

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBs0246/1dn
MDK:wlj:jf

January 18, 2000

Representative Urban:

Please review this substitute amendment very carefully to make sure that it achieves your intent. In particular, please note the following:

1. Please review the grounds for disciplining a psychotherapist. Note that the grounds related to violating professional confidences and making referrals for a fee are based on comparable disciplinary grounds for psychologists.

2. Are the penalties for violation of proposed ch. 475 okay? There is such a wide disparity between penalties under ch. 455 (psychologists) and ch. 457 (social workers, etc.), that I'm not sure what penalties are appropriate for psychotherapists.

3. In proposed s. 475.09, is the name of the association correct?

4. Do you want to include references to licensed psychotherapists in s. 880.33, stats. (incompetency; appointment of guardian)?

5. Note that the substitute amendment may be subject to a germaneness challenge. Under Assembly Rule 54 (1), a substitute amendment is not germane if it "relates to a different subject or is intended to accomplish a different purpose than that of the proposal to which it relates or which, if adopted and passed, would require a relating clause for the proposal which is substantially different from the proposal's original relating clause or which would totally alter the nature of the proposal".

Mark D. Kunkel
Legislative Attorney
Phone: (608) 266-0131
E-mail: Mark.Kunkel@legis.state.wi.us