



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2017 Senate Bill 737

Senate Amendment 1

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CURRENT LAW

Parental consent is generally required before a minor may receive outpatient mental health treatment. However, s. 51.14, Stats., contains a process by which a minor who is 14 years old or older may directly petition a mental health review officer if the minor's parent or guardian refused to give informed consent, or if the parent or guardian was unable to provide informed consent. The law also requires the treatment director of an outpatient facility to petition a mental health review officer if a minor's parent or guardian provided consent for outpatient mental health treatment, but the minor refused. If the mental health review officer holds a hearing on the petition and makes certain findings, then the officer may order that informed consent is not required in order for the minor to receive outpatient mental health treatment. [s. 51.14 (3), Stats.]

2017 SENATE BILL 737

Senate Bill 737 creates a new statutory process, separate from s. 51.14, Stats., under which a minor may receive outpatient mental health treatment without parental consent in emergency situations. Specifically, the bill provides that the treatment director of an outpatient mental health treatment provider may provide outpatient mental health treatment to a minor for 30 days, without first obtaining informed consent, if both of the following criteria are met:

1. Potential harm will come to the minor or others if treatment is not initiated before written consent is obtained and either an emergency situation exists, or time and distance requirements preclude obtaining written consent before beginning outpatient mental health treatment.
2. A reasonable effort was made to obtain consent from a parent or guardian before initiating treatment.

The bill permits outpatient mental health treatment without parental consent for 30 days, but prohibits prescribing medications to the minor or admitting the minor to an inpatient facility or inpatient treatment facility without consent.

Senate Bill 737 also requires that, during the 30-day period a minor is receiving outpatient mental health treatment without parental consent, the treatment director must either: (a) obtain informed, written consent of a parent or guardian; or (b) if consent is not obtained, file a petition to initiate a review of outpatient mental health treatment under s. 51.14, Stats.

SENATE AMENDMENT 1

Senate Amendment 1 amends s. 51.14, Stats., to provide that if consent of a minor's parent or guardian is not obtained during the 30-day treatment period provided for under the new statutory process created by the bill, the treatment director must file a petition under s. 51.14, Stats., to initiate review of outpatient health treatment of a minor receiving treatment under the new statutory process.

BILL HISTORY

Senate Amendment 1 was offered by Senator Darling on February 7, 2018. On February 8, 2018, the Senate Committee on Education recommended adoption of Senate Amendment 1 and recommended passage of Senate Bill 737, as amended, on votes of Ayes, 7; Noes, 0.

KBO:jal