

2003-2004 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-4212/P3ins
DAK:...:ch

SAV ✓
new CRS ✓
x-reps ✓
RNS ✓

LPS: P.W.F. ✓
all sections containing
amended text ✓

INSERT 28-6

1 SECTION 1. 46.011 (2) of the statutes is amended to read:

2 46.011 (2) "Prisoner" means any person who is either arrested, incarcerated,
3 imprisoned or otherwise detained in excess of 12 hours by any law enforcement
4 agency of this state, except when detention is pursuant to s. 51.15, 51.20, 51.45 (11)
5 (b) or ~~55.06 (11) (a)~~ 55.135 (1) or ch. 980. "Prisoner" does not include any person who
6 is serving a sentence of detention under s. 973.03 (4) unless the person is in the
7 county jail under s. 973.03 (4) (c). 55.055,

History: 1975 c. 39, 430; 1977 c. 29; 1979 c. 221; 1985 a. 29 s. 3202 (23); 1987 a. 27; 1989 a. 31; 1993 a. 16, 27, 479; 1995 a. 27 ss. 2022, 9126 (19).

8 SECTION 2. 46.10 (2) of the statutes is amended to read:

9 46.10 (2) Except as provided in subs. (2m) and (14) (b) and (c), any person,
10 including but not limited to a person admitted, committed, protected, or placed under
11 s. 55.06, 2001 stats., 975.01, 1977 stats., s. 975.02, 1977 stats., and s. 975.17, 1977
12 stats. and ss. 51.10, 51.13, 51.15, 51.20, 51.35 (3), 51.37 (5), 51.45 (10), (11), (12) and
13 (13), 55.05, 55.06, 55.12, 55.13, 55.135, 971.14 (2) and (5), 971.17 (1), 975.06 and
14 980.06, receiving care, maintenance, services and supplies provided by any
15 institution in this state including University of Wisconsin Hospitals and Clinics, in
16 which the state is chargeable with all or part of the person's care, maintenance,
17 services and supplies, any person receiving care and services from a county
18 department established under s. 51.42 or 51.437 or from a facility established under
19 s. 49.73, and any person receiving treatment and services from a public or private
20 agency under s. 980.06 (2) (c), 1997 stats., or s. 971.17 (3) (d) or (4) (e) or 980.08 (5)
21 and the person's property and estate, including the homestead, and the spouse of the
22 person, and the spouse's property and estate, including the homestead, and, in the

~~55.05~~
~~(5)~~
~~and~~

2003

and (1)

s. 55.05 (5)
2003 stats

1 case of a minor child, the parents of the person, and their property and estates,
 2 including their homestead, and, in the case of a foreign child described in s. 48.839
 3 (1) who became dependent on public funds for his or her primary support before an
 4 order granting his or her adoption, the resident of this state appointed guardian of
 5 the child by a foreign court who brought the child into this state for the purpose of
 6 adoption, and his or her property and estate, including his or her homestead, shall
 7 be liable for the cost of the care, maintenance, services and supplies in accordance
 8 with the fee schedule established by the department under s. 46.03 (18). If a spouse,
 9 widow or minor, or an incapacitated person may be lawfully dependent upon the
 10 property for their support, the court shall release all or such part of the property and
 11 estate from the charges that may be necessary to provide for those persons. The
 12 department shall make every reasonable effort to notify the liable persons as soon
 13 as possible after the beginning of the maintenance, but the notice or the receipt
 14 thereof is not a condition of liability. ✓

History: 1971 c. 125; 1971 c. 213 s. 5; 1973 c. 90 ss. 223, 223m, 560 (3); 1973 c. 198, 333; 1975 c. 39 ss. 347 to 350, 734; 1975 c. 41, 94; 1975 c. 189 s. 99 (2); 1975 c. 198, 199, 224; 1975 c. 413 s. 18; 1975 c. 428; 1975 c. 430 ss. 6, 80; 1977 c. 29, 203; 1977 c. 418 ss. 294 to 295, 924 (50), 929 (18); 1977 c. 428; 1977 c. 447 s. 206; 1977 c. 449 ss. 75, 497; 1979 c. 34; 1979 c. 102 ss. 236 (4), 237; 1979 c. 117, 221, 331; 1981 c. 20 ss. 755 to 758, 2202 (20) (i), (n); 1981 c. 81; 1983 a. 27 ss. 955m, 2202 (20); 1985 a. 29, 176, 281, 332; 1987 a. 307; 1989 a. 31, 56, 96, 212; 1991 a. 39, 221, 315, 316; 1993 a. 16, 27, 385, 437, 446, 479, 481; 1995 a. 27 ss. 2054, 2055, 9130 (4); 1995 a. 77, 224, 404; 1997 a. 3, 27, 35, 237, 308; 1999 a. 9, 103; 2001 a. 16, 59, 103; 2003 a. 33.

15 **SECTION 3.** 46.21 (2m) (c) of the statutes is amended to read:

16 46.21 (2m) (c) *Exchange of information.* Notwithstanding ss. 46.2895 (9), 48.78
 17 (2) (a), 49.45 (4), 49.83, 51.30, 51.45 (14) (a), ~~55.06 (17) (e)~~ 55.22 (3), 146.82, 252.11
 18 (7) and 253.07 (3) (c), any subunit of the county department of human services acting
 19 under this subsection may exchange confidential information about a client, without
 20 the informed consent of the client, with any other subunit of the same county
 21 department of human services, with a resource center, care management
 22 organization or family care district, or with any person providing services to the
 23 client under a purchase of services contract with the county department of human

1 services or with a resource center, care management organization or family care
2 district, if necessary to enable an employee or service provider to perform his or her
3 duties, or to enable the county department of human services to coordinate the
4 delivery of services to the client.

History: 1973 c. 136, 153, 262; 1975 c. 224; 1975 c. 413 s. 18; 1977 c. 271, 272, 449; 1979 c. 34; 1981 c. 217, 329, 391; 1983 a. 27, 239, 368, 524; 1985 a. 29 s. 3202 (23); 1985 a. 120, 176, 332; 1987 a. 399; 1989 a. 31, 112, 319; 1991 a. 274; 1993 a. 27, 186, 213, 446; 1995 a. 27, 77, 201; 1997 a. 27, 79, 164, 237, 283; 1999 a. 9.

5 **SECTION 4. 46.215 (1m) of the statutes is amended to read:**

6 **46.215 (1m) EXCHANGE OF INFORMATION.** Notwithstanding ss. 46.2895 (9), 48.78
7 (2) (a), 49.45 (4), 49.83, 51.30, 51.45 (14) (a), ~~55.06 (17) (e)~~ 55.22 (3), 146.82, 252.11
8 (7), 253.07 (3) (c) and 938.78 (2) (a), any subunit of the county department of social
9 services acting under this section may exchange confidential information about a
10 client, without the informed consent of the client, with any other subunit of the same
11 county department of social services, with a resource center, care management
12 organization or family care district, or with any person providing services to the
13 client under a purchase of services contract with the county department of social
14 services or with a resource center, care management organization or family care
15 district, if necessary to enable an employee or service provider to perform his or her
16 duties, or to enable the county department of social services to coordinate the
17 delivery of services to the client.

History: 1971 c. 218; 1973 c. 90, 147, 333, 336; 1975 c. 39, 307, 421; 1977 c. 29, 271, 418; 1979 c. 34; 1981 c. 20 ss. 867m to 870, 2202 (20) (j); 1981 c. 81, 329; 1983 a. 27 ss. 1080, 2202 (20); 1983 a. 190 s. 7; 1983 a. 193; 1985 a. 29, 120; 1985 a. 176 ss. 322 to 332; Stats. 1985 s. 46.215; 1987 a. 27; 1987 a. 403 s. 256; 1989 a. 31, 107, 336, 359; 1991 a. 39, 274; 1993 a. 16; 1995 a. 27 ss. 2063 to 2076, 9126 (19) 9130 (4); 1995 a. 64, 77, 201, 225, 289, 352, 404, 417; 1997 a. 3, 27, 35, 252; 1999 a. 9; 2001 a. 16; 2003 a. 33.

18 **SECTION 5. 46.22 (1) (dm) of the statutes is amended to read:**

19 **46.22 (1) (dm) Exchange of information.** Notwithstanding ss. 46.2895 (9), 48.78
20 (2) (a), 49.45 (4), 49.83, 51.30, 51.45 (14) (a), ~~55.06 (17) (e)~~ 55.22 (3), 146.82, 252.11
21 (7), 253.07 (3) (c) and 938.78 (2) (a), any subunit of the county department of social
22 services acting under this subsection may exchange confidential information about
23 a client, without the informed consent of the client, with any other subunit of the

1 same county department of social services, with a resource center, care management
 2 organization or family care district, or with any person providing services to the
 3 client under a purchase of services contract with the county department of social
 4 services or with a resource center, care management organization or family care
 5 district, if necessary to enable an employee or service provider to perform his or her
 6 duties, or to enable the county department of social services to coordinate the
 7 delivery of services to the client.

History: 1971 c. 164, 218; 1973 c. 90 ss. 226, 560 (3); 1973 c. 147, 333; 1975 c. 39; 1975 c. 189 s. 99 (1), (2); 1975 c. 224 ss. 52p, 146m; 1975 c. 307, 422; 1975 c. 430 s. 78; 1977 c. 29 ss. 560, 1656 (18); 1977 c. 83 s. 26; 1977 c. 418, 449; 1979 c. 34, 227; 1981 c. 20 ss. 759 to 763m, 2202 (20) (j); 1981 c. 329; 1981 c. 390 s. 252; 1983 a. 27 s. 2202 (20); 1983 a. 190 s. 7; 1983 a. 192, 193, 447; 1985 a. 29, 120; 1985 a. 176 ss. 28, 30, 59 to 105; 1985 a. 332; 1987 a. 5, 27; 1989 a. 31, 107, 336, 359; 1991 a. 39, 274; 1993 a. 16; 1995 a. 27 ss. 2077 to 2111, 9126 (19), 9130 (4); 1995 a. 64, 77, 201, 349, 352, 404, 417; 1997 a. 3, 27, 35, 252; 1999 a. 9, 83; 2001 a. 16, 103; 2003 a. 33.

8 **SECTION 6. 46.23 (3) (e) of the statutes is amended to read:**

9 46.23 (3) (e) *Exchange of information.* Notwithstanding ss. 46.2895 (9), 48.78
 10 (2) (a), 49.45 (4), 49.83, 51.30, 51.45 (14) (a), ~~55.06 (17) (e)~~ 55.22 (3), 146.82, 252.11
 11 (7), 253.07 (3) (c) and 938.78 (2) (a), any subunit of a county department of human
 12 services acting under this section may exchange confidential information about a
 13 client, without the informed consent of the client, with any other subunit of the same
 14 county department of human services, with a resource center, care management
 15 organization or family care district, or with any person providing services to the
 16 client under a purchase of services contract with the county department of human
 17 services or with a resource center, care management organization or family care
 18 district, if necessary to enable an employee or service provider to perform his or her
 19 duties, or to enable the county department of human services to coordinate the
 20 delivery of services to the client.

History: 1975 c. 39, 224; 1977 c. 29; 1981 c. 20, 93, 291; 1981 c. 329 s. 31; 1983 a. 27 ss. 962, 2202 (20); 1985 a. 29 ss. 844m to 860, 3200 (56) (a); 1985 a. 120, 176, 332; 1987 a. 186; 1987 a. 403 s. 256; 1989 a. 56, 359; 1991 a. 274; 1993 a. 16, 27, 83, 445, 491; 1995 a. 27 ss. 2112 to 2127, 9126 (19), 9130 (4); 1995 a. 64, 201, 352, 417; 1997 a. 3, 164, 268, 283; 1999 a. 9.

21 **SECTION 7. 46.27 (6r) (b) 2. of the statutes is amended to read:**

22 46.27 (6r) (b) 2. The person has ~~chronic serious and persistent~~ chronic serious and persistent mental illness,
 23 as defined under s. 51.01 (3g) ~~(14t)~~ (14t), affecting mental health to the extent that

1 long-term or repeated hospitalization is likely unless the person receives long-term
2 community support services.

History: 1981 c. 20; 1983 a. 27; 1983 a. 189 s. 329 (5); 1983 a. 192, 209; 1985 a. 29 ss. 876s to 896am, 3200 (56); 1985 a. 120, 176; 1987 a. 27, 399; 1989 a. 31, 77, 336, 359; 1991 a. 32, 39, 235, 274; 1993 a. 16, 27, 437; 1995 a. 27; 1997 a. 27, 39, 79, 237; 1999 a. 9, 63; 2001 a. 16, 103; 2003 a. 33.

3 **SECTION 8.** 46.275 (4) (b) 1. of the statutes is amended to read:

4 46.275 (4) (b) 1. Consent for participation is given either by the person's parent,
5 guardian or legal custodian, if the person is under age 18, or by the person or the
6 person's guardian, if the person is age 18 or over, except that this subdivision does
7 not limit the authority of the circuit court to enter, change, revise or extend a
8 dispositional order under subch. VI of ch. 48 or subch. VI of ch. 938 or to order a
9 protective placement or protective services under s. ~~55.06~~ 55.12.

History: 1983 a. 27; 1985 a. 29 ss. 896b to 896L, 3202 (23); 1985 a. 120, 176; 1987 a. 27; 1987 a. 161 s. 13m; 1987 a. 186; 1989 a. 31; 1993 a. 16; 1995 a. 27, 77; 1997 a. 27, 114; 1999 a. 9; 2001 a. 16; 2003 a. 33, 318.

10 **SECTION 9.** 46.279 (2) of the statutes, as created by 2003 Wisconsin Act 33, is
11 amended to read:

12 46.279 (2) PLACEMENTS AND ADMISSIONS TO INTERMEDIATE FACILITIES. Except as
13 provided in sub. (5), no person may place an individual with a developmental
14 disability in an intermediate facility and no intermediate facility may admit such an
15 individual unless, before the placement or admission and after having considered a
16 plan developed under sub. (4), a court under s. 55.06 (9) (a) ^{strike space} or (10) (a) 2. or 55.12 finds
17 that protective placement in the intermediate facility is the most integrated setting
18 that is appropriate to the needs of the individual, taking into account information
19 presented by all affected parties. An intermediate facility to which an individual who
20 has a developmental disability applies for admission shall, within 5 days after
21 receiving the application, notify the county department that is participating in the
22 program under s. 46.278 of the county of residence of the individual who is seeking
23 admission concerning the application.

1 NOTE: NOTE: NOTE: Sub. (2) is created eff. 1-1-05 by 2003 Wis. Act 33. NOTE:
History: 2003 a. 33.

****NOTE: Please see the ****NOTE under s. 55.06 (10) (a) 2., stats., in this bill.

2 SECTION 10. 46.279 (4) (c) of the statutes, as created by 2003 Wisconsin Act 33,
3 is amended to read:

4 46.279 (4) (c) Within 120 days after a proposal is made under s. 55.06 (9) (a)

5 55.12 to ~~protectively~~ place the individual in an intermediate facility or a nursing
6 facility.

provide protective placement to

History: 2003 a. 33.

****NOTE: "Proposal" does not seem to be the correct term in this paragraph, since
s. 55.12 (and s. 55.06 (9) (a)) concern protective placement or protective services orders;
I'm not sure what the difference is between s. 46.279 (4) (c) and (d), stats.

7 SECTION 11. 46.279 (4) (d) of the statutes, as created by 2003 Wisconsin Act 33,
8 is amended to read:

9 46.279 (4) (d) Within 120 days after receiving written notice under s. 55.06 (10)

10 (a) ~~2.~~ of the protective placement of the individual in a nursing facility or an
11 intermediate facility.

STET: leave as typed

History: 2003 a. 33.

****NOTE: Please see the ****NOTE under s. 55.06 (10) (a) 2., stats., in this bill.

12 SECTION 12. 46.279 (4) (e) of the statutes, as created by 2003 Wisconsin Act 33,
13 is amended to read:

14 46.279 (4) (e) Within 90 days after extension of a temporary protective
15 placement order by the court under s. ~~55.06 (11) (e)~~ 55.135 (5).

NOTE: NOTE: Sub. (4) is created eff. 1-1-05 by 2003 Wis. Act 33. NOTE:
History: 2003 a. 33.

16 SECTION 13. 46.279 (5) of the statutes, as created by 2003 Wisconsin Act 33, is
17 amended to read:

18 46.279 (5) EXCEPTIONS. Subsections (2) and (3) do not apply to an emergency
19 protective placement under s. ~~55.06 (11) (a)~~ 55.135 or to a temporary protective
20 placement under s. ~~55.06 (11) (e) or (12)~~ 55.135 (5) or 55.055 (7).

NOTE: NOTE: Sub. (5) is created eff. 1-1-05 by 2003 Wis. Act 33. NOTE:
History: 2003 a. 33.

****NOTE: Is this amended as you wish?

1 **SECTION 14.** 46.283 (7) (b) of the statutes is amended to read:

2 46.283 (7) (b) Notwithstanding ss. 48.78 (2) (a), 49.45 (4), 49.83, 51.30, 51.45
3 (14) (a), ~~55.06 (17) (e)~~ 55.22 (3), 146.82, 252.11 (7), 253.07 (3) (c) and 938.78 (2) (a),
4 a resource center acting under this section may exchange confidential information
5 about a client, as defined in s. 46.287 (1), without the informed consent of the client,
6 under s. 46.21 (2m) (c), 46.215 (1m), 46.22 (1) (dm), 46.23 (3) (e), 46.284 (7), 46.2895
7 (10), 51.42 (3) (e) or 51.437 (4r) (b) in the county of the resource center, if necessary
8 to enable the resource center to perform its duties or to coordinate the delivery of
9 services to the client.

History: 1999 a. 9; 2001 a. 16, 103; 2003 a. 33.

10 **SECTION 15.** 46.284 (7) (b) of the statutes is amended to read:

11 46.284 (7) (b) Notwithstanding ss. 48.78 (2) (a), 49.45 (4), 49.83, 51.30, 51.45
12 (14) (a), ~~55.06 (17) (e)~~ 55.22 (3), 146.82, 252.11 (7), 253.07 (3) (c) and 938.78 (2) (a),
13 a care management organization acting under this section may exchange
14 confidential information about a client, as defined in s. 46.287 (1), without the
15 informed consent of the client, under s. 46.21 (2m) (c), 46.215 (1m), 46.22 (1) (dm),
16 46.23 (3) (e), 46.283 (7), 46.2895 (10), 51.42 (3) (e) or 51.437 (4r) (b) in the county of
17 the care management organization, if necessary to enable the care management
18 organization to perform its duties or to coordinate the delivery of services to the
19 client.

History: 1999 a. 9; 2001 a. 16, 103; 2003 a. 33.

20 **SECTION 16.** 46.286 (1) (intro.) of the statutes, as affected by 2003 Wisconsin

21 Act 33, is amended to read:

22 46.286 (1) ELIGIBILITY. (intro.) A person is eligible for, but not necessarily
23 entitled to, the family care benefit if the person is at least 18 years of age; has a

1 physical disability, as defined in s. 15.197 (4) (a) 2., a developmental disability, as
2 defined in s. 51.01 (5) (a), or ~~infirmities of aging~~ degenerative brain disorder, as
3 defined in s. 55.01 (3) (1v); and meets all of the following criteria:

History: 1999 a. 9, 185; 2001 a. 16, 109; 2003 a. 33.

4 **SECTION 17.** 46.286 (3) (a) (intro.) of the statutes, as affected by 2003 Wisconsin
5 **Act 33**, is amended to read:

6 46.286 (3) (a) (intro.) Subject to pars. (c) and (d), a person is entitled to and may
7 receive the family care benefit through enrollment in a care management
8 organization if he or she is at least 18 years of age, has a physical disability, as defined
9 in s. 15.197 (4) (a) 2., a developmental disability, as defined in s. 51.01 (5) (a), or
10 ~~infirmities of aging~~ degenerative brain disorder, as defined in s. 55.01 (3) (1v), is
11 financially eligible, fulfills any applicable cost-sharing requirements and meets any
12 of the following criteria:

History: 1999 a. 9, 185; 2001 a. 16, 109; 2003 a. 33.

13 **SECTION 18.** 46.286 (3) (a) 3. of the statutes is amended to read:

14 46.286 (3) (a) 3. Is functionally eligible at the intermediate level and is
15 determined by an agency under s. 46.90 (2) or specified in s. 55.01 (1t) to be in need
16 of protective services ~~under s. 55.05~~ or protective placement under s. ~~55.06~~ ch. 55.

History: 1999 a. 9, 185; 2001 a. 16, 109; 2003 a. 33.

17 **SECTION 19.** 46.2895 (10) of the statutes is amended to read:

18 46.2895 (10) EXCHANGE OF INFORMATION. Notwithstanding sub. (9) and ss. 48.78
19 (2) (a), 49.45 (4), 49.83, 51.30, 51.45 (14) (a), ~~55.06 (17) (e)~~ 55.22 (3), 146.82, 252.11
20 (7), 253.07 (3) (c) and 938.78 (2) (a), a family care district acting under this section
21 may exchange confidential information about a client, as defined in s. 46.287 (1),
22 without the informed consent of the client, under s. 46.21 (2m) (c), 46.215 (1m), 46.22
23 (1) (dm), 46.23 (3) (e), 46.283 (7), 46.284 (7), 51.42 (3) (e) or 51.437 (4r) (b) in the

1 jurisdiction of the family care district, if necessary to enable the family care district
2 to perform its duties or to coordinate the delivery of services to the client.

History: 1999 a. 9, 185; 2001 a. 30.

3 **SECTION 20.** 46.90 (1) (c) of the statutes is amended to read:

4 46.90 (1) (c) "Elder person" means a person who is age 60 or older or who is
5 subject to ~~the infirmities of aging~~ degenerative brain disorder.

History: 1983 a. 398, 1985 a. 176; 1989 a. 31; 1991 a. 39, 235; 1993 a. 27; 1995 a. 27 ss. 2334, 9130 (4); 1995 a. 225; 1997 a. 3, 131; 1999 a. 82; 2003 a. 33.

6 **SECTION 21.** 46.90 (1) (d) of the statutes is renumbered 46.90 (1) (bg) and
7 amended to read:

8 46.90 (1) (bg) "~~Infirmities of aging~~ Degenerative brain disorder" has the
9 meaning provided under s. 55.01 (3) ~~(3)~~ (1v).

History: 1983 a. 398, 1985 a. 176; 1989 a. 31; 1991 a. 39, 235; 1993 a. 27; 1995 a. 27 ss. 2334, 9130 (4); 1995 a. 225; 1997 a. 3, 131; 1999 a. 82; 2003 a. 33.

10 **SECTION 22.** 46.972 (3) (a) of the statutes is amended to read:

11 46.972 (3) (a) In this subsection, "~~chronic serious and persistent~~ mental illness"
12 has the meaning given in s. 51.01 ~~(3g)~~ (14t).

History: 1989 a. 31; 1991 a. 39, 189; 1993 a. 16; 1997 a. 27; 2001 a. 16.

13 **SECTION 23.** 46.972 (3) (b) of the statutes is amended to read:

14 46.972 (3) (b) From the appropriation under s. 20.435 (7) (ce), the department
15 may not allocate more than \$45,000 in each fiscal year to applying public or nonprofit
16 private entities for the costs of providing certain mental health services to homeless
17 individuals with ~~chronic serious and persistent~~ mental illness. Entities that receive
18 funds allocated by the department under this subsection shall provide the mental
19 health services required under 42 USC 290cc-24. The amount that the department
20 allocates to an applying entity may not exceed 50% of the amount of matching funds
21 required under 42 USC 290cc-23.

History: 1989 a. 31; 1991 a. 39, 189; 1993 a. 16; 1997 a. 27; 2001 a. 16.

22 **SECTION 24.** 49.001 (5m) of the statutes is amended to read:

1 49.001 (5m) "Prisoner" means any person who is either arrested, incarcerated,
 2 imprisoned or otherwise detained in excess of 12 hours by any law enforcement
 3 agency of this state, except when detention is pursuant to s. 51.15, 51.20, 51.45 (11)
 4 (b) or ~~55.06 (11) (a)~~ 55.135 or ch. 980. "Prisoner" does not include any person who is
 5 serving a sentence of detention under s. 973.03 (4) unless the person is in the county
 6 jail under s. 973.03 (4) (c).

History: 1995 a. 27 ss. 2639, 2644, 2654 to 2666, 3083; 1995 a. 289; 1997 a. 3.

***NOTE: Should reference to s. 55.13 also be made to this subsection?

INSERT 28-13

***NOTE: In s. 49.001 (8), stats., I used "or" instead of "and" as the conjunction, so as to avoid the inference that a person who is an exception must satisfy all three conditions.

INSERT 10A

7 **SECTION 25.** 49.45 (6m) (i) 2. of the statutes is amended to read:
 8 49.45 (6m) (i) 2. Payment for personal or residential care is available for a
 9 person in a facility certified under 42 USC 1396 to 1396p only if the person entered
 10 a facility before the date specified in subd. 1. and has continuously resided in a
 11 facility since the date specified in subd. 1. If the person has a primary diagnosis of
 12 developmental disabilities or ~~chronic~~ chronic serious and persistent mental illness, payment
 13 for personal or residential care is available only if the person entered a facility on or
 14 before November 1, 1983.

History: 1971 c. 40 s. 93; 1971 c. 42, 125; 1971 c. 213 s. 5; 1971 c. 215, 217, 307; 1973 c. 62, 90, 147; 1973 c. 333 ss. 106g, 106h, 106j, 201w; 1975 c. 39; 1975 c. 223 s. 28; 1975 c. 224 ss. 54h, 56 to 59m; 1975 c. 383 s. 4; 1975 c. 411; 1977 c. 29, 418; 1979 c. 34 ss. 837f to 838, 2102 (20) (a); 1979 c. 102, 177, 221, 355; 1981 c. 20 ss. 839 to 854, 2202 (20) (r); 1981 c. 93, 317; 1983 a. 27 ss. 1046 to 1062m, 2200 (42); 1983 a. 245, 447, 527; 1985 a. 29 ss. 1026m to 1031d, 3200 (23), (56), 3202 (27); 1985 a. 120, 176, 269; 1985 a. 332 ss. 91, 251 (5), 253; 1985 a. 340; 1987 a. 27 ss. 989r to 1000s, 2247, 3202 (24); 1987 a. 186, 307, 339, 399; 1987 a. 403 s. 256; 1987 a. 413; 1989 a. 6; 1989 a. 31 ss. 1402 to 1452g, 2909g, 2909i; 1989 a. 107, 173, 310, 336, 351, 359; 1991 a. 22, 39, 80, 250, 269, 315, 316; 1993 a. 16 ss. 1362g to 1403, 3883; 1993 a. 27, 107, 112, 183, 212, 246, 269, 335, 356, 437, 446, 469; 1995 a. 20; 1995 a. 27 ss. 2947 to 3002r, 7299, 9126 (19), 9130 (4), 9145 (1); 1995 a. 191, 216, 225, 289, 303, 398, 417, 457; 1997 a. 3, 13, 27, 114, 175, 191, 237, 252, 293; 1999 a. 9, 63, 103, 180, 185; 2001 a. 13, 16, 35, 38, 57, 67, 104, 109; 2003 a. 33.

15 **SECTION 26.** 49.45 (25) (am) 2. of the statutes is amended to read:

16 49.45 (25) (am) 2. Has a chronic serious and persistent mental illness, as
 17 ~~defined under s. 51.01 (3g) (1)(b).~~

History: 1971 c. 40 s. 93; 1971 c. 42, 125; 1971 c. 213 s. 5; 1971 c. 215, 217, 307; 1973 c. 62, 90, 147; 1973 c. 333 ss. 106g, 106h, 106j, 201w; 1975 c. 39; 1975 c. 223 s. 28; 1975 c. 224 ss. 54h, 56 to 59m; 1975 c. 383 s. 4; 1975 c. 411; 1977 c. 29, 418; 1979 c. 34 ss. 837f to 838, 2102 (20) (a); 1979 c. 102, 177, 221, 355; 1981 c. 20 ss. 839 to 854, 2202 (20) (r); 1981 c. 93, 317; 1983 a. 27 ss. 1046 to 1062m, 2200 (42); 1983 a. 245, 447, 527; 1985 a. 29 ss. 1026m to 1031d, 3200 (23), (56), 3202 (27); 1985 a. 120, 176, 269; 1985 a. 332 ss. 91, 251 (5), 253; 1985 a. 340; 1987 a. 27 ss. 989r to 1000s, 2247, 3202 (24); 1987 a. 186, 307, 339, 399; 1987 a. 403 s. 256; 1987 a. 413; 1989 a. 6; 1989 a. 31 ss. 1402 to 1452g, 2909g, 2909i; 1989 a. 107, 173, 310, 336, 351, 359; 1991 a. 22, 39, 80, 250, 269, 315, 316; 1993 a. 16 ss. 1362g to 1403, 3883; 1993 a. 27, 107, 112, 183, 212, 246, 269, 335, 356, 437, 446, 469; 1995 a. 20; 1995 a. 27 ss. 2947 to 3002r, 7299, 9126 (19), 9130 (4), 9145 (1); 1995 a. 191, 216, 225, 289, 303, 398, 417, 457; 1997 a. 3, 13, 27, 114, 175, 191, 237, 252, 293; 1999 a. 9, 63, 103, 180, 185; 2001 a. 13, 16, 35, 38, 57, 67, 104, 109; 2003 a. 33.

1 SECTION 27. 49.45 (30m) (b) of the statutes, as created by 2003 Wisconsin Act

2 33, is amended to read:

3 49.45 (30m) (b) No payment under this section may be made for services
4 specified under par. (a) or (am) unless the individual who receives the services is
5 protectively placed under s. 55.06 (9) (a), 2001 stats., or 55.12 or is placed under an
6 emergency protective placement under s. 55.06 (11) (a), 2001 stats., or 55.135 or a
7 temporary protective placement under s. 55.06 (11) (c), 2001 stats., or 55.135 (5).

History: 1971 c. 40 s. 93; 1971 c. 42, 125; 1971 c. 213 s. 5; 1971 c. 215, 217, 307; 1973 c. 62, 90, 147; 1973 c. 333 ss. 106g, 106h, 106j, 201w; 1975 c. 39; 1975 c. 223 s. 28; 1975 c. 224 ss. 54h, 56 to 59m; 1975 c. 383 s. 4; 1975 c. 411; 1977 c. 29, 418; 1979 c. 34 ss. 837f to 838, 2102 (20) (a); 1979 c. 102, 177, 221, 355; 1981 c. 20 ss. 839 to 854, 2202 (20) (r); 1981 c. 93, 317; 1983 a. 27 ss. 1046 to 1062m, 2200 (42); 1983 a. 245, 447, 527; 1985 a. 29 ss. 1026m to 1031d, 3200 (23), (56), 3202 (27); 1985 a. 120, 176, 269; 1985 a. 332 ss. 91, 251 (5), 253; 1985 a. 340; 1987 a. 27 ss. 989r to 1000s, 2247, 3202 (24); 1987 a. 186, 307, 339, 399; 1987 a. 403 s. 256; 1987 a. 413; 1989 a. 6; 1989 a. 31 ss. 1402 to 1452g, 2909g, 2909i; 1989 a. 107, 173, 310, 336, 351, 359; 1991 a. 22, 39, 80, 250, 269, 315, 316; 1993 a. 16 ss. 1362g to 1403, 3883; 1993 a. 27, 107, 112, 183, 212, 246, 269, 335, 356, 437, 446, 469; 1995 a. 20; 1995 a. 27 ss. 2947 to 3002r, 7299, 9126 (19), 9130 (4), 9145 (1); 1995 a. 191, 216, 225, 289, 303, 398, 417, 457; 1997 a. 3, 13, 27, 114, 175, 191, 237, 252, 293; 1999 a. 9, 63, 103, 180, 185; 2001 a. 13, 16, 35, 38, 57, 67, 104, 109; 2003 a. 33, 318.

****NOTE: Should reference to s. 55.13 also be made under this paragraph? Should reference be made to a temporary protective placement under s. 55.055 (7) under this paragraph?

8 SECTION 28. 49.45 (30m) (c) 2. of the statutes, as created by 2003 Wisconsin Act

9 33, is amended to read:

10 49.45 (30m) (c) 2. For an individual who was protectively placed under ch. 55
11 at any time, any annual review that is conducted under s. 55.06 (10) (a) 1. 55.18 (1)
12 (a) (intro.) after April 30, 2005, complies with the requirements of s. 55.06 (10) (a) 2.

NOTE: NOTE: Sub. (30m) is shown as affected eff. 1-1-05 by 2003 Wis. Act 33. Prior to 1-1-05 it reads:NOTE:

13 (30m) CERTAIN SERVICES FOR DEVELOPMENTALLY DISABLED. A county shall provide the portion of the services under s. 51.06 (1m) (d) to individuals who are eligible
14 for medical assistance that is not provided by the federal government.

History: 1971 c. 40 s. 93; 1971 c. 42, 125; 1971 c. 213 s. 5; 1971 c. 215, 217, 307; 1973 c. 62, 90, 147; 1973 c. 333 ss. 106g, 106h, 106j, 201w; 1975 c. 39; 1975 c. 223 s. 28; 1975 c. 224 ss. 54h, 56 to 59m; 1975 c. 383 s. 4; 1975 c. 411; 1977 c. 29, 418; 1979 c. 34 ss. 837f to 838, 2102 (20) (a); 1979 c. 102, 177, 221, 355; 1981 c. 20 ss. 839 to 854, 2202 (20) (r); 1981 c. 93, 317; 1983 a. 27 ss. 1046 to 1062m, 2200 (42); 1983 a. 245, 447, 527; 1985 a. 29 ss. 1026m to 1031d, 3200 (23), (56), 3202 (27); 1985 a. 120, 176, 269; 1985 a. 332 ss. 91, 251 (5), 253; 1985 a. 340; 1987 a. 27 ss. 989r to 1000s, 2247, 3202 (24); 1987 a. 186, 307, 339, 399; 1987 a. 403 s. 256; 1987 a. 413; 1989 a. 6; 1989 a. 31 ss. 1402 to 1452g, 2909g, 2909i; 1989 a. 107, 173, 310, 336, 351, 359; 1991 a. 22, 39, 80, 250, 269, 315, 316; 1993 a. 16 ss. 1362g to 1403, 3883; 1993 a. 27, 107, 112, 183, 212, 246, 269, 335, 356, 437, 446, 469; 1995 a. 20; 1995 a. 27 ss. 2947 to 3002r, 7299, 9126 (19), 9130 (4), 9145 (1); 1995 a. 191, 216, 225, 289, 303, 398, 417, 457; 1997 a. 3, 13, 27, 114, 175, 191, 237, 252, 293; 1999 a. 9, 63, 103, 180, 185; 2001 a. 13, 16, 35, 38, 57, 67, 104, 109; 2003 a. 33, 318.

****NOTE: Please see the ****NOTE under s. 55.06 (10) (a) 2., stats., in this bill.

INSERT 28-17

****NOTE: Your NOTE indicates that the rules are to apply only to C-BRFs, nursing homes, and adult family homes, but using the phrase "each facility licensed under this subchapter" also sweeps in residential care apartment complexes. Do you intend to do that? Do you want a nonstatutory provision that would require submittal of proposed rules to the Legislative Council staff by a specific date? (Otherwise, the rules may not be promulgated anytime soon.) If so, by what date would you want them submitted?

15 SECTION 29. 50.03 (5m) (c) of the statutes is amended to read:

1 50.03 (5m) (c) *Relocation*. The department shall offer removal and relocation
 2 assistance to residents removed under this section, including information on
 3 available alternative placements. Residents shall be involved in planning the
 4 removal and shall choose among the available alternative placements, except that
 5 where an emergency situation makes prior resident involvement impossible the
 6 department may make a temporary placement until a final placement can be
 7 arranged. Residents may choose their final alternative placement and shall be given
 8 assistance in transferring to such place. No resident may be forced to remain in a
 9 temporary or permanent placement except pursuant to the procedures provided
 10 under s. 55.06, ²⁰⁰³ ~~2001~~ stats., or an order under s. 55.12 for protective placement. Where
 11 the department makes or participates in making the relocation decision,
 12 consideration shall be given to proximity to residents' relatives and friends.

History: 1975 c. 413; 1977 c. 29, 170, 205, 272, 418, 447; 1979 c. 221; 1981 c. 20, 72, 121; 1981 c. 314 s. 146; 1985 a. 29 ss. 1058, 3202 (56) (a); 1985 a. 176; 1985 a. 182 s. 57; 1985 a. 332 s. 251 (1), (3); 1987 a. 27, 127, 399; 1989 a. 31, 359; 1991 a. 39, 221; 1993 a. 27, 112, 375, 491; 1995 a. 27 ss. 3227 to 3232, 9126 (19); 1997 a. 27, 114; 2001 a. 16; 2003 a. 33.

13 **SECTION 30.** 50.06 (2) (c) of the statutes is amended to read:

14 50.06 (2) (c) A petition for guardianship for the individual under s. 880.07 and
 15 a petition under s. 55.075 for protective placement of the individual ~~under s. 55.06~~
 16 ~~(2)~~ ^{strike paren} are filed prior to the proposed admission.

History: 1993 a. 187; 1999 a. 9.

INSERT 29-3

****NOTE: Please review my changes to this paragraph. I changed "person admitted under this subsection," because the first sentence is only one of the criteria that must be satisfied for admission. For the second sentence, however, the language seems to assume that admission is made notwithstanding objection or protest, so here I added authorization to admit the incapacitated individual to the facility. ✓

INSERT 29-14

17 **SECTION 31.** 51.01 (2g) (b) of the statutes is amended to read:

1 51.01 (2g) (b) "Brain injury" does not include alcoholism, Alzheimer's disease
2 as specified under s. 46.87 (1) (a) or ~~the infirmities of aging~~ degenerative brain
3 disorder, as ~~specified under s. 55.01 (3)~~ defined in s. 55.01 (1v).

History: 1975 c. 430 ss. 11, 81; 1977 c. 26; 1977 c. 203 s. 106; 1977 c. 428; 1981 c. 79 s. 17; 1983 a. 189 s. 329 (19); 1983 a. 441; 1985 a. 29 s. 3202 (23); 1985 a. 265, 307; 1993 a. 445; 1995 a. 27; 1997 a. 47; 1999 a. 9.

INSERT 30-2

4 **SECTION 32.** 51.01 (3s) of the statutes is amended to read:

5 51.01 (3s) "Community support program" means a coordinated care and
6 treatment system ~~which~~ that provides a network of services through an identified
7 treatment program and staff to ensure ongoing therapeutic involvement and
8 individualized treatment in the community for ~~persons~~ individuals with ~~chronic~~
9 serious and persistent mental illness.

History: 1975 c. 430 ss. 11, 81; 1977 c. 26; 1977 c. 203 s. 106; 1977 c. 428; 1981 c. 79 s. 17; 1983 a. 189 s. 329 (19); 1983 a. 441; 1985 a. 29 s. 3202 (23); 1985 a. 265, 307; 1993 a. 445; 1995 a. 27; 1997 a. 47; 1999 a. 9.

10 **SECTION 33.** 51.01 (5) (a) of the statutes is amended to read:

11 51.01 (5) (a) "Developmental disability" means a disability attributable to
12 brain injury, cerebral palsy, epilepsy, autism, Prader-Willi syndrome, mental
13 retardation, or another neurological condition closely related to mental retardation
14 or requiring treatment similar to that required for mental retardation, which has
15 continued or can be expected to continue indefinitely and constitutes a substantial
16 handicap to the afflicted individual. "Developmental disability" does not include
17 senility ~~which~~ that is primarily caused by the process of aging, or ~~the infirmities of~~
18 aging degenerative brain disorder, as defined in s. 55.01 (1v).

History: 1975 c. 430 ss. 11, 81; 1977 c. 26; 1977 c. 203 s. 106; 1977 c. 428; 1981 c. 79 s. 17; 1983 a. 189 s. 329 (19); 1983 a. 441; 1985 a. 29 s. 3202 (23); 1985 a. 265, 307; 1993 a. 445; 1995 a. 27; 1997 a. 47; 1999 a. 9.

19 **SECTION 34.** 51.03 (3) (a) 6. of the statutes is amended to read:

20 51.03 (3) (a) 6. The number of ~~persons~~ individuals for whom guardians are
21 appointed under s. 880.33 (4m), 2001 stats.

History: 1975 c. 430; 1989 a. 336; 1995 a. 292; 1999 a. 9.

2003

****NOTE: Do you want reference to s. 55.14 in this subdivision? Any other ch. 55 provision?

INSERT 30-13

****NOTE: I'm not sure that I understand the amendment to s. 51.10 (8). First, it's not clear if "the procedures under sub. (4m) are followed" applies to both the situation in which the guardian and ward consent and to the situation in which only the guardian consents; if that is the case, it implies that an incompetent person may only be admitted under sub. (4m) and not under sub. (1) or (2). Second, the language seems to indicate that an adult adjudicated incompetent may be voluntarily admitted if the guardian and ward consent, if the guardian consents and the ward applies in writing (?), or if the guardian consents and a physician fulfills s. 51.10 (4m) (a) 1. Would the language better meet your intent if it read "...may be voluntarily admitted to an inpatient treatment facility under this section only if the guardian consents under the requirements of sub. (4m) (a)1, or if the guardian and the ward consent to such the admission under this section"?

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SECTION 35. 51.15 (1) (a) 4. of the statutes is amended to read:

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51.15 (1) (a) 4. Behavior manifested by a recent act or omission that, due to mental illness or drug dependency, he or she is unable to satisfy basic needs for nourishment, medical care, shelter, or safety without prompt and adequate treatment so that a substantial probability exists that death, serious physical injury, serious physical debilitation, or serious physical disease will imminently ensue unless the individual receives prompt and adequate treatment for this mental illness or drug dependency. No substantial probability of harm under this subdivision exists if reasonable provision for the individual's treatment and protection is available in the community and there is a reasonable probability that the individual will avail himself or herself of these services, if the individual ~~can receive protective placement under s. 55.06~~ may be protectively placed under ch. 55, or, in the case of a minor, if the individual is appropriate for services or placement under s. 48.13 (4) or (11) or 938.13 (4). The individual's status as a minor does not automatically establish a substantial probability of death, serious physical injury, serious physical debilitation or serious disease under this subdivision. Food, shelter or other care provided to an individual who is substantially incapable of providing the care for himself or herself,

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provided protective placement

1 by any person other than a treatment facility, does not constitute reasonable
2 provision for the individual's treatment or protection available in the community
3 under this subdivision.

History: 1975 c. 430; 1977 c. 29, 428; 1979 c. 175, 300, 336, 355; 1985 a. 176; 1987 a. 366, 394; 1989 a. 56 s. 259; 1993 a. 451; 1995 a. 77, 175, 292; 1997 a. 35, 283; 2001 a. 16 ss. 1966d to 1966h, 4034zb to 4034zd, 4041d to 4041g; 2001 a 109.

****NOTE: Is this subdivision amended as you wish? Should reference also be made to receipt of protective services?



4 **SECTION 36.** 51.15 (5) of the statutes is amended to read:

5 51.15 (5) DETENTION PROCEDURE; OTHER COUNTIES. In counties having a
6 population of less than 500,000, the law enforcement officer or other person
7 authorized to take a child into custody under ch. 48 or to take a juvenile into custody
8 under ch. 938 shall sign a statement of emergency detention that shall provide
9 detailed specific information concerning the recent overt act, attempt, or threat to
10 act or omission on which the belief under sub. (1) is based and the names of persons
11 observing or reporting the recent overt act, attempt, or threat to act or omission. The
12 law enforcement officer or other person is not required to designate in the statement
13 whether the subject individual is mentally ill, developmentally disabled, or drug
14 dependent, but shall allege that he or she has cause to believe that the individual
15 evidences one or more of these conditions. The statement of emergency detention
16 shall be filed by the officer or other person with the detention facility at the time of
17 admission, and with the court immediately thereafter. The filing of the statement
18 has the same effect as a petition for commitment under s. 51.20. When, upon the
19 advice of the treatment staff, the director of a facility specified in sub. (2) determines
20 that the grounds for detention no longer exist, he or she shall discharge the
21 individual detained under this section. Unless a hearing is held under s. 51.20 (7)
22 or ~~55.06 (11) (b)~~ 55.135, the subject individual may not be detained by the law

provided protective placement

1 enforcement officer or other person and the facility for more than a total of 72 hours,
2 exclusive of Saturdays, Sundays, and legal holidays.

History: 1975 c. 430; 1977 c. 29, 428; 1979 c. 175, 300, 336, 355; 1985 a. 176/1987 a. 366, 394; 1989 a. 56 s. 259; 1993 a. 451; 1995 a. 77, 175, 292; 1997 a. 35, 283; 2001 a. 16 ss. 1966d to 1966h, 4034zb to 4034zd, 4041d to 4041g; 2001 a 109.

3 **SECTION 37.** 51.20 (1) (a) 2. c. of the statutes is amended to read:

4 51.20 (1) (a) 2. c. Evidences such impaired judgment, manifested by evidence
5 of a pattern of recent acts or omissions, that there is a substantial probability of
6 physical impairment or injury to himself or herself. The probability of physical
7 impairment or injury is not substantial under this subd. 2. c. if reasonable provision
8 for the subject individual's protection is available in the community and there is a
9 reasonable probability that the individual will avail himself or herself of these
10 services, if the individual is appropriate for protective placement under s. 55.06 may
11 be protectively placed under ch. 55, or, in the case of a minor, if the individual is
12 appropriate for services or placement under s. 48.13 (4) or (11) or 938.13 (4). The
13 subject individual's status as a minor does not automatically establish a substantial
14 probability of physical impairment or injury under this subd. 2. c. Food, shelter or
15 other care provided to an individual who is substantially incapable of obtaining the
16 care for himself or herself, by a person other than a treatment facility, does not
17 constitute reasonable provision for the subject individual's protection available in
18 the community under this subd. 2. c.

History: 1975 c. 430; 1977 c. 26, 29; 1977 c. 187 ss. 42, 43, 134, 135; 1977 c. 428 ss. 29 to 65, 115; 1977 c. 447, 449; Sup. Ct. Order, 83 Wis. 2d xiii; 1979 c. 32, 89; Sup. Ct. Order, eff. 1-1-80; 1979 c. 110 s. 60 (1); 1979 c. 175 s. 53; 1979 c. 300, 336, 356; 1981 c. 20, 367; 1981 c. 390 s. 252; 1983 a. 27, 219; 1983 a. 474 ss. 2 to 9m, 14; 1985 a. 29 ss. 1067 to 1071, 3200 (56), 3202 (56); 1985 a. 139, 176, 321, 332; 1987 a. 27; Sup. Ct. Order, 141 Wis. 2d xiii (1987); 1987 a. 366, 394, 403; 1989 a. 31, 334; 1993 a. 98, 196, 227, 316, 451, 474; 1995 a. 77, 201, 268, 292, 440; Sup. Ct. Order No. 96-08, 207 Wis. 2d xv (1997); 1997 a. 35, 130, 237, 283; 1999 a. 83, 89, 162; 2001 a. 16 ss. 1966i to 1966n, 4034ze to 4034zh; 2001 a. 38, 61, 109; 2003 a. 33, 50.

****NOTE: Should reference also be made to receipt of protective services? ✓

19 **SECTION 38.** 51.20 (1) (a) 2. d. of the statutes is amended to read:

20 51.20 (1) (a) 2. d. Evidences behavior manifested by recent acts or omissions
21 that, due to mental illness, he or she is unable to satisfy basic needs for nourishment,
22 medical care, shelter or safety without prompt and adequate treatment so that a

provided protective placement

1 substantial probability exists that death, serious physical injury, serious physical
 2 debilitation, or serious physical disease will imminently ensue unless the individual
 3 receives prompt and adequate treatment for this mental illness. No substantial
 4 probability of harm under this subd. 2. d. exists if reasonable provision for the
 5 individual's treatment and protection is available in the community and there is a
 6 reasonable probability that the individual will avail himself or herself of these
 7 services, if the individual is ~~appropriate for protective placement under s. 55.06~~ may
 8 be protectively placed under ch. 55, or, in the case of a minor, if the individual is
 9 appropriate for services or placement under s. 48.13 (4) or (11) or 938.13 (4). The
 10 individual's status as a minor does not automatically establish a substantial
 11 probability of death, serious physical injury, serious physical debilitation or serious
 12 disease under this subd. 2. d. Food, shelter or other care provided to an individual
 13 who is substantially incapable of obtaining the care for himself or herself, by any
 14 person other than a treatment facility, does not constitute reasonable provision for
 15 the individual's treatment or protection available in the community under this subd.
 16 2. d.

History: 1975 c. 430; 1977 c. 26, 29; 1977 c. 187 ss. 42, 43, 134, 135; 1977 c. 428 ss. 29 to 65, 115; 1977 c. 447, 449; Sup. Ct. Order, 83 Wis. 2d xiii; 1979 c. 32, 89; Sup. Ct. Order, eff. 1-1-80; 1979 c. 110 s. 60 (1); 1979 c. 175 s. 53; 1979 c. 300, 336, 356; 1981 c. 20, 367; 1981 c. 390 s. 252; 1983 a. 27, 219; 1983 a. 474 ss. 2 to 9m, 14; 1985 a. 29 ss. 1067 to 1071, 3200 (56), 3202 (56); 1985 a. 139, 176, 321, 332; 1987 a. 27; Sup. Ct. Order, 141 Wis. 2d xiii (1987); 1987 a. 366, 394, 403; 1989 a. 31, 334; 1993 a. 98, 196, 227, 316, 451, 474; 1995 a. 77, 201, 268, 292, 440; Sup. Ct. Order No. 96-08, 207 Wis. 2d xv (1997); 1997 a. 35, 130, 237, 283; 1999 a. 83, 89, 162; 2001 a. 16 ss. 1966i to 1966n, 4034ze to 4034zh; 2001 a. 38, 61, 109; 2003 a. 33, 50.

****NOTE: Should reference also be made to receipt of protective services? ✓

SECTION 39. 51.20 (1) (a) 2. e. of the statutes is amended to read:

17 51.20 (1) (a) 2. e. For an individual, other than an individual who is alleged to
 18 be drug dependent or developmentally disabled, after the advantages and
 19 disadvantages of and alternatives to accepting a particular medication or treatment
 20 have been explained to him or her and because of mental illness, evidences either
 21 incapability of expressing an understanding of the advantages and disadvantages of
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provided protective placement

1 accepting medication or treatment and the alternatives, or substantial incapability
 2 of applying an understanding of the advantages, disadvantages, and alternatives to
 3 his or her mental illness in order to make an informed choice as to whether to accept
 4 or refuse medication or treatment; and evidences a substantial probability, as
 5 demonstrated by both the individual's treatment history and his or her recent acts
 6 or omissions, that the individual needs care or treatment to prevent further
 7 disability or deterioration and a substantial probability that he or she will, if left
 8 untreated, lack services necessary for his or her health or safety and suffer severe
 9 mental, emotional, or physical harm that will result in the loss of the individual's
 10 ability to function independently in the community or the loss of cognitive or
 11 volitional control over his or her thoughts or actions. The probability of suffering
 12 severe mental, emotional, or physical harm is not substantial under this subd. 2. e.
 13 if reasonable provision for the individual's care or treatment is available in the
 14 community and there is a reasonable probability that the individual will avail
 15 himself or herself of these services or if the individual is ~~appropriate for protective~~
 16 ~~placement under s. 55.06~~ may be protectively placed under ch. 55. Food, shelter, or
 17 other care that is provided to an individual who is substantially incapable of
 18 obtaining food, shelter, or other care for himself or herself by any person other than
 19 a treatment facility does not constitute reasonable provision for the individual's care
 20 or treatment in the community under this subd. 2. e. The individual's status as a
 21 minor does not automatically establish a substantial probability of suffering severe
 22 mental, emotional, or physical harm under this subd. 2. e.

History: 1975 c. 430; 1977 c. 26, 29; 1977 c. 187 ss. 42, 43, 134, 135; 1977 c. 428 ss. 29 to 65, 115; 1977 c. 447, 449; Sup. Ct. Order, 83 Wis. 2d xiii; 1979 c. 32, 89; Sup. Ct. Order, eff. 1-1-80; 1979 c. 110 s. 60 (1); 1979 c. 175 s. 53; 1979 c. 300, 336, 356; 1981 c. 20, 367; 1981 c. 390 s. 252; 1983 a. 27, 219; 1983 a. 474 ss. 2 to 9m, 14; 1985 a. 29 ss. 1067 to 1071, 3200 (56), 3202 (56); 1985 a. 139, 176, 321, 332; 1987 a. 27; Sup. Ct. Order, 141 Wis. 2d xiii (1987); 1987 a. 366, 394, 403; 1989 a. 31, 334; 1993 a. 98, 196, 227, 316, 451, 474; 1995 a. 77, 201, 268, 292, 440; Sup. Ct. Order No. 96-08, 207 Wis. 2d xv (1997); 1997 a. 35, 130, 237, 283; 1999 a. 83, 89, 162; 2001 a. 16 ss. 1966i to 1966n, 4034ze to 4034zh; 2001 a. 38, 61, 109; 2003 a. 33, 50.

****NOTE: Should reference also be made to receipt of protective services?



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SECTION 40. 51.20 (1) (am) of the statutes is amended to read:

51.20 (1) (am) If the individual has been the subject of inpatient treatment for mental illness, developmental disability, or drug dependency immediately prior to commencement of the proceedings as a result of a voluntary admission or a commitment or protective placement ordered by a court under this section or s. 55.06, 2001 stats., or 971.17, or ch. 975, or a protective placement ordered under s. 55.12, or if the individual has been the subject of outpatient treatment for mental illness, developmental disability, or drug dependency immediately prior to commencement of the proceedings as a result of a commitment ordered by a court under this section or s. 971.17, or ch. 975, the requirements of a recent overt act, attempt or threat to act under par. (a) 2. a. or b., ~~a~~ ^{strike} pattern of recent acts or omissions under par. (a) 2. c. or e., or recent behavior under par. (a) 2. d. may be satisfied by a showing that there is a substantial likelihood, based on the subject individual's treatment record, that the individual would be a proper subject for commitment if treatment were withdrawn. If the individual has been admitted voluntarily to an inpatient treatment facility for not more than 30 days prior to the commencement of the proceedings and remains under voluntary admission at the time of commencement, the requirements of a specific recent overt act, attempt or threat to act, or ³ pattern of recent acts or omissions may be satisfied by a showing of an act, attempt or threat to act, or ^{strike} ~~a~~ pattern of acts or omissions which took place immediately previous to the ² voluntary admission. If the individual is committed under s. 971.14 (2) or (5) at the time proceedings are commenced, or has been discharged from the commitment immediately prior to the commencement of proceedings, acts, attempts, threats,

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provided protective placement

1 omissions or behavior of the subject individual during or subsequent to the time of
2 the offense shall be deemed recent for purposes of par. (a) 2.

History: 1975 c. 430; 1977 c. 26, 29; 1977 c. 187 ss. 42, 43, 134, 135; 1977 c. 428 ss. 29 to 65, 115; 1977 c. 447, 449; Sup. Ct. Order, 83 Wis. 2d xiii; 1979 c. 32, 89; Sup. Ct. Order, eff. 1-1-80; 1979 c. 110 s. 60 (1); 1979 c. 175 s. 53; 1979 c. 300, 336, 356; 1981 c. 20, 367; 1981 c. 390 s. 252; 1983 a. 27, 219; 1983 a. 474 ss. 2 to 9m, 14; 1985 a. 29 ss. 1067 to 1071, 3200 (56), 3202 (56); 1985 a. 139, 176, 321, 332; 1987 a. 27; Sup. Ct. Order, 141 Wis. 2d xiii (1987); 1987 a. 366, 394, 403; 1989 a. 31, 334; 1993 a. 98, 196, 227, 316, 451, 474; 1995 a. 77, 201, 268, 292, 440; Sup. Ct. Order No. 96-08, 207 Wis. 2d xv (1997); 1997 a. 35, 130, 237, 283; 1999 a. 83, 89, 162; 2001 a. 16 ss. 1966i to 1966n, 4034ze to 4034zh; 2001 a. 38, 61, 109; 2003 a. 33, 50.

***NOTE: Should reference also be made to receipt of protective services? ✓

3 **SECTION 41.** 51.20 (1m) of the statutes is amended to read:

4 **51.20 (1m) ALTERNATE GROUNDS FOR COMMITMENT.** For purposes of subs. (2) to
5 (9), the requirement of finding probable cause to believe the allegations in sub. (1)
6 (a) or (am) may be satisfied by finding probable cause to believe that the individual
7 satisfies sub. (1) (a) 1. and evidences such impaired judgment, manifested by
8 evidence of a recent act or omission, that there is a substantial probability of physical
9 impairment or injury to himself or herself. The probability of physical impairment
10 or injury may not be deemed substantial under this subsection if reasonable
11 provision for the individual's protection is available in the community and there is
12 a reasonable probability that the individual will avail himself or herself of the
13 services or if the individual is appropriate for protective placement under s. 55.06
14 may be protectively placed under ch. 55. The individual's status as a minor does not
15 automatically establish a substantial probability of physical impairment or injury
16 under this subsection. Food, shelter or other care provided to an individual who is
17 substantially incapable of obtaining the care for himself or herself, by any person
18 other than a treatment facility, does not constitute reasonable provision for the
19 individual's protection available in the community under this subsection.

History: 1975 c. 430; 1977 c. 26, 29; 1977 c. 187 ss. 42, 43, 134, 135; 1977 c. 428 ss. 29 to 65, 115; 1977 c. 447, 449; Sup. Ct. Order, 83 Wis. 2d xiii; 1979 c. 32, 89; Sup. Ct. Order, eff. 1-1-80; 1979 c. 110 s. 60 (1); 1979 c. 175 s. 53; 1979 c. 300, 336, 356; 1981 c. 20, 367; 1981 c. 390 s. 252; 1983 a. 27, 219; 1983 a. 474 ss. 2 to 9m, 14; 1985 a. 29 ss. 1067 to 1071, 3200 (56), 3202 (56); 1985 a. 139, 176, 321, 332; 1987 a. 27; Sup. Ct. Order, 141 Wis. 2d xiii (1987); 1987 a. 366, 394, 403; 1989 a. 31, 334; 1993 a. 98, 196, 227, 316, 451, 474; 1995 a. 77, 201, 268, 292, 440; Sup. Ct. Order No. 96-08, 207 Wis. 2d xv (1997); 1997 a. 35, 130, 237, 283; 1999 a. 83, 89, 162; 2001 a. 16 ss. 1966i to 1966n, 4034ze to 4034zh; 2001 a. 38, 61, 109; 2003 a. 33, 50.

***NOTE: Should reference also be made to receipt of protective services? ✓

20 **SECTION 42.** 51.20 (7) (d) 1. (intro.) of the statutes is amended to read:

1 51.20 (7) (d) 1. (intro.) If the court determines after hearing that there is
 2 probable cause to believe that the subject individual is a fit subject for guardianship
 3 and protective placement or services, the court may, without further notice, appoint
 4 a temporary guardian for the subject individual and order temporary protective
 5 placement or services under ch. 55 for a period not to exceed 30 days, and shall
 6 proceed as if petition had been made for guardianship and protective placement or
 7 services. If the court orders only temporary protective services for a subject
 8 individual under this paragraph, the individual shall be provided care only on an
 9 outpatient basis. The court may order psychotropic medication as a temporary
 10 protective service under this paragraph if it finds that there is probable cause to
 11 believe that the allegations under s. 880.07 (1m) (c) and (cm) apply, that the
 12 individual is not competent to refuse psychotropic medication and that the
 13 medication ordered will have therapeutic value and will not unreasonably impair the
 14 ability of the individual to prepare for and participate in subsequent legal
 15 proceedings. An individual is not competent to refuse psychotropic medication if,
 16 because of ~~chronic~~ serious and persistent mental illness, and after the advantages
 17 and disadvantages of and alternatives to accepting the particular psychotropic
 18 medication have been explained to the individual, one of the following is true:

History: 1975 c. 430; 1977 c. 26, 29; 1977 c. 187 ss. 42, 43, 134, 135; 1977 c. 428 ss. 29 to 65, 115; 1977 c. 447, 449; Sup. Ct. Order, 83 Wis. 2d xiii; 1979 c. 32, 89; Sup. Ct. Order, eff. 1-1-80; 1979 c. 110 s. 60 (1); 1979 c. 175 s. 53; 1979 c. 300, 336, 356; 1981 c. 20, 367; 1981 c. 390 s. 252; 1983 a. 27, 219; 1983 a. 474 ss. 2 to 9m, 14; 1985 a. 29 ss. 1067 to 1071, 3200 (56), 3202 (56); 1985 a. 139, 176, 321, 332; 1987 a. 27; Sup. Ct. Order, 141 Wis. 2d xiii (1987); 1987 a. 366, 394, 403; 1989 a. 31, 334; 1993 a. 98, 196, 227, 316, 451, 474; 1995 a. 77, 201, 268, 292, 440; Sup. Ct. Order No. 96-08, 207 Wis. 2d xv (1997); 1997 a. 35, 130, 237, 283; 1999 a. 83, 89, 162; 2001 a. 16 ss. 1966i to 1966n, 4034ze to 4034zh; 2001 a. 38, 61, 109; 2003 a. 33, 50.

***NOTE: How do you intend that the reference to s. 880.07 (1m) (c) and (cm), stats, be handled? ✓

19 **SECTION 43.** 51.20 (7) (d) 1. b. of the statutes is amended to read: ✓

20 51.20 (7) (d) 1. b. The individual is substantially incapable of applying an
 21 understanding of the advantages, disadvantages and alternatives to his or her



1 chronic serious and persistent mental illness in order to make an informed choice as
2 to whether to accept or refuse psychotropic medication.

History: 1975 c. 430; 1977 c. 26, 29; 1977 c. 187 ss. 42, 43, 134, 135; 1977 c. 428 ss. 29 to 65, 115; 1977 c. 447, 449; Sup. Ct. Order, 83 Wis. 2d xiii; 1979 c. 32, 89; Sup. Ct. Order, eff. 1-1-80; 1979 c. 110 s. 60 (1); 1979 c. 175 s. 53; 1979 c. 300, 336, 356; 1981 c. 20, 367; 1981 c. 390 s. 252; 1983 a. 27, 219; 1983 a. 474 ss. 2 to 9m, 14; 1985 a. 29 ss. 1067 to 1071, 3200 (56), 3202 (56); 1985 a. 139, 176, 321, 332; 1987 a. 27; Sup. Ct. Order, 141 Wis. 2d xiii (1987); 1987 a. 366, 394, 403; 1989 a. 31, 334; 1993 a. 98, 196, 227, 316, 451, 474; 1995 a. 77, 201, 268, 292, 440; Sup. Ct. Order No. 95-08, 207 Wis. 2d xv (1997); 1997 a. 35, 130, 237, 283; 1999 a. 83, 89, 162; 2001 a. 16 ss. 1966i to 1966n, 4034ze to 4034zh; 2001 a. 38, 61, 109; 2003 a. 33, 50.

3 **SECTION 44.** 51.35 (4m) (intro.) of the statutes is amended to read:

4 51.35 (4m) TRANSFER OR DISCHARGE OF PERSONS WITH CHRONIC SERIOUS AND
5 PERSISTENT MENTAL ILLNESS. (intro.) The department or county department under s.
6 51.42 or any person authorized to discharge or transfer patients under this section
7 shall, prior to the discharge of a patient with chronic serious and persistent mental
8 illness from an inpatient facility, or prior to the transfer of a patient with chronic
9 serious and persistent mental illness from inpatient to outpatient status, with the
10 patient's permission if the patient is a voluntary patient, do all of the following:

History: 1975 c. 430 ss. 18, 81; 1977 c. 26, 29, 428; 1979 a. 110 s. 60 (1); 1981 c. 74 s. 2; 1981 c. 314 s. 144; 1983 a. 27, 441, 474; 1985 a. 29, 176, 332; 1987 a. 366, 403; 1989 a. 31, 56, 107; 1991 a. 39; 1993 a. 451; 1995 a. 27 ss. 3258m, 3259m, 9126 (19); 1995 a. 77, 292; 1997 a. 35; 1999 a. 9; 2001 a. 16 ss. 1967f (to 1967j), 4034zi; 2003 a. 33.

11 **SECTION 45.** 51.39 of the statutes is amended to read:

12 **51.39 Resident patients on unauthorized absence.** If any patient who is
13 admitted, transferred, or placed under s. 55.06, 2001 stats., or s. 51.13, 51.15, 51.20,
14 51.35 (3), 51.37, or 51.45 (11) (b), (12) or (13) or 55.06 or ch. 55, 971, 975, or 980 ~~or~~
15 ~~transferred under s. 51.35 (3) or 51.37~~ is on unauthorized absence from a treatment
16 facility, the sheriff or any other law enforcement agency in the county in which the
17 patient is found or in which it is believed the patient may be present, upon the
18 request of the director, shall take charge of and return the patient to the facility. The
19 costs incident to the return shall be paid out of the facility's operating funds and be
20 charged back to the patient's county of residence.

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History: 1975 c. 430; 1977 c. 428; 1979 c. 336; 1993 a. 479.

21 **SECTION 46.** 51.40 (2) (intro.) of the statutes is amended to read:

1 51.40 (2) DETERMINATION OF RESIDENCE. (intro.) For purposes of determining
2 responsibility for funding the provision of services under chs. 46, 51 and 55, the
3 county of residence of individuals aged 18 or older with developmental disability or
4 ~~chronic~~ serious and persistent mental illness in state facilities or nursing homes
5 shall be determined as follows:

6 History: 1987 a. 27; 1989 a. 31, 359; 1995 a. 27 s. 9126 (19). ✓

6 **SECTION 47.** 51.40 (2) (a) 1. of the statutes is amended to read:

7 51.40 (2) (a) 1. 'Commitment or ~~protection~~ protective placement.' If an
8 individual is under a court order of commitment under this chapter or protective
9 placement under s. 55.06, 2001 stats., or s. 55.12, the individual remains a resident
10 of the county in which he or she has residence at the time the commitment or
11 protective placement is made. If the court makes no specific finding of a county of
12 residence, the individual is a resident of the county in which the court is located.

13 History: 1987 a. 27; 1989 a. 31, 359; 1995 a. 27 s. 9126 (19). ✓

13 **SECTION 48.** 51.40 (2) (a) 2. of the statutes is amended to read:

14 51.40 (2) (a) 2. 'Placement by a county.' Except for the provision of emergency
15 services under s. 51.15, 51.42 (1) (b), 51.437 (4) (c), or 51.45 (11) and (12) or ~~55.06~~ (11)
16 emergency protective placement under s. 55.135, if a county department or an
17 agency of a county department arranges or makes placement of the individual into
18 a state facility or nursing home, the individual is a resident of the county of that
19 county department. Any agency of the county department is deemed to be acting on
20 behalf of the county department in arranging or making placement.

History: 1987 a. 27; 1989 a. 31, 359; 1995 a. 27 s. 9126 (19).

****NOTE: Should a reference to s. 55.13 be added to this subdivision?

21 **SECTION 49.** 51.40 (2) (g) 1. of the statutes is amended to read:

22 51.40 (2) (g) 1. An individual, an interested person on behalf of the individual,
23 ~~or any county,~~ or a court acting under s. 880.06 (1) may request that the department

55.075 (5)(b) or ✓

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1 make a determination of the county of responsibility of the individual. Within 10
2 days after receiving the request, the department shall provide written notice to the
3 individual, to the individual's guardian, if any, and to all potentially responsible
4 counties that a determination of county of responsibility shall be made and that
5 written information and comments may be submitted within 30 days after the date
6 on which the notice is sent.

History: 1987 a. 27; 1989 a. 31, 359; 1995 a. 27 s. 9126 (19).

***NOTE: The amendment to this subdivision seems necessary to permit referral
by a court under s. 880.06 (1), stats., as affected by this bill.

7 **SECTION 50.** 51.42 (1) (b) of the statutes is amended to read:

8 51.42 (1) (b) *County liability.* The county board of supervisors has the primary
9 responsibility for the well-being, treatment and care of the mentally ill,
10 developmentally disabled, alcoholic and other drug dependent citizens residing
11 within its county and for ensuring that those individuals in need of such emergency
12 services found within its county receive immediate emergency services. This
13 primary responsibility is limited to the programs, services and resources that the
14 county board of supervisors is reasonably able to provide within the limits of
15 available state and federal funds and of county funds required to be appropriated to
16 match state funds. County liability for care and services purchased through or
17 provided by a county department of community programs established under this
18 section shall be based upon the client's county of residence except for emergency
19 services for which liability shall be placed with the county in which the individual

20 is found. For the purpose of establishing county liability, "emergency services"
21 S. includes those services provided under the authority of s. 55.05 (4), 2001 stats., or
22 55.06 (11) (a), 2001 stats., or s. 51.15, 51.45 (11) (a) or (b) or (12), 55.05 (4) or 55.06
23 (11) (a) 55.13, or 55.135 for not more than 72 hours. Nothing in this paragraph

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1 prevents recovery of liability under s. 46.10 or any other statute creating liability
 2 upon the individual receiving a service or any other designated responsible party, or
 3 prevents reimbursement by the department of health and family services for the
 4 actual cost of all care and services from the appropriation under s. 20.435 (7) (da),
 5 as provided in s. 51.22 (3).

History: 1971 c. 125; 1973 c. 90, 198, 333, 336; 1975 c. 39, 198, 199, 224, 422; 1975 c. 428 s. 16; 1975 c. 430 ss. 24 to 31, 80; 1977 c. 26 ss. 37, 38, 75; 1977 c. 29 ss. 612 to 623p, 1656 (18); 1977 c. 193; 1977 c. 203 s. 106; 1977 c. 272; 1977 c. 354 s. 101; 1977 c. 418, 428, 447; 1979 c. 34, 117, 177, 221, 330, 355; 1981 c. 20 ss. 923 to 942, 2202 (20) (d), (n), (q); 1981 c. 93 ss. 105 to 122, 186; 1981 c. 329; 1983 a. 27 ss. 1106 to 1112, 2202 (20); 1983 a. 189 ss. 44, 329 (5); 1983 a. 192, 239, 365, 375, 524; 1985 a. 29, 120, 176; 1987 a. 3, 27, 199, 339, 366; 1989 a. 31, 122; 1991 a. 39, 274, 315; 1993 a. 16, 437, 445; 1995 a. 27 ss. 3260 to 3262, 9126 (19), 9145 (1); 1995 a. 64, 77, 92, 201, 224, 276, 352, 417; 1997 a. 27, 164, 237, 268; 1999 a. 9; 2001 a. 10, 16, 38.

6 **SECTION 51.** 51.42 (3) (ar) 4. d. of the statutes is amended to read:

7 51.42 (3) (ar) 4. d. Related research and staff in-service training, including
 8 periodic training on emergency detention procedures under s. 51.15 and emergency
 9 protective placement procedures under s. 55.06 (11) 55.135, for individuals persons
 10 within the jurisdiction of the county department of community programs who are
 11 authorized to take persons individuals into custody under ss. 51.15 and ~~55.06 (11)~~
 12 55.135. In developing in-service training on emergency detention and emergency
 13 protective placement procedures, the county department of community programs
 14 shall consult the county department of developmental disabilities services under s.
 15 51.437 in counties where these departments are separate.

History: 1971 c. 125; 1973 c. 90, 198, 333, 336; 1975 c. 39, 198, 199, 224, 422; 1975 c. 428 s. 16; 1975 c. 430 ss. 24 to 31, 80; 1977 c. 26 ss. 37, 38, 75; 1977 c. 29 ss. 612 to 623p, 1656 (18); 1977 c. 193; 1977 c. 203 s. 106; 1977 c. 272; 1977 c. 354 s. 101; 1977 c. 418, 428, 447; 1979 c. 34, 117, 177, 221, 330, 355; 1981 c. 20 ss. 923 to 942, 2202 (20) (d), (n), (q); 1981 c. 93 ss. 105 to 122, 186; 1981 c. 329; 1983 a. 27 ss. 1106 to 1112, 2202 (20); 1983 a. 189 ss. 44, 329 (5); 1983 a. 192, 239, 365, 375, 524; 1985 a. 29, 120, 176; 1987 a. 3, 27, 199, 339, 366; 1989 a. 31, 122; 1991 a. 39, 274, 315; 1993 a. 16, 437, 445; 1995 a. 27 ss. 3260 to 3262, 9126 (19), 9145 (1); 1995 a. 64, 77, 92, 201, 224, 276, 352, 417; 1997 a. 27, 164, 237, 268; 1999 a. 9; 2001 a. 10, 16, 38.

****NOTE: Should a reference to s. 55.13 be added to this subdivision unit?

16 **SECTION 52.** 51.42 (3) (e) of the statutes is amended to read:

17 51.42 (3) (e) *Exchange of information.* Notwithstanding ss. 46.2895 (9), 48.78
 18 (2) (a), 49.45 (4), 49.83, 51.30, 51.45 (14) (a), ~~55.06 (17) (e)~~ 55.22 (3), 146.82, 252.11
 19 (7), 253.07 (3) (c) and 938.78 (2) (a), any subunit of a county department of community
 20 programs acting under this section may exchange confidential information about a
 21 client, without the informed consent of the client, with any other subunit of the same

1 county department of community programs, with a resource center, care
 2 management organization or family care district, or with any person providing
 3 services to the client under a purchase of services contract with the county
 4 department of community programs or with a resource center, care management
 5 organization or family care district, if necessary to enable an employee or service
 6 provider to perform his or her duties, or to enable the county department of
 7 community programs to coordinate the delivery of services to the client.

History: 1971 c. 125; 1973 c. 90, 198, 333, 336; 1975 c. 39, 198, 199, 224, 422; 1975 c. 428 s. 16; 1975 c. 430 ss. 24 to 31, 80; 1977 c. 26 ss. 37, 38, 75; 1977 c. 29 ss. 612 to 623p, 1656 (18); 1977 c. 193; 1977 c. 203 s. 106; 1977 c. 272; 1977 c. 354 s. 101; 1977 c. 418, 428, 447; 1979 c. 34, 117, 177, 221, 330, 355; 1981 c. 20 ss. 923 to 942, 2202 (20) (d), (n), (q); 1981 c. 93 ss. 105 to 122, 186; 1981 c. 329; 1983 a. 27 ~~ss.~~ 1106 to 1112, 2202 (20); 1983 a. 189 ss. 44, 329 (5); 1983 a. 192, 239, 365, 375, 524; 1985 a. 29, 120, 176; 1987 a. 3, 27, 199, 339, 366; 1989 a. 31, 122; 1991 a. 39, 177, 315; 1993 a. 16, 437, 445; 1995 a. 27 ss. 3260 to 3262, 9126 (19), 9145 (1); 1995 a. 64, 77, 92, 201, 224, 276, 352, 417; 1997 a. 27, 164, 237, 268; 1999 a. 9; 2001 a. 10, 16, 38.

8 **SECTION 53.** 51.421 (1) of the statutes is amended to read:

9 51.421 (1) PURPOSE. In order to provide the least restrictive and most
 10 appropriate care and treatment for persons with chronic serious and persistent
 11 mental illness, community support programs should be available in all parts of the
 12 state. In order to integrate community support programs with other long-term care
 13 programs, community support programs shall be coordinated, to the greatest extent
 14 possible, with the community options program under s. 46.27, with the protective
 15 services system in a county, with the medical assistance program under subch. IV of
 16 ch. 49 and with other care and treatment programs for persons with chronic serious
 17 and persistent mental illness.

History: 1983 a. 441; 1985 a. 120, 176; 1987 a. 27, 368; 1989 a. 31; 1993 a. 16; 1995 a. 27; 1997 a. 237; 2001 a. 16.

18 **SECTION 54.** 51.421 (2) of the statutes is amended to read:

19 51.421 (2) SERVICES. If funds are provided, and within the limits of the
 20 availability of funds provided under s. 51.423 (2), each county department under s.
 21 51.42 shall establish a community support program. Each community support
 22 program shall use a coordinated case management system and shall provide or
 23 assure access to services for persons with chronic serious and persistent mental

1 illness who reside within the community. Services provided or coordinated through
 2 a community support program shall include assessment, diagnosis, identification of
 3 persons in need of services, case management, crisis intervention, psychiatric
 4 treatment including medication supervision, counseling and psychotherapy,
 5 activities of daily living, psychosocial rehabilitation which may include services
 6 provided by day treatment programs, client advocacy including assistance in
 7 applying for any financial support for which the client may be eligible, residential
 8 services and recreational activities. Services shall be provided to an individual based
 9 upon his or her treatment and psychosocial rehabilitation needs.

History: 1983 a. 441; 1985 a. 120, 176; 1987 a. 27, 368; 1989 a. 31; 1993 a. 16; 1995 a. 27; 1997 a. 237; 2001 a. 16.

SECTION 55. 51.421 (3) (c) of the statutes is amended to read:

51.421 (3) (c) Monitor the establishment and the continuing operation of
 community support programs and ensure that community support programs comply
 with the standards promulgated by rule. The department shall ensure that the
 persons monitoring community support programs to determine compliance with the
 standards are persons who are knowledgeable about treatment programs for persons
 with chronic serious and persistent mental illness.

History: 1983 a. 441; 1985 a. 120, 176; 1987 a. 27, 368; 1989 a. 31; 1993 a. 16; 1995 a. 27; 1997 a. 237; 2001 a. 16.

SECTION 56. 51.437 (4) (c) of the statutes is amended to read:

51.437 (4) (c) County liability for care and services purchased through or
 provided by a county department of developmental disabilities services established
 under this section shall be based upon the client's county of residence except for
 emergency services for which liability shall be placed with the county in which the
 individual is found. For the purpose of establishing county liability, "emergency
 services" means those services provided under the authority of s. 55.05 (4), (2001
stats., or 55.06 (11) (a), 2001 stats., or s. 51.15, 55.05 (4) or 55.06 (11) (a), 55.13, or

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1 55.135. Nothing in this paragraph prevents recovery of liability under s. 46.10 or any
 2 other statute creating liability upon the individual receiving a service or any other
 3 designated responsible party.

History: 1971 c. 307, 322; 1973 c. 90, 333; 1975 c. 39, 199, 430; 1977 c. 26 ss. 39, 75; 1977 c. 29; 1977 c. 354 s. 101; 1977 c. 418; 1977 c. 428 s. 85, 86, 115; 1979 c. 32, 117, 221, 330, 355; 1981 c. 20, 93, 329; 1983 a. 27, 365, 375, 524; 1985 a. 29 ss. 1094 to 1105m, 3200 (56) (a); 1985 a. 120, 176, 307, 332; 1987 a. 27; 1989 a. 31, 56, 107, 262; 1991 a. 39, 274, 315; 1993 a. 16, 83; 1995 a. 27 ss. 3266m, 9116 (5), 9126 (19), 9145 (1); 1995 a. 64, 77, 92, 201, 225, 352, 417; 1997 a. 27, 35, 164, 252; 1999 a. 9; 2001 a. 16, 59; 2003 a. 33.

4 **SECTION 57.** 51.437 (4r) (b) of the statutes is amended to read:

5 51.437 (4r) (b) Notwithstanding ss. 46.2895 (9), 48.78 (2) (a), 49.45 (4), 49.83,
 6 51.30, 51.45 (14) (a), ~~55.06 (17) (e)~~ 55.22 (3), 146.82, 252.11 (7), 253.07 (3) (c) and
 7 938.78 (2) (a), any subunit of the county department of developmental disabilities
 8 services acting under this section may exchange confidential information about a
 9 client, without the informed consent of the client, with any other subunit of the same
 10 county department of developmental disabilities services, with a resource center,
 11 care management organization or family care district, or with any person providing
 12 services to the client under a purchase of services contract with the county
 13 department of developmental disabilities services or with a resource center, care
 14 management organization or family care district, if necessary to enable an employee
 15 or service provider to perform his or her duties, or to enable the county department
 16 of developmental disabilities services to coordinate the delivery of services to the
 17 client.

History: 1971 c. 307, 322; 1973 c. 90, 333; 1975 c. 39, 199, 430; 1977 c. 26 ss. 39, 75; 1977 c. 29; 1977 c. 354 s. 101; 1977 c. 418; 1977 c. 428 s. 85, 86, 115; 1979 c. 32, 117, 221, 330, 355; 1981 c. 20, 93, 329; 1983 a. 27, 365, 375, 524; 1985 a. 29 ss. 1094 to 1105m, 3200 (56) (a); 1985 a. 120, 176, 307, 332; 1987 a. 27; 1989 a. 31, 56, 107, 262; 1991 a. 39, 274, 315; 1993 a. 16, 83; 1995 a. 27 ss. 3266m, 9116 (5), 9126 (19), 9145 (1); 1995 a. 64, 77, 92, 201, 225, 352, 417; 1997 a. 27, 35, 164, 252; 1999 a. 9; 2001 a. 16, 59; 2003 a. 33.

18 **SECTION 58.** 51.67 (intro.) of the statutes, as affected by 2003 Wisconsin Act 33,
 19 is amended to read:

20 **51.67 Alternate procedure; protective services.** (intro.) If, after a hearing
 21 under s. 51.13 (4) or 51.20, the court finds that commitment under this chapter is not
 22 warranted and that the subject individual is a fit subject for guardianship and

1 protective placement or services, the court may, without further notice, appoint a
 2 temporary guardian for the subject individual and order temporary protective
 3 placement or services under ch. 55 for a period not to exceed 30 days. Temporary
 4 protective placement for an individual in a center for the developmentally disabled
 5 is subject to s. 51.06 (3). Any interested party may then file a petition for permanent
 6 guardianship or protective placement or services, including medication, under ch.
 7 55. If the individual is in a treatment facility, the individual may remain in the
 8 facility during the period of temporary protective placement if no other appropriate
 9 facility is available. The court may order psychotropic medication as a temporary
 10 protective service under this section if it finds that there is probable cause to believe
 11 the individual is not competent to refuse psychotropic medication and that the
 12 medication ordered will have therapeutic value and will not unreasonably impair the
 13 ability of the individual to prepare for and participate in subsequent legal
 14 proceedings. An individual is not competent to refuse psychotropic medication if,
 15 because of ~~chronic~~ serious and persistent mental illness, and after the advantages
 16 and disadvantages of and alternatives to accepting the particular psychotropic
 17 medication have been explained to the individual, one of the following is true:

18 **History:** 1975 c. 430; 1977 c. 187, 428; 1979 c. 89, 336; 1985 a. 29; 1987 a. 366; 1995 a. 268; 2003 a. 33.

SECTION 59. 51.67 (2) of the statutes is amended to read:

19 51.67 (2) The individual is substantially incapable of applying an
 20 understanding of the advantages, disadvantages and alternatives to his or her
 21 ~~chronic~~ serious and persistent mental illness in order to make an informed choice as
 22 to whether to accept or refuse psychotropic medication.

History: 1975 c. 430; 1977 c. 187, 428; 1979 c. 89, 336; 1985 a. 29; 1987 a. 366; 1995 a. 268; 2003 a. 33.

INSERT 31-17

23 **SECTION 60.** 55.01 (2) of the statutes is amended to read:

1 55.01 (2) "Developmentally disabled ~~person~~" means ~~any individual~~ having a
 2 disability attributable to mental retardation, cerebral palsy, epilepsy, autism or
 3 another neurological condition closely related to mental retardation or requiring
 4 treatment similar to that required for mentally retarded individuals, which has
 5 continued or can be expected to continue indefinitely, substantially impairs ~~the~~ ^{an}
 6 individual from adequately providing for his or her own care or custody, and
 7 constitutes a substantial handicap to the afflicted individual. The term does not
 8 include a ~~person~~ ^{an individual} affected by senility ~~which~~ ^{that} is primarily caused by the
 9 process of aging or ~~the infirmities of aging~~ degenerative brain disorder.

History: 1973 c. 284; 1975 c. 393, 430; 1979 c. 221; 1985 a. 29 s. 3200 (56); 1985 a. 176; 1991 a. 316; 1993 a. 445; 2003 a. 33.

INSERT 30A

INSERT 32-2

10 SECTION 61. 55.01 (4) (c) of the statutes is created to read:

11 55.01 (4) (c) A health care agent, as defined in s. 155.01 (4).

12 SECTION 62. 55.01 (4g) of the statutes, as created by 2003 Wisconsin Act 33, is
13 amended to read:

14 55.01 (4g) "Intermediate facility" has the meaning given in s. 46.279 (1) (a) (b).

NOTE: NOTE: Sub. (4g) is created eff. 1-1-05 by 2003 Wis. Act 33. NOTE:

History: 1973 c. 284; 1975 c. 393, 430; 1979 c. 221; 1985 a. 29 s. 3200 (56); 1985 a. 176; 1991 a. 316; 1993 a. 445; 2003 a. 33.

****NOTE: I am amending this definition, because it was misnumbered in 2003 Wisconsin Act 33. This term and the term "nursing facility" are used in ss. 55.06 (5), (8) (intro.), (9) (a) to (c), (10) (a) 2., and (11) (c), stats., as renumbered and amended under this draft. ^{which are}

15 SECTION 63. 55.01 (4t) of the statutes, as created by 2003 Wisconsin Act 33, is
16 amended to read:

17 55.01 (4t) "Nursing facility" has the meaning given in s. 46.279 (1) (b) (c).

NOTE: NOTE: Sub. (4t) is created eff. 1-1-05 by 2003 Wis. Act 33. NOTE:

History: 1973 c. 284; 1975 c. 393, 430; 1979 c. 221; 1985 a. 29 s. 3200 (56); 1985 a. 176; 1991 a. 316; 1993 a. 445; 2003 a. 33.

****NOTE: Please see the ****NOTE under the treatment of s. 55.01 (4g).

INSERT 30B

INSERT 32-14 B

****NOTE: I added the word "protective" to the defined terms "placement facility" and "placement unit," because the proposal and current law both use the full terms in provisions (see, for example, s. 55.06 (11) (a), stats., renumbered to s. 55.135 (1)).

INSERT 31 A

INSERT 34-20

****NOTE: Please see the ****NOTE under s. 880.38 (3) in this draft. ✓

INSERT 34-23

****NOTE: Please note my changes to this subdivision. I don't believe that a hospital is a "protective placement facility" as the term is defined in the proposal, so it seems inaccurate to use the phrase "or other protective placement facility." Also, I believe that "hospital" is a subset of "medical facility," so I used just the two terms. Please review. ✓

✓ **INSERT 36-22**

1 **SECTION 64.** 55.043 (4) (a) of the statutes is amended to read: ✓

2 55.043 (4) (a) Offer services, including protective services under s. 55.05, a,
3 protective placement under s. 55.06, relocation assistance, or other services.

4 History: 1993 a. 445; 1997 a. 27; 2001 a. 74, 103. ✓

4 **SECTION 65.** 55.043 (4) (b) of the statutes is amended to read:

5 55.043 (4) (b) Take appropriate emergency action, including provision of
6 emergency protective services under s. 55.13 or emergency protective placement
7 under s. 55.06 55.135, if the county protective services agency considers that the
8 emergency action is in the vulnerable adult's best interests and the emergency action
9 is the least restrictive appropriate intervention.

History: 1993 a. 445; 1997 a. 27; 2001 a. 74, 103. ✓

****NOTE: Does my amendment under this paragraph meet your intent? ✓

10 **SECTION 66.** 55.045 of the statutes, as affected by 2003 Wisconsin Act 33, is
11 amended to read: ✓

12 **55.045 Funding.** Except as provided in s. 49.45 (30m) (a), the appropriate
13 county department ~~designated under s. 55.02~~ shall within the limits of available
14 state and federal funds and of county funds required to be appropriated to match
15 state funds, provide for the reasonable program needs of ~~persons~~ individuals who are
16 protectively placed or who receive protective services under this chapter, including
17 reasonable expenses for the evaluations required by s. 55.06 (8) 55.11. Payment and
18 collections for protective placement or protective services provided in public facilities

provided protective placement

provided protective placement

1 specified in s. 46.10 shall be governed in accordance with s. 46.10. The department
2 may require that a ~~person~~ an individual who is ~~protectively placed~~ or receives
3 protective services under this chapter provide reimbursement for services or care
4 and custody received, based on the ability of the ~~person~~ individual to pay for such
5 costs.

NOTE: NOTE: This section is shown as amended eff. 1-1-05 by 2003 Wis. Act 33. Prior to 1-1-05 it reads:NOTE:

6 55.045 Funding. The appropriate county department designated under s. 55.02 shall, within the limits of available state and federal funds and of county funds required
7 to be appropriated to match state funds, provide for the reasonable program needs of persons who are protectively placed or who receive protective services under this
8 chapter, including reasonable expenses for the evaluations required by s. 55.06 (8). Payment and collections for protective placement or protective services provided
9 in public facilities specified in s. 46.10 shall be governed in accordance with s. 46.10. The department may require that a person who is protectively placed or receives
10 protective services under this chapter provide reimbursement for services or care and custody received, based on the ability of the person to pay for such costs.

History: 1995 a. 92; 1999 a. 32; 2003 a. 33.

✓ **INSERT 36-24**

11 **SECTION 67.** 55.05 (2) (intro.) of the statutes is amended to read:

12 55.05 (2) (intro.) The department or ~~an~~ a county department or agency
13 providing with which ~~the county department~~ contracts that provides protective
14 services under s. 55.04 ~~55.02 (2)~~ may provide such the services under any of the
15 following conditions:

History: 1973 c. 284; 1975 c. 393; 1981 c. 379; 1985 a. 29 s. 3200 (56); 1985 a. 135 s. 83 (3); 1985 a. 176; 1987 a. 161 ss. 7, 13m; 1987 a. 366; 1989 a. 200; 1991 a. 316; 1993 a. 187, 316, 445.

16 **SECTION 68.** 55.05 (2) (a) of the statutes is amended to read:

17 55.05 (2) (a) ~~The person~~ an individual who needs or believes he or she needs
18 protective service ~~services~~ may seek such service ~~the services~~.

History: 1973 c. 284; 1975 c. 393; 1981 c. 379; 1985 a. 29 s. 3200 (56); 1985 a. 135 s. 83 (3); 1985 a. 176; 1987 a. 161 ss. 7, 13m; 1987 a. 366; 1989 a. 200; 1991 a. 316; 1993 a. 187, 316, 445.

✓ **INSERT 37-5**

19 **SECTION 69.** 55.05 (2) (c) of the statutes is amended to read:

20 ~~55.05 (2) (c) The department may provide protective services on behalf of any~~
21 ~~person individual in need of such the services.~~

History: 1973 c. 284; 1975 c. 393; 1981 c. 379; 1985 a. 29 s. 3200 (56); 1985 a. 135 s. 83 (3); 1985 a. 176; 1987 a. 161 ss. 7, 13m; 1987 a. 366; 1989 a. 200; 1991 a. 316; 1993 a. 187, 316, 445.

✓ **INSERT 38-9**

22 **SECTION 70.** 55.05 (5) (a) of the statutes is renumbered 55.055 (1) and amended

23 to read:

under s. 55.02 (2)

STET: leave as typed

An

services

requests

provide s. 1

repealed.

INSERT 32A

INSERT 32AA