



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-0669/P4
TJD:jld&wlj

DOA:.....Hutter, BB0078 - Creating crisis stabilization facilities for minors

FOR 2017-2019 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

MENTAL ILLNESS AND DEVELOPMENTAL DISABILITIES

This bill creates youth crisis stabilization facilities, which have a maximum of eight beds and which admit minors to prevent or de-escalate the minor's mental health crisis and avoid admission of the minor to a more restrictive setting. Youth crisis stabilization facilities must be certified by DHS to operate.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 20.435 (2) (gk) of the statutes, as affected by [2015 Wisconsin Act 55](#), is amended to read:

20.435 (2) (gk) *Institutional operations and charges.* The amounts in the schedule for care, other than under s. 51.06 (1r), provided by the centers for the

developmentally disabled, to reimburse the cost of providing the services and to remit any credit balances to county departments that occur on and after July 1, 1978, in accordance with s. 51.437 (4rm) (c); for care, other than under s. 46.043, provided by the mental health institutes, to reimburse the cost of providing the services and to remit any credit balances to county departments that occur on and after January 1, 1979, in accordance with s. 51.42 (3) (as) 2.; for maintenance of state-owned housing at centers for the developmentally disabled and mental health institutes; for repair or replacement of property damaged at the mental health institutes or at centers for the developmentally disabled; and for reimbursing the total cost of using, producing, and providing services, products, and care; to transfer to the appropriation account under sub. (5) (ky) an amount determined by the department of health services for funding peer-run respite centers for veterans; and to transfer to the appropriation account under sub. (5) (ky) an amount determined by the department of health services for funding youth crisis stabilization facilities under s. 51.042. All moneys received as payments from medical assistance on and after August 1, 1978; as payments from all other sources including other payments under s. 46.10 and payments under s. 51.437 (4rm) (c) received on and after July 1, 1978; as medical assistance payments, other payments under s. 46.10, and payments under s. 51.42 (3) (as) 2. received on and after January 1, 1979; as payments for the rental of state-owned housing and other institutional facilities at centers for the developmentally disabled and mental health institutes; for the sale of electricity, steam, or chilled water; as payments in restitution of property damaged at the mental health institutes or at centers for the developmentally disabled; for the sale of surplus property, including vehicles, at the mental health institutes or at centers for the developmentally disabled; and for other services, products, and care

shall be credited to this appropriation, except that any payment under s. 46.10 received for the care or treatment of patients admitted under s. 51.10, 51.15, or 51.20 for which the state is liable under s. 51.05 (3), of forensic patients committed under ch. 971 or 975, admitted under ch. 975, or transferred under s. 51.35 (3), or of patients transferred from a state prison under s. 51.37 (5), to the Mendota Mental Health Institute or the Winnebago Mental Health Institute shall be treated as general purpose revenue — earned, as defined under s. 20.001 (4); and except that moneys received under s. 51.06 (6) may be expended only as provided in s. 13.101 (17).

SECTION 2. 46.48 (32) of the statutes is amended to read:

46.48 (32) PEER-RUN RESPITE CENTER CONTRACTS. The department shall contract with a peer-run organization to establish peer-run respite centers for individuals experiencing mental health conditions or substance abuse. Notwithstanding sub. (1), the department may make payments to an organization that establishes peer-run respite centers that provide services to veterans from the appropriation under s. 20.435 (5) (ky).

SECTION 3. 51.042 of the statutes is created to read:

51.042 Youth crisis stabilization facilities. (1) DEFINITIONS. In this section:

(a) “Crisis” means a situation caused by an individual’s apparent mental disorder that results in a high level of stress or anxiety for the individual, persons providing care for the individual, or the public and that is not resolved by the available coping methods of the individual or by the efforts of those providing ordinary care or support for the individual.

(b) “Youth crisis stabilization facility” is a treatment facility with a maximum of 8 beds that admits a minor to prevent or de-escalate the minor’s mental health crisis and avoid admission of the minor to a more restrictive setting.

(2) CERTIFICATION REQUIRED; EXEMPTION. (a) No person may operate a youth crisis stabilization facility without a certification from the department. The department may limit the number of certifications it grants to operate a youth crisis stabilization facility.

(b) A youth crisis stabilization facility that has a certification from the department under this section is not subject to facility regulation under ch. 48.

(3) ADMISSION OF MINORS. A minor may be admitted to a youth crisis stabilization facility under this section by a court order under s. 51.20 (13) (a) 3. or through the procedure under s. 51.13. No person may transport a minor to a youth crisis stabilization facility for detention under s. 51.15.

(4) RULES. The department may promulgate rules to implement this section.

SECTION 9120. Nonstatutory provisions; Health Services.

(1) **EMERGENCY RULES ON YOUTH CRISIS STABILIZATION FACILITIES.** The department of health services may promulgate emergency rules under section 227.24 of the statutes implementing certification of youth crisis stabilization facilities under section 51.042 of the statutes. Notwithstanding section 227.24 (1) (a) and (3) of the statutes, the department of health services is not required to provide evidence that promulgating a rule under this subsection as an emergency rule is necessary for the preservation of the public peace, health, safety, or welfare and is not required to provide a finding of emergency for a rule promulgated under this subsection. Notwithstanding section 227.24 (1) (c) and (2) of the statutes, emergency rules

promulgated under this subsection remain in effect until July 1, 2019, or the date on which permanent rules take effect, whichever is sooner.

(END)