

Fiscal Estimate - 2005 Session

Original Updated Corrected Supplemental

LRB Number 05-4699/1		Introduction Number SB-650	
Description Registration and treatment records for services for mental illness, developmental disability, alcoholism, or drug dependence, exceptions to confidentiality for treatment records, and a good faith exception to liability for release of records by a record custodian			
Fiscal Effect State: <input checked="" type="checkbox"/> No State Fiscal Effect <input type="checkbox"/> Indeterminate <input type="checkbox"/> Increase Existing Appropriations <input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget <input type="checkbox"/> Decrease Existing Appropriations <input type="checkbox"/> Decrease Existing Revenues <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Create New Appropriations <input type="checkbox"/> Decrease Costs			
Local: <input checked="" type="checkbox"/> No Local Government Costs <input type="checkbox"/> Indeterminate 1. <input type="checkbox"/> Increase Costs 3. <input type="checkbox"/> Increase Revenue 5. Types of Local Government Units Affected <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory <input type="checkbox"/> Towns <input type="checkbox"/> Village <input type="checkbox"/> Cities 2. <input type="checkbox"/> Decrease Costs 4. <input type="checkbox"/> Decrease Revenue <input type="checkbox"/> Counties <input type="checkbox"/> Others <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory <input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts			
Fund Sources Affected		Affected Ch. 20 Appropriations	
<input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS			
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Fiscal Estimate Narratives

DHFS 3/8/2006

LRB Number	05-4699/1	Introduction Number	SB-650	Estimate Type	Original
Description Registration and treatment records for services for mental illness, developmental disability, alcoholism, or drug dependence, exceptions to confidentiality for treatment records, and a good faith exception to liability for release of records by a record custodian					

Assumptions Used in Arriving at Fiscal Estimate

Under current law relating to mental health, developmental disability, alcoholism, and drug dependence, "registration records" are defined to include all records of the Department of Health and Family Services (DHFS), county departments of developmental disabilities services and community programs, treatment facilities, and other persons who provide services to those entities, that identify individuals who are receiving or have received services for mental illness, developmental disability, alcoholism, or drug dependence. With certain exceptions, registration and treatment records must be kept confidential. The liability for violations of confidentiality includes, for a violation that is not knowing and willful, damages, exemplary damages of up to \$1,000 for each violation, costs, and reasonable actual attorneys fees, with the exception of acting in good faith.

This bill changes the definition of "registration records" to include all records of DHFS, county departments, treatment facilities, and other persons providing services to these entities that are created in the course of providing services for mental illness, developmental disability, alcoholism, or drug dependence, and changes the definition of "treatment records" similarly. The bill changes the exception concerning release of treatment records to a licensed physician in a medical emergency to provide the exception to a health care provider who is otherwise unable to obtain the individual's informed consent because of the individual's condition or the nature of the medical emergency. Further, the bill creates an additional exception that applies to health care providers in a related health care entity, as defined in the bill, or to any person acting under the supervision of such a health care provider who is involved with an individual's care, if necessary for the current treatment of the individual. The bill eliminates the good faith exception to liability for release of registration or treatment records by a record custodian.

This bill has no fiscal effect on the Department or county human services or social services departments.

Long-Range Fiscal Implications