

2005 ASSEMBLY BILL 33

January 25, 2005 – Introduced by Representatives WASSERMAN, GIELOW, PETROWSKI, AINSWORTH, HINES, BERCEAU, GRIGSBY, HAHN, JESKEWITZ, KAUFERT, F. LASEE, LEHMAN, LOTHIAN, MUSSER, OTT, STONE, TOWNSEND, VOS and M. WILLIAMS, cosponsored by Senators ROESSLER, LASSA and OLSEN. Referred to Committee on Health.

- 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.

Analysis by the Legislative Reference Bureau

Under current law, with numerous exceptions, 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. One of the exceptions to these confidentiality requirements permits the release of information contained in a treatment record as to whether or not an individual is a patient at an inpatient facility; and 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 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 the individual's parents, children, or spouse, or to 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 has requested that the information be withheld from him or her.

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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:

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

3 51.30 **(4)** (cm) Required access to records. ~~To the parents, children~~
4 Notwithstanding par. (a), treatment records of an individual shall be released
5 without informed written consent, except as restricted under par. (c), to the parent,
6 child, sibling, or spouse of an individual who is or was a patient at an inpatient
7 facility;_i to a law enforcement officer who is seeking to determine whether an
8 individual is on unauthorized absence from the facility;_i and to mental health
9 professionals who are providing treatment to the individual at the time that the
10 information is released to others. Information released under this ~~subdivision~~
11 paragraph is limited to notice as to whether or not an individual is a patient at the
12 inpatient facility and, if the individual is no longer a patient at the inpatient facility,
13 the facility or other place, if known, at which the individual is located. This
14 paragraph does not apply to an individual's parent, child, sibling, or spouse from
15 whom the individual has specifically requested that the information under this
16 paragraph be withheld.

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(END)