

2001 ASSEMBLY BILL 592

October 29, 2001 – Introduced by Representatives LA FAVE, ALBERS, GRONEMUS, RYBA, M. LEHMAN, KRAWCZYK, MUSSER, GUNDERSON, AINSWORTH, SERATTI, SHILLING, NASS, J. LEHMAN, SYKORA and STONE, cosponsored by Senators WIRCH and DARLING. Referred to Committee on Personal Privacy.

1 **AN ACT to amend** 51.30 (4) (b) 13. of the statutes; **relating to:** an exception to
2 confidentiality requirements for treatment records.

Analysis by the Legislative Reference Bureau

Under current law, the treatment records of an individual who is treated for mental illness, developmental disabilities, alcoholism, or drug dependence must remain confidential, are privileged to the individual, and may be released only with the individual's informed written consent. However, numerous exceptions apply that permit release of treatment records without informed written consent. One of the exceptions permits the release of information as to whether or not an individual is a patient at an inpatient facility; the information may be released to the individual's parents, children, or spouse, to a law enforcement officer who is seeking to determine if the individual is on unauthorized absence from the facility, and to mental health professionals who are providing treatment to the individual.

This bill expands that exception. For an individual who was, but no longer is, a patient at an inpatient facility, this bill permits the release of information as to the facility to which the individual was transferred or other place, if known, at which the individual is located. The bill permits the information to be released to the individual's siblings. Lastly, the bill restricts the release of the information to the individual's parents, children, siblings, or spouse if the individual has specifically named the person and requested that the information be withheld from him or her.

