

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

LRB-0299/1dn  
MES&JTK:wlj:jf

October 3, 2008

Rep. Hraychuck:

Are the date changes in the bill OK? Also, if the bill is not enacted before the end of 2009, the dates in the bill will have to be advanced one year.

Marc E. Shovers  
Senior Legislative Attorney  
Phone: (608) 266-0129  
E-mail: marc.shovers@legis.wisconsin.gov

Regarding the closure of records of psychological examinations, current law permits closure of these kinds of records under some circumstances. In addition, an employee or former employee (but not an unsuccessful applicant) may have access to his or her own records, subject to a number of exceptions, under s. 103.13, stats. This draft closes all access to these records without exception. It is possible that an applicant who is prejudiced by the examination results may want to have access to the results to correct potentially erroneous information. It is also possible that a representative of the public, such as a district attorney or corporation counsel, may want to access the examination results if the applicant later becomes involved in a civil or criminal proceeding in which the applicant's mental health is at issue. While records of these results are not considered to be mental health treatment records, the statute that governs access to these records [s. 51.30 (4) (b), stats.] contains a number of exceptions to confidentiality, some of which may be relevant in this context.

Jeffery T. Kuesel  
Managing Attorney  
Phone: (608) 266-6778