

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1414/2dn
GMM:wlj:cmh

January 28, 2001

Representative Skindrud:

As I began to draft your instruction to require a minor to be discharged within 48 hours after the minor's request, I realized that such a requirement will not work when the parent checks in the minor against the minor's wishes because the requirement would create a vicious circle in which the parent checks in the minor, the minor checks out himself or herself, the parent checks back in the minor, and so on. Accordingly, this draft requires the minor to be discharged on the request of the minor's parent, unless it was the minor who checked in himself or herself. In either event, it is the parent or minor, and not the court, who is making the decision.

This draft does not include your instruction to include a requirement that the advantages, disadvantages, and alternatives to a particular course of treatment be explained before a person may give informed consent to that treatment because that requirement is already covered in s. HFS. 94.03, Wis. Adm. Code, which requires a patient to be provided with specific, complete, and accurate information concerning the treatment proposed for the patient, including all of the following information:

1. The benefits of the proposed treatment.
2. The way the treatment is to be administered.
3. The side effects or risks of side effects of the treatment.
4. Alternative treatment modes.
5. The time period for which the consent is effective, which may be for no longer than 15 months.
6. The right to withdraw the informed consent at any time.

If you have any questions concerning this draft, please do not hesitate to contact me at the phone number or e-mail address listed below.

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