



2003 ASSEMBLY BILL 631

October 29, 2003 - Introduced by Representatives J. WOOD, LADWIG, GUNDERSON, McCORMICK, KRAWCZYK, GROTHMAN, OWENS, VRAKAS, OTT, SERATTI and ALBERS, cosponsored by Senators ZIEN, BROWN, SCHULTZ and STEPP. Referred to Committee on Aging and Long-Term Care.

- 1 **AN ACT to amend** 51.35 (1) (b) 2. of the statutes; **relating to:** requiring approval
2 by the guardian of a resident of a center for the developmentally disabled for
3 transfer of the resident by the Department of Health and Family Services.

Analysis by the Legislative Reference Bureau

Under current law, as affected by 2003 Wisconsin Act 33 (the biennial budget act), the Department of Health and Family Services (DHFS) or a county department of community programs or developmental disabilities services (county department) may transfer a patient or resident who is admitted to a public treatment facility (including a mental health institute or center for the developmentally disabled), between treatment facilities, or from a treatment facility into the community, if the transfer is consistent with reasonable medical and clinical judgment. A DHFS transfer of a patient in a mental health institute or of a resident of a center for the developmentally disabled is, however, subject to approval of the county department to which the patient was committed or resident was admitted, unless the condition of the patient or resident requires immediate transfer, the county department is unable to locate an approved treatment facility in the community, or the county department has acted arbitrarily or capriciously to prevent the transfer.

This bill requires that a DHFS transfer of a resident of a center for the developmentally disabled be subject to the approval of the resident's guardian, in addition to approval of the county department. Further, the bill prohibits DHFS from coercing, or attempting to coerce, approval by a guardian of transfer of the guardian's ward from the Northern Center for the Developmentally Disabled by indicating that the care at that center will be diminished.

