



State of Wisconsin  
2005 - 2006 LEGISLATURE

LRBs0681/1  
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SENATE SUBSTITUTE AMENDMENT 1,  
TO 2005 ASSEMBLY BILL 33

April 19, 2006 – Offered by COMMITTEE ON HEALTH, CHILDREN, FAMILIES, AGING AND  
LONG TERM CARE.

- 1 **AN ACT** *to renumber and amend* 51.30 (4) (b) 13.; and *to create* 51.30 (4) (cm)  
2 1. and 51.30 (4) (cm) 2. of the statutes; **relating to:** an exception to  
3 confidentiality requirements for treatment records.

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***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 substitute amendment changes that exception to *require* that notice be provided, upon request, 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, if requested, 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 substitute amendment 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. The substitute amendment also prohibits the release of the information if, in the opinion of the inpatient facility, there is reasonable cause to believe that disclosure of the information would result in danger to the individual.

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***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) (intro.)  
2 and amended to read:

3           51.30 (4) (cm) (intro.) Required access to certain information. ~~To the parents,~~  
4 ~~children~~ Notwithstanding par. (a), treatment records of an individual shall, upon  
5 request, be released without informed written consent, except as restricted under  
6 par. (c), to the parent, child, sibling, or spouse of an individual who is or was a patient  
7 at an inpatient facility; to a law enforcement officer who is seeking to determine  
8 whether an individual is on unauthorized absence from the facility; and to mental  
9 health professionals who are providing treatment to the individual at the time that  
10 the 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 under any of the following circumstances:

15           **SECTION 2.** 51.30 (4) (cm) 1. of the statutes is created to read:

16           51.30 (4) (cm) 1. To the individual's parent, child, sibling, or spouse who is  
17 requesting information, if the individual has specifically requested that the  
18 information be withheld from the parent, child, sibling, or spouse.

19           **SECTION 3.** 51.30 (4) (cm) 2. of the statutes is created to read:

