (time) needed

Soon

LRBa 0298,1

AMENDMENT

GMM jld:

See form AMENDMENTS — COMPONENTS & ITEMS.

§ A [AMENDMENT]

~~TO S A AMENDMENT (LRBa /),
TO S A SUBSTITUTE AMENDMENT (LRBs /),
TO 2001 SB SJR SR AB AJR AR 116 (LRB /)~~

At the locations indicated, amend the bill ✓ as follows:

(fill ONLY if "engrossed ..." or "as shown by")

~~#. Page , line :~~

~~#. Page , line :~~

~~#. Page , line :~~

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00298/1

**ASSEMBLY AMENDMENT ,
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 1999 ASSEMBLY BILL 480**

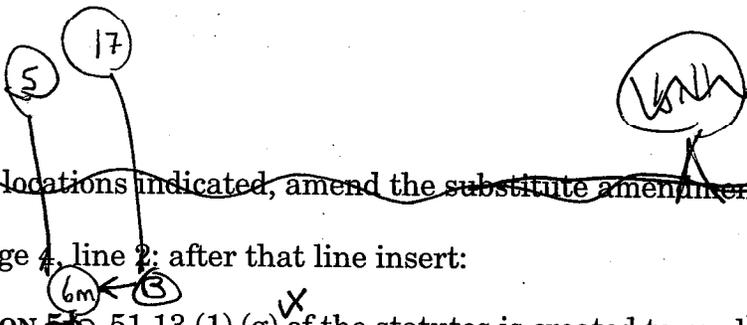
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~~At the locations indicated, amend the substitute amendment as follows:~~

1. Page 4, line 2: after that line insert:

"SECTION 51.13 (1) (g) of the statutes is created to read:

51.13 (1) (g) A minor 14 years of age or over who is admitted to an approved inpatient treatment facility under this subsection may not be administered any psychotropic medication unless the minor and a parent who has custody of the minor or the minor's guardian consent to the administration of that medication under s. 51.61 (6) or the minor is found not competent to refuse medication under s. 51.61 (1) (g). A minor under 14 years of age who is admitted to an approved inpatient treatment facility under this subsection may not be administered any psychotropic medication unless a parent who has custody of the minor or the minor's guardian consents to the administration of that medication."



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2. Page 4, line 11: after that line insert:

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"SECTION 51.13 (2) (am) of the statutes is created to read:

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51.13 (2) (am) A minor 14 years of age or over who is admitted to an inpatient treatment facility under this subsection may not be administered any psychotropic medication unless the minor and a parent who has custody of the minor or the minor's guardian consent to the administration of that medication under s. 51.61 (6) or the minor is found not competent to refuse medication under s. 51.61 (1) (g). A minor under 14 years of age who is admitted to an inpatient treatment facility under this subsection may not be administered any psychotropic medication unless a parent who has custody of the minor or the minor's guardian consents to the administration of that medication."

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3. Page 8, line 8: after that line insert:

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"SECTION 51.13 (3) (am) of the statutes is created to read:

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51.13 (3) (am) A minor 14 years of age or over and his or her parent or guardian shall also be informed by the director or his or her designee, both orally and in writing, in easily understandable language, of the minor's right not to be administered any psychotropic medication unless the minor and the parent or guardian consent to the administration of that medication under s. 51.61 (6) or the minor is found not competent to refuse medication under s. 51.61 (1) (g). A minor under 14 years of age and his or her parent or guardian shall also be informed by the director or his or her designee, both orally and in writing, in easily understandable language, of the minor's right not to be administered any psychotropic medication unless the parent or guardian consents to the administration of that medication."

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4. Page 8, line 20: after that line insert:

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"SECTION ~~114~~. 51.13 (6) (am) of the statutes is created to read:

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51.13 (6) (am) A minor 14 years of age or over who is admitted to an inpatient treatment facility under this subsection may not be administered any psychotropic medication unless the minor and a parent who has custody of the minor or the minor's guardian consent to the administration of that medication under s. 51.61 (6) or the minor is found not competent to refuse medication under s. 51.61 (1) (g). A minor under 14 years of age who is admitted to an inpatient treatment facility under this subsection may not be administered any psychotropic medication unless a parent who has custody of the minor or the minor's guardian consents to the administration of that medication."

14 3

5. Page ~~11~~, line ~~14~~: after that line insert:

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"SECTION ~~114~~. 51.35 (3) (am) of the statutes is created to read:

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51.35 (3) (am) A minor 14 years of age or over who is transferred to a treatment facility under par. (a) may not be administered any psychotropic medication unless the minor and the minor's parent or guardian consent to the administration of that medication under s. 51.61 (6) or the minor is found not competent to refuse medication under s. 51.61 (1) (g). A minor under 14 years of age who is transferred to a treatment facility under par. (a) may not be administered any psychotropic medication unless the minor's parent or guardian consents to the administration of that medication."

after "required" insert

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Fix Component

6. Page ~~14~~, line ~~18~~: ~~delete that line and substitute~~ "is not required, except that

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the consent of a minor 14 years of age or over is required for the administration of psychotropic medication, unless the minor is found not competent to refuse medication under s. 51.61 (1) (g)."

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7. Page 18, line 19: delete lines 19 to 25.

8. Page 19, line 1: delete lines 1 to 14 and substitute:

"SECTION 51.61 (6) of the statutes is amended to read:

51.61 (6) Subject to the rights of patients provided under this chapter, the department, county departments under s. 51.42 or 51.437 and any agency providing services under an agreement with the department or those county departments have the right to use customary and usual treatment techniques and procedures in a reasonable and appropriate manner in the treatment of patients who are receiving services under the mental health system, for the purpose of ameliorating the conditions for which the patients were admitted to the system. The written, informed consent of any patient shall first be obtained, unless the person has been found not competent to refuse medication and treatment under s. 51.61 (1) (g), is a minor under 14 years of age, or is a minor 14 years of age or older who is receiving services, not including medication, for alcoholism or drug abuse. In the case of a minor, the written, informed consent of the parent or guardian is required. ~~Except, except~~ as provided under an order issued under s. 51.13 (1) (c) or 51.14 (3) (h) or (4) (g), if the minor is 14 years of age or older and is receiving services for mental illness or developmental disability or is receiving medication for alcoholism or drug abuse, the written, informed consent of the minor and the minor's parent or guardian is required. A refusal of either a minor 14 years of age or older or the minor's parent or guardian to provide written, informed consent for admission to an approved inpatient treatment facility is reviewable under s. 51.13 (1) (c) and a refusal of either a minor 14 years of age or older or the minor's parent or guardian to provide written,

who is receiving services for mental illness, developmental disability, alcoholism, or drug abuse

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informed consent for outpatient mental health treatment is reviewable under s.
51.14."

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(END)



State of Wisconsin
2001 - 2002 LEGISLATURE

LRBa0298/12
GMM:jld:km

~~DAV~~ SOON

ASSEMBLY AMENDMENT,
TO 2001 ASSEMBLY BILL 116

1 At the locations indicated, amend the bill as follows:

2 1. Page 5, line 17: after that line insert:

3 "SECTION 6m. 51.13 (1) (g) of the statutes is created to read:

4 51.13 (1) (g) A minor 14 years of age or over who is admitted to an approved

5 inpatient treatment facility under this subsection may not be administered any

6 ~~psychotropic~~ medication unless the minor and a parent who has custody of the minor

7 or the minor's guardian consent to the administration of ~~that~~ ^{the} medication under s.

8 51.61 (6) or the minor is found not competent to refuse medication under s. 51.61 (1)

9 (g). A minor under 14 years of age who is admitted to an approved inpatient

10 treatment facility under this subsection may not be administered any ~~psychotropic~~ ^{psychotropic}

11 medication unless a parent who has custody of the minor or the minor's guardian

12 consents to the administration of ~~that~~ ^{the} medication."

13 2. Page 6, line 7: after that line insert:

1 “SECTION 7m. 51.13 (2) (am) of the statutes is created to read:

2 51.13 (2) (am) A minor 14 years of age or over who is admitted to an inpatient
3 treatment facility under this subsection may not be administered any psychotropic
4 medication unless the minor and a parent who has custody of the minor or the
5 minor’s guardian consent to the administration of ^{the} ~~that~~ medication under s. 51.61 (6)
6 or the minor is found not competent to refuse medication under s. 51.61 (1) (g). A
7 minor under 14 years of age who is admitted to an inpatient treatment facility under
8 this subsection may not be administered any psychotropic medication unless a
9 parent who has custody of the minor or the minor’s guardian consents to the
10 administration of ^{the} ~~that~~ medication.”.

11 **3.** Page 6, line 24: after that line insert:

12 “SECTION 9m. 51.13 (3) (am) of the statutes is created to read:

13 51.13 (3) (am) A minor 14 years of age or over and his or her parent or guardian
14 shall also be informed by the director or his or her designee, both orally and in
15 writing, in easily understandable language, of the minor’s right not to be
16 administered any psychotropic medication unless the minor and the parent or
17 guardian consent to the administration of ^{the} ~~that~~ medication under s. 51.61 (6) or the
18 minor is found not competent to refuse medication under s. 51.61 (1) (g). A minor
19 under 14 years of age and his or her parent or guardian shall also be informed by the
20 director or his or her designee, both orally and in writing, in easily understandable
21 language, of the minor’s right not to be administered any psychotropic medication
22 unless the parent or guardian consents to the administration of ^{the} ~~that~~ medication.”.

23 **4.** Page 10, line 13: after that line insert:

24 “SECTION 17m. 51.13 (6) (am) of the statutes is created to read:

1 51.13 (6) (am) A minor 14 years of age or over who is admitted to an inpatient
 2 treatment facility under this subsection may not be administered any ~~psychotropic~~^{psychotropic}
 3 medication unless the minor and a parent who has custody of the minor or the
 4 minor's guardian consent to the administration of ~~that~~^{the} medication under s. 51.61 (6)
 5 or the minor is found not competent to refuse medication under s. 51.61 (1) (g). A
 6 minor under 14 years of age who is admitted to an inpatient treatment facility under
 7 this subsection may not be administered any ~~psychotropic~~^{psychotropic} medication unless a
 8 parent who has custody of the minor or the minor's guardian consents to the
 9 administration of ~~that~~^{the} medication.”.

10 **5.** Page 14, line 3: after that line insert:

11 “**SECTION 22m.** 51.35 (3) (am)[✓] of the statutes is created to read:

12 51.35 (3) (am) A minor 14 years of age or over who is transferred to a treatment
 13 facility under par. (a) may not be administered any ~~psychotropic~~^{psychotropic} medication unless
 14 the minor and the minor's parent or guardian consent to the administration of ~~that~~^{the}
 15 medication under s. 51.61 (6) or the minor is found not competent to refuse
 16 medication under s. 51.61 (1) (g). A minor under 14 years of age who is transferred
 17 to a treatment facility under par. (a) may not be administered any ~~psychotropic~~^{psychotropic}
 18 medication unless the minor's parent or guardian consents to the administration of
 19 ~~that~~^{the} medication.”.

20 **6.** Page 18, line 8: after “required” insert “, except that the consent of a minor
 21 14 years of age or over is required for the administration of ~~psychotropic~~^{any} medication,
 22 unless the minor is found not competent to refuse medication under s. 51.61 (1) (g)”.

23 **7.** Page 18, line 9: delete lines 9 to 25.

24 **8.** Page 19, line 1: delete lines 1 to 6 and substitute:

