

2005 DRAFTING REQUEST

Bill

Received: 10/22/2004

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 - detent/commit

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:

See Attached

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 10/24/2004 | lkunkel 11/10/2004 lkunkel 11/11/2004 | | _____ | | | S&L |
| /1 | | | rschluet 11/11/2004 | _____ | lnorthro 11/11/2004 | lnorthro 01/10/2005 | |

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LRB-0594

11/11/2004 11:00:06 AM

Page 2

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

FE Sent For:

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1/jld 11/11

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FE Sent For:

Kennedy, Debora

From: Osterberg, Sarah
Sent: Thursday, October 21, 2004 4:57 PM
To: Kennedy, Debora
Subject: another wasserman redraft request

Hi, again,

Please redraft 2003 AB 36 as a new bill for next session.

THANKS!

Sarah

0594/1

mk
&
jld

2003 ASSEMBLY BILL 36

February 6, 2003 - Introduced by Representatives WASSERMAN, McCORMICK, AINSWORTH, BALOW, BERCEAU, BIES, GUNDERSON, HAHN, HINES, JESKEWITZ, KRUG, J. LEHMAN, MUSSEY, SERATTI, SHILLING, SINICKI, A. WILLIAMS and F. LASEE, cosponsored by Senators HARSDFORF and ROESSLER. Referred to Committee on Health.

✓ LPS: PIS PWF

✓ Reben

- 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, 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; 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 requested that the information be withheld from him or her. ✓

has ✓

confidentiality

with numerous exceptions, ✓

to these requirements

ASSEMBLY BILL 36

✓ 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; to a law enforcement officer who is seeking to determine whether an
8 individual is on unauthorized absence from the facility; 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.

(END)

Emery, Lynn

From: Emery, Lynn
Sent: Monday, January 10, 2005 1:53 PM
To: Rep.Wasserman
Subject: LRB 05-0594/1 (attached as requested)



05-0594/1

Lynn Emery
Program Assistant
Legislative Reference Bureau
608-266-3561
lynn.emery@legis.state.wi.us

Northrop, Lori

From: Rep.Wasserman
Sent: Monday, January 10, 2005 2:06 PM
To: LRB.Legal

Could you please jacket the following bills for the Assembly:

LRB 1244/1
LRB 0594/1
LRB 0580/1

Thank you.