



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2001 Assembly Bill 592

**Assembly Substitute
Amendment 1**

Memo published: January 9, 2002

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Under ch. 51, Stats., or the Mental Health Act, *current law* provides that the treatment records of a patient who has received or is receiving treatment services for mental illness, developmental disabilities, alcoholism or drug dependence are confidential and generally may not be released without the patient's informed consent. A number of exceptions to the prohibition on the release of such records are described under s. 51.30 (4) (b), Stats. One of these exceptions, s. 51.30 (4) (b) 13., Stats., allows a facility to release such treatment records to the parents, children or spouse of an individual who is or was a patient at an inpatient facility. Information released under this provision is limited to notifying the family member as to whether the individual is a patient at the facility.

2001 Assembly Bill 592 expands this privilege to include a sibling of an individual who is or was a patient at an inpatient facility and allows a facility to disclose, if known, the inpatient facility or other location of the person, if the individual is no longer a patient at the facility. The bill prohibits the disclosure of information under this provision if the individual who is or was an inpatient, specifically requests that the location information be withheld.

Assembly Substitute Amendment 1 requires that an inpatient facility release the location of a current or past patient to a parent, child, sibling or spouse, if the location is known, without informed consent, unless the individual who is or was a patient specifically requests that the facility not do so. This differs from the bill in that the bill only permits a facility to release the location information. Under the bill, a facility may choose not to release location information even if the requester fulfills the specified requirements. Under the substitute amendment, a facility must release the location information if the requester meets the proposed familial criteria and the patient has not requested that his or her location be withheld.

Assembly Substitute Amendment 1 was recommended by the Assembly Committee on Personal Privacy by a vote of Ayes, 8; Noes, 0, on January 8, 2002.

DWS:wu;tlu