

2003 DRAFTING REQUEST

Bill

Received: **09/16/2002**

Received By: **dkennedy**

Wanted: **As time permits**

Identical to LRB:

For: **Sheldon Wasserman (608) 266-7671**

By/Representing: **Sarah Osterberg (aide)**

This file may be shown to any legislator: **NO**

Drafter: **dkennedy**

May Contact:

Addl. Drafters:

Subject: **Mental Health - miscellaneous**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Wasserman@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Exception to confidentiality requirements for treatment records

Instructions:

Redraft 2001 AB 592

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>
/?	dkennedy 11/17/2002	jdye 11/18/2002		_____			S&L
/1			jfrantze 11/19/2002	_____	mbarman 11/19/2002	amentkow 01/28/2003	

FE Sent For:

↳ At Intro.

<END>

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		11/18 jld	11/19	Selb 11/19			

FE Sent For:

<END>

◦ **Kennedy, Debora**

From: Osterberg, Sarah
Sent: Friday, August 16, 2002 9:53 AM
To: Kennedy, Debora
Subject: DRAFTING REQUEST

Hi, Debora,

Please redraft LRB 3359/2 for Sheldon for the 2003-04 session. This is a LaFave bill relating to treatment records that he, given his imminent retirement, has asked Sheldon to introduce next year.

Thanks!

Sarah Osterberg
Wasserman Staff

D-NOTE

JLD

ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2001 ASSEMBLY BILL 592

December 17, 2001 - Offered by Representative LA FAYE

Reger

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

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

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

51.30 (4) (cm) Required access to records. To the parents, children
Notwithstanding par. (a), treatment records of an individual shall be released
without informed written consent, except as restricted under par. (c), to the 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

R/JF

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✓
paragraph 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
✓
paragraph does not apply to an individual's parent, child, sibling, or spouse from
whom the individual has specifically requested that the information under this
paragraph be withheld.

(END)

D-NOTE

INSERT 1-2

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 ^{the} release of treatment records without informed written consent. One of the exceptions permits the release of information contained in a treatment record 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. *and*

This bill changes that exception to *require* that notice be provided as to whether or not an individual is a patient at an inpatient facility and, if no longer a patient, the facility to which the individual was transferred or other place, if known, at which the individual is located. This information must be released to the individual's siblings, as well as ^{to} parents, children, or spouse, or a law enforcement officer or mental health professional. However, the bill prohibits 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. ***

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

(end ins)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0288/3dn

DAK

date

JLD

To Representative Wasserman:

The note from your aide, Sarah Osterberg, requesting this bill indicated that Representative LaFave had asked you to introduce a redraft of LRB 01-3359/2. For that bill (2001 Assembly Bill 592), Representative LaFave had introduced Assembly Substitute Amendment 1, which was passed by the Assembly Committee on Personal Privacy, ayes 8, noes 0. Essentially, the substitute amendment clarifies that notice as to whether or not an individual is a patient at a facility or where he or she is located must, rather than may, be released to a parent, child, sibling, or spouse, unless the individual specifically objects. Therefore, I am responding to your request by drafting Assembly Substitute Amendment 1 to 2001 Assembly Bill 592 as a bill for the upcoming session. If that is not what you want, please let me know and I will redraft.

Debora A. Kennedy
Managing Attorney
Phone: (608) 266-0137
E-mail: debora.kennedy@legis.state.wi.us

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0288/1dn
DAK:jld:jf

November 19, 2002

To Representative Wasserman:

The note from your aide, Sarah Osterberg, requesting this bill indicated that Representative LaFave had asked you to introduce a redraft of 2001 LRB-3359/2. For that bill (2001 Assembly Bill 592), Representative LaFave had introduced Assembly Substitute Amendment 1, which was passed by the Assembly Committee on Personal Privacy, ayes 8, noes 0. Essentially, the substitute amendment clarifies that notice as to whether or not an individual is a patient at a facility or where he or she is located must, rather than may, be released to a parent, child, sibling, or spouse, unless the individual specifically objects. Therefore, I am responding to your request by drafting Assembly Substitute Amendment 1 to 2001 Assembly Bill 592 as a bill for the upcoming session. If that is not what you want, please let me know and I will redraft.

Debora A. Kennedy
Managing Attorney
Phone: (608) 266-0137
E-mail: debora.kennedy@legis.state.wi.us

Mentkowski, Annie

From: Osterberg, Sarah
Sent: Tuesday, January 28, 2003 4:12 PM
To: LRB.Legal
Subject: Draft review: LRB-0288/1 Topic: Exception to confidentiality requirements for treatment records

It has been requested by <Osterberg, Sarah> that the following draft be jacketed for the ASSEMBLY:

Draft review: LRB-0288/1 Topic: Exception to confidentiality requirements for treatment records