



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-5920/1
KMS:cjs

2023 ASSEMBLY BILL 1100

February 20, 2024 - Introduced by LAW REVISION COMMITTEE. Referred to Committee on Rules.

1 **AN ACT to repeal** 46.283 (6) (b) 4.; and **to amend** 46.283 (6) (b) 5., 51.05 (2),
2 251.06 (1) (c) 1. and 251.06 (1) (c) 3. c. of the statutes; **relating to:** degree
3 requirements for certain local health officers; admissions authorized by
4 counties to mental health institutes; and eliminating references to defunct
5 regional long-term care advisory committees (suggested as remedial
6 legislation by the Department of Health Services).

Analysis by the Legislative Reference Bureau

This bill modifies the degree requirements for a local health officer of a Level III local health department. Local health departments are operated by towns, villages, cities, and counties for certain public health objectives. A Level III local health department must perform all of the duties required of Level I and II local health departments as well as certain additional duties, including public health data collection and administration of an environmental health program. Local health officers administer local health departments; enforce public health statutes, rules, and regulations; administer funds for public health programs; and appoint personnel.

Under current law, in order to be a local health officer of a Level III local health department, an individual must meet one of several combinations of educational, licensure, and experiential requirements. Among these combinations are 1) a master's degree in public health, public administration, health administration, or a

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similar field plus three years of experience or 2) a master's degree in public health, public administration, health administration, or a similar field plus a license to practice medicine and surgery. The bill modifies these requirements so that an individual is eligible to be a local health officer of a Level III local health department if that individual has a master's degree *or higher* in public health, public administration, health administration, or a similar field plus three years of experience or a license to practice medicine and surgery.

Under current law, the Department of Health Services may not, except in an emergency, accept any Wisconsin resident for admission to a mental health institute unless the county department of community programs or, for persons residing in Milwaukee County, the Milwaukee County Mental Health Board authorizes his or her care in a mental health institute. Certain persons who are committed to DHS, are admitted by DHS to a mental health institute, or are transferred from a juvenile correctional facility or a secured residential care center for children and youth to a state treatment facility or from a jail or prison to a state treatment facility are not subject to the requirement that the county department of community programs or the Milwaukee County Mental Health Board, as applicable, authorize their care in a mental health institute. This bill clarifies that the only requirement that does not apply to these persons is the requirement that the county department of community programs or the Milwaukee County Mental Health Board, as applicable, authorize their care in a mental health institute.

This bill repeals statutory references and requirements relating to regional long-term care advisory committees as these committees were eliminated by 2019 Wisconsin Act 9.

For further information, see the NOTES provided by the Law Revision Committee of the Joint Legislative Council.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

LAW REVISION COMMITTEE PREFATORY NOTE: This bill is a remedial legislation proposal, requested by the Department of Health Services and introduced by the Law Revision Committee under s. 13.83 (1) (c) 4. and 5., stats. After careful consideration of the various provisions of the bill, the Law Revision Committee has determined that this bill makes minor substantive changes in the statutes, and that these changes are desirable as a matter of public policy.

1 **SECTION 1.** 46.283 (6) (b) 4. of the statutes is repealed.

NOTE: SECTIONS 1 and 2 remove references to regional long-term care advisory committees. The requirement to create such committees was repealed by 2019 Wisconsin Act 9 [Sec. 464]. There are no active committees.

2 **SECTION 2.** 46.283 (6) (b) 5. of the statutes is amended to read:

3 46.283 (6) (b) 5. Recommend strategies for building local capacity to serve older
4 persons and persons with physical or developmental disabilities, as appropriate, to

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1 local elected officials, ~~the regional long-term care advisory committee,~~ or the
2 department.

3 **SECTION 3.** 51.05 (2) of the statutes is amended to read:

4 51.05 (2) ADMISSIONS AUTHORIZED BY COUNTIES. The department may not accept
5 for admission to a mental health institute any resident person, except in an
6 emergency, unless the county department under s. 51.42 in the county where the
7 person has residence authorizes the care under s. 51.42 (3) (as). Patients who are
8 committed to the department under s. 975.01, 1977 stats., or s. 975.02, 1977 stats.,
9 or s. 971.14, 971.17, 975.06, or 980.06, admitted by the department under s. 975.17,
10 1977 stats., or are transferred from a juvenile correctional facility or a secured
11 residential care center for children and youth to a state treatment facility under s.
12 51.35 (3) or from a jail or prison to a state treatment facility under s. 51.37 (5) are
13 not subject to this ~~section~~ subsection.

NOTE: In general, the Department of Health Services may not admit a person into a state mental health institute unless the relevant county agency authorizes the care. However, certain persons who are judicially committed, voluntarily admitted, or transferred from a juvenile correctional facility, secured residential care center for children and youth, jail, or prison are not subject to that county authorization requirement, which is contained in s. 51.05 (2), stats. In addition, those persons are not subject to various other provisions regarding state mental health institutes, which are contained elsewhere in s. 51.05, stats. This SECTION provides that those persons remain not subject to the county authorization requirement in s. 51.05 (2), stats., but become subject to the other provisions of s. 51.05, stats., as applicable.

14 **SECTION 4.** 251.06 (1) (c) 1. of the statutes is amended to read:

15 251.06 (1) (c) 1. A master's degree, or a degree or educational credential higher
16 than a master's degree, in public health, public administration, health
17 administration or, as defined in rules promulgated by the department, a similar field
18 and 3 years of experience in a full-time administrative position in either a public
19 health agency or public health work.

20 **SECTION 5.** 251.06 (1) (c) 3. c. of the statutes is amended to read:

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SECTION 5

1 251.06 (1) (c) 3. c. A master's degree, or a degree or educational credential
2 higher than a master's degree, in public health, public administration, health
3 administration or, as defined in rules promulgated by the department, a similar field.

NOTE: A person may fulfill some of the qualifications to serve as a local health officer of a Level III local health department by holding a master's degree in public health, public administration, or health administration. SECTIONS 4 and 5 provide that holding a master's degree or higher in those fields also fulfills those qualifications.

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(END)