
Wisconsin Legislative Council

AMENDMENT MEMO



Memo published: February 21, 2020

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2019 Assembly Bill 462

Assembly Amendment 1

2019 ASSEMBLY BILL 462

2019 Assembly Bill 462 establishes a right for a patient in an intensive treatment program at one of the Department of Health Services' (DHS) centers for the developmentally disabled, if requested by the patient or the patient's parent or guardian, to have at least one staff of a particular sex present for certain interactions, including any of the following:

- Assistance with bathing, toileting, or any activity that requires removal of clothing other than outerwear, footwear, or accessories.
- Movement within the center or other transfer that involves transport through an isolated area such as a stairwell or elevator or in a vehicle.
- Any interaction in a private room, bathroom, changing room, exam room, or other isolated area.

DHS may expend no more than \$3 million per fiscal year to accommodate such a request. DHS may also deny such a request for cause after review by the director of the facility, or when medically or therapeutically contraindicated by a physician, psychologist, or other mental health professional in the patient's treatment record. When a request is denied based on one of these reasons, the patient has a right to an informal hearing before the director of the facility or his or her designee.

ASSEMBLY AMENDMENT 1

Assembly Amendment 1 adds a requirement that the staffing request must be made before the patient is placed on a waiting list for the program and adds a delayed effective date, specifying that the act takes effect on the second day after publication of the 2021-22 biennial budget act.

BILL HISTORY

Representative Hutton introduced the bill on September 18, 2019, and offered the amendment on February 12, 2020. On February 13, 2020, the Assembly Committee on Health recommended adoption of the amendment and passage of the bill, as amended, each on a vote of Ayes, 11; Noes, 4.

AB:ksm