



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2005 Wisconsin Act 485
[2005 Assembly Bill 33]

Release of Treatment Records

Prior to the enactment of 2005 Wisconsin Act 485, the treatment records of a person who received services for mental illness, developmental disabilities, alcoholism, or drug dependence, were confidential and privileged to the subject individual. However, the law provided several exceptions. One of those exceptions allowed for release of treatment records: (1) to the parents, children, or spouse of a person who is or was a patient at an inpatient facility; (2) to a law enforcement officer who is seeking to determine whether a person is on unauthorized absence from the facility; and (3) to mental health professionals who are providing treatment to the person. Information released under this exception is limited to notice as to whether or not the person is a patient at the inpatient facility.

2005 Wisconsin Act 485 requires, rather than allows, release of certain information about an individual without the individual's informed written consent. The information is released under the same circumstances as under current law, except that a sibling is also permitted to request the information in addition to the individual's parent, child, or spouse. The information released is limited to notice as to whether or not an individual is a patient at the inpatient facility (as under prior law) and, if the individual is no longer a patient, the facility or other place, if known, where the individual is located.

The information may not be released:

1. To the individual's parent, child, sibling, or spouse who is requesting information, if the individual has specifically requested that the information be withheld from the parent, child, sibling, or spouse.
2. If, in the opinion of the inpatient facility, there is reasonable cause to believe that disclosure would result in danger to the individual.

Effective Date: 2005 Wisconsin Act 485 takes effect on June 14, 2006.

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LR:ksm

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.state.wi.us/>.