



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2005 Assembly Bill 33

**Senate Substitute
Amendment 1**

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Current law generally provides that the treatment records of a person who has received services for mental illness, developmental disabilities, alcoholism, or drug dependence, are confidential and privileged to the subject individual. However, the law provides several exceptions. One of those exceptions allows for release of treatment records: (1) to the parents, children, or spouse of a person who is or was a patient at an inpatient facility; (2) to a law enforcement officer who is seeking to determine whether a person is on unauthorized absence from the facility; and (3) to mental health professionals who are providing treatment to the person. Information released under this exception is limited to notice as to whether or not the person is a patient at the inpatient facility.

Assembly Bill 33 modifies the exception in current law to change it from a discretionary release to a mandatory release of treatment records in the circumstances described above. In addition, the bill adds siblings to the list of family members who are able to receive the information. Finally, the bill modifies the provision allowing release only of information as to whether or not an individual is a patient at the facility, by adding that the information includes, if the individual is no longer a patient, the facility or other place at which the individual is located, if this is known. However, the exception would not apply to a person's parent, child, sibling, or spouse from whom the person has specifically requested that the information be withheld.

Senate Substitute Amendment 1 requires release of certain information about an individual without the individual's informed written consent. The information is released under the same circumstances as under current law, except that a parent, child, or sibling is also permitted to request the information in addition to the individual's spouse. The information released 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, the facility or other place, if known, where the individual is located.

The information may not be released:

1. To the individual's parent, child, sibling, or spouse who is requesting information, if the individual has specifically requested that the information be withheld from the parent, child, sibling, or spouse.

2. If, in the opinion of the inpatient facility, there is reasonable cause to believe that disclosure would result in danger to the individual.

Legislative History

On March 7, 2006, the Assembly adopted Assembly Amendment 1, and passed the bill as amended, both by voice votes.

On April 19, 2006, the Senate Committee on Health, Children, Families, Aging and Long-Term Care recommended introduction and adoption of Senate Substitute Amendment 1, and recommended passage of the bill, as amended, both by votes of Ayes, 5; Noes, 0.

LR:wu:rv