## ASSEMBLY AMENDMENT 1, TO 2001 ASSEMBLY BILL 116

March 20, 2001 - Offered by Representative GROTHMAN.

1 At the locations indicated, amend the bill as follows:

**1.** Page 5, line 17: after that line insert:

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**"Section 6m.** 51.13 (1) (g) of the statutes is created to read:

51.13 (1) (g) A minor 14 years of age or over who is admitted to an approved inpatient treatment facility under this subsection may not be administered any medication unless the minor and a parent who has custody of the minor or the minor's guardian consent to the administration of the medication under s. 51.61 (6) or the minor is found not competent to refuse medication under s. 51.61 (1) (g). A minor under 14 years of age who is admitted to an approved inpatient treatment facility under this subsection may not be administered any medication unless a parent who has custody of the minor or the minor's guardian consents to the administration of the medication.".

**2.** Page 6, line 7: after that line insert:

**"Section 7m.** 51.13 (2) (am) of the statutes is created to read:

51.13 (2) (am) A minor 14 years of age or over who is admitted to an inpatient treatment facility under this subsection may not be administered any medication unless the minor and a parent who has custody of the minor or the minor's guardian consent to the administration of the medication under s. 51.61 (6) or the minor is found not competent to refuse medication under s. 51.61 (1) (g). A minor under 14 years of age who is admitted to an inpatient treatment facility under this subsection may not be administered any medication unless a parent who has custody of the minor or the minor's guardian consents to the administration of the medication.".

**3.** Page 6, line 24: after that line insert:

**"Section 9m.** 51.13 (3) (am) of the statutes is created to read:

51.13 (3) (am) A minor 14 years of age or over and his or her parent or guardian shall also be informed by the director or his or her designee, both orally and in writing, in easily understandable language, of the minor's right not to be administered any medication unless the minor and the parent or guardian consent to the administration of the medication under s. 51.61 (6) or the minor is found not competent to refuse medication under s. 51.61 (1) (g). A minor under 14 years of age and his or her parent or guardian shall also be informed by the director or his or her designee, both orally and in writing, in easily understandable language, of the minor's right not to be administered any medication unless the parent or guardian consents to the administration of the medication.".

**4.** Page 10, line 13: after that line insert:

**"Section 17m.** 51.13 (6) (am) of the statutes is created to read:

51.13 **(6)** (am) A minor 14 years of age or over who is admitted to an inpatient treatment facility under this subsection may not be administered any medication unless the minor and a parent who has custody of the minor or the minor's guardian consent to the administration of the medication under s. 51.61 (6) or the minor is found not competent to refuse medication under s. 51.61 (1) (g). A minor under 14 years of age who is admitted to an inpatient treatment facility under this subsection may not be administered any medication unless a parent who has custody of the minor or the minor's guardian consents to the administration of the medication.".

**5.** Page 14, line 3: after that line insert:

**"Section 22m.** 51.35 (3) (am) of the statutes is created to read:

51.35 (3) (am) A minor 14 years of age or over who is transferred to a treatment facility under par. (a) may not be administered any medication unless the minor and the minor's parent or guardian consent to the administration of the medication under s. 51.61 (6) or the minor is found not competent to refuse medication under s. 51.61 (1) (g). A minor under 14 years of age who is transferred to a treatment facility under par. (a) may not be administered any medication unless the minor's parent or guardian consents to the administration of the medication.".

- **6.** Page 18, line 8: after "required" insert ", except that the consent of a minor 14 years of age or over is required for the administration of any medication, unless the minor is found not competent to refuse medication under s. 51.61 (1) (g)".
  - **7.** Page 18, line 9: delete lines 9 to 25.
  - **8.** Page 19, line 1: delete lines 1 to 6 and substitute:
- **"Section 30d.** 51.61 (6) of the statutes is amended to read:

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51.61 **(6)** Subject to the rights of patients provided under this chapter, the department, county departments under s. 51.42 or 51.437 and any agency providing services under an agreement with the department or those county departments have the right to use customary and usual treatment techniques and procedures in a reasonable and appropriate manner in the treatment of patients who are receiving services under the mental health system, for the purpose of ameliorating the conditions for which the patients were admitted to the system. The written, informed consent of any patient shall first be obtained, unless the person has been found not competent to refuse medication and treatment under s. 51.61 (1) (g), is a minor under 14 years of age who is receiving services for mental illness, developmental disability, alcoholism, or drug abuse or is a minor 14 years of age or older who is receiving services, not including medication, for alcoholism or drug abuse. In the case of a minor, the written, informed consent of the parent or guardian is required. Except, except as provided under an order issued under s. 51.13 (1) (c) or 51.14 (3) (h) or (4) (g), if. If the minor is 14 years of age or older and is receiving services for mental illness or developmental disability or is receiving medication for alcoholism or drug abuse, the written, informed consent of the minor and the minor's parent or guardian is required. A refusal of either a minor 14 years of age or older or the minor's parent or guardian to provide written, informed consent for <u>admission</u> to an approved inpatient treatment facility is reviewable under s. 51.13 (1) (c) and a refusal of either a minor 14 years of age or older or the minor's parent or guardian to provide written, informed consent for outpatient mental health treatment is reviewable under s. 51.14.".

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