

2001 DRAFTING REQUEST

Assembly Substitute Amendment (ASA-AB592)

Received: 12/12/2001

Received By: kenneda

Wanted: As time permits

Identical to LRB:

For: John La Fave (608) 266-0486

By/Representing: Himself

This file may be shown to any legislator: NO

Drafter: kenneda

May Contact:

Addl. Drafters:

Subject: Mental Health - detent/commit

Extra Copies:

Submit via email: YES

Requester's email: Rep.LaFave@legis.state.wi.us ✓

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Require access to treatment record information about location of committed individual

Instructions:

Same as topic

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	kenneda 12/12/2001	gilfokm 12/12/2001		_____			
/1			jfrantze 12/13/2001	_____	lrb_docadmin 12/13/2001	lrb_docadmin 12/13/2001	

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LRBs0266

FE Sent For:

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FE Sent For:

<END>

2001

Date (time)
needed

FRIDAY

LRBs 0266/1

**SUBSTITUTE AMENDMENT
[TO A BILL]**

DAK : King:

Use the appropriate components and routines developed for substitute amendments.

§ (A) SUBSTITUTE AMENDMENT

TO 2001 ~~SB~~ (AB) 592 (LRB) *[Signature]*

AN ACT . . . [generate catalog] *to repeal . . . ; to renumber . . . ; to consolidate and renumber . . . ; to renumber and amend . . . ; to consolidate, renumber and amend . . . ; to amend . . . ; to repeal and recreate . . . ; and to create . . .* of the statutes; relating to:

.....
.....
.....
.....
.....

[NOTE: See section 4.02 (2) (br), Drafting Manual, for specific order of standard phrases.]

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION #.

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.

REGENERATE

- 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.

ASSEMBLY BILL 592

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

renumbered 51.30(4)(cm) and

fix comp

SECTION 1. 51.30 (4) (b) 13. of the statutes is amended to read:

51.30 (4) ~~(b) 13.~~ To the parents, children, parent, child, sibling, or spouse of an individual who is or was a patient at an inpatient facility; to a law enforcement officer who is seeking to determine whether an individual is on unauthorized absence from the facility; and to mental health professionals who are providing treatment to the individual at the time that the information is released to others. Information released under this subdivision is limited to notice as to whether or not an individual is a patient at the inpatient facility and, if the individual is no longer a patient at the inpatient facility, the facility or other place, if known, at which the individual is located. This subdivision does not apply to an individual's parent, child, sibling, or spouse from whom the individual has specifically requested that the information under this subdivision be withheld.

paragraph

paragraph

(END)

(cm) Required access to records.

Notwithstanding par. (a), treatment records of an individual shall be released without informed written consent, except as restricted under par. (c), to the