



Tommy G. Thompson
Governor

Joe Leean
Secretary



State of Wisconsin

Department of Health and Family Services

OFFICE OF LEGAL COUNSEL

1 WEST WILSON STREET
P.O. BOX 7850
MADISON WI 53707-7850

TELEPHONE: (608) 266-8428

January 15, 1999

The Honorable Fred Risser, President
Wisconsin State Senate
1 East Main, Suite 402
Madison, WI 53702

The Honorable Scott Jensen, Speaker
Wisconsin State Assembly
1 East Main, Suite 402
Madison, WI 53702

Re: Clearinghouse Rule 98-160
HFS 94.24 (2) (d) 1.d. and (e), relating to searches of the persons and of the rooms and personal belongings of patients residing in a secure mental health unit under s. 980.065, Stats., or the maximum security facility at the Mendota mental health institute..

Gentlemen:

In accordance with the provisions of s. 227.19(2), Stats., you are hereby notified that the above-mentioned rule is in final draft form. This notice and the report required by s. 227.19(3), Stats., are submitted herewith in triplicate.

The rule was submitted to the Legislative Council for review under s. 227.15, Stats. A copy of the Council's report is also enclosed.

If you have any questions about the rule, please contact Neil Gebhart at 267-2002.

Sincerely,

Paul E. Menge
Administrative Rules Manager

cc. Gary Poulson, Deputy Revisor of Statutes
— Senator Judy Robson, JCRAR
Representative Glenn Grothman, JCRAR
Neil Gebhart, Department Office of Legal Counsel
Jim Yeadon, Division of Care and Treatment Facilities
Kevin Lewis, Secretary's Office

PROPOSED ADMINISTRATIVE RULES – HFS 94.24 (2)(d)1.d.& (e)
ANALYSIS FOR LEGISLATIVE STANDING COMMITTEES
PURSUANT TO S. 227.19 (3), STATS.

Need for Rules

This order permits staff at the Wisconsin Resource Center to conduct random searches of the rooms and personal belongings of ch. 980, Stats., patients, and to conduct routine personal searches of ch. 980, Stats., patients. It also permits staff at the Mendota Mental Health Institute to do the same for residents of the maximum security facility there.

The occasion for the rule change was a lawsuit in which a patient at the Wisconsin Resource Center challenged the practice there of staff making random searches of the rooms and personal belongings of ch. 980 patients, claiming that it violated s. HFS 94.24 (2) (e). The court handling the case was expected to rule in favor of the patient. The Department, in response, temporarily suspended the practice and then modified the rule in question by emergency order. This is the replacement permanent order.

Section HFS 94.24 (2) (e) is being amended to permit random searches of ch. 980 patient rooms and personal belongings for security and treatment reasons. The permanent order also amends s. HFS 94.24 (2) (d) 1. d. to authorize routine personal searches of these patients for the same reasons. A “personal search” is defined as including the patient’s pockets, frisking his or her body, examining the patient’s shoes and hat and visually inspecting the patient’s mouth. The current rule authorizing routine personal searches of certain patients does not specifically authorize personal searches of ch. 980 patients.

Response to Clearinghouse Recommendation

One of the two comments of the Legislative Council’s Rules Clearinghouse on the proposed rule changes was accepted. The other comment is the following:

2. Comment: HFS 94.24 (2) (e) permits searches of the rooms and personal belongings of inpatients in certain enumerated units and facilities “as specified in written facility policies.” Will these policies be promulgated as administrative rules? See ss. 227.01 (13) and 227.10 (1), Stats.

Response: No. The Department did not intend to change the substance of the current rule, but only to carry over the existing rule and make it apply not only to the rooms and personal belongings of patients in forensic units but also, for security and treatment reasons set out in the Analysis part of the rulemaking order, to the rooms and personal belongings of ch. 980, Stats., patients in secure mental health units at the

Wisconsin Resource Center and to the rooms and personal belongings of patients in the maximum security facility at Mendota Mental Health Institute. To make this clear, the Department has amended the proposed rule change to delete "under other circumstances," which the original amending action had added, and to revert to the current phrase, "in accordance with written facility policies," that is, for how searches are to be conducted, in place of the proposed change to "as specified in written facility policies."

Public Hearing

The Department held one combined public hearing on the emergency rules that are in effect and on the proposed permanent rules. The hearing was in Madison on December 17, 1998. No one testified at the hearing. No written comments were received in the week after the hearing when the hearing record was kept open for receipt of written comments.

Final Regulatory Flexibility Analysis

The amendments to s. HFS 94.24 apply to the Department, to the management and staff of the Wisconsin Resource Center and the Mendota Mental Health Institute and to the affected patients at the two facilities. The rules do not directly apply to small businesses as "small business" is defined in s. 227.114 (1) (a), Stats.

PROPOSED ORDER OF THE
DEPARTMENT OF HEALTH AND FAMILY SERVICES
AMENDING RULES

To amend HFS 94.24 (2) (d) 1. d. and (e), relating to searches of the persons and of the rooms and personal belongings of patients residing in a secure mental health unit under s. 980.065, Stats., or the maximum security facility at the mendota mental health institute.

Analysis Prepared by the Department of Health and Family Services

The Department operates the Wisconsin Resource Center near Oshkosh, a mental health treatment facility for two groups of people: (1) inmates of correctional institutions whose behavior presents a serious problem to themselves or others in state correctional facilities and whose mental health treatment needs can be met at the Center, and (2) persons who have been found by a court or jury under s. 980.05, Stats., to be sexually violent persons and who have therefore been committed to the custody of the Department under s. 980.06, Stats., for control, care and treatment, whose commitment order specifies institutional care and who have been placed by the Department at the Center under s. 980.065, Stats. About 60% of the 370 patients at the Center are inmates of correctional institutions and about 40% of the patients are persons committed to the Department under ch. 980, Stats.

The security, discipline, care and treatment of inmates of correctional institutions at the Wisconsin Resource Center are governed by administrative rules of the Wisconsin Department of Corrections. Chapter HFS 94, the Department's rules relating to the rights of patients receiving treatment for a mental illness, a developmental disability, alcohol abuse or other drug abuse, applies to the inmates of correctional institutions at the Center only in relation to patient rights specified in s. 51.61 (1) (a), (d), (f), (g), (h), (j) and (k), Stats. However, the entire ch. HFS 94 applies to patients at the Center who are there under a ch. 980, Stats., commitment.

At the Wisconsin Resource Center, staff before August 1, 1998 were making random searches of the rooms and personal belongings of patients who were committed to the Department under ch. 980, Stats. A patient challenged the practice in a lawsuit, claiming that it violated s. HFS 94.24 (2) (e) which permitted a search only when there was documented reason to believe that security rules had been violated, unless the search was of rooms and belongings in a forensic unit. Patients at the Center who are there under ch. 980, Stats., commitments are not residents of a forensic unit; a commitment under ch. 980, Stats., is a civil commitment. The court handling the case was expected to rule in favor of the patient. Therefore, the Center temporarily suspended random searches, pending amendment of the rule. The rule was amended by emergency order on August 15, 1998.

This is the permanent order to amend s. HFS 94.24 (2) (e) to permit searches of the rooms and personal belongings of not only inpatients of forensic units but also inpatients of a secure mental health unit or facility under s. 980.065, Stats., and similar inpatients of the maximum security facility at the Mendota Mental Health Institute, and not only when there is documented reason to believe that security rules have been violated but under other circumstances as well as specified in written facility policies. This change permits the Wisconsin Resource Center to continue random searches of the rooms and personal belongings of patients who have been committed to the Department under ch. 980, Stats.

These patients have been committed or are being detained because they have been found to be dangerous individuals who are disposed to commit future acts of sexual violence. Many have documented histories of other types of criminal activity, including fraud, theft and physical assault. Many also have a history of drug/alcohol dependence and gang activity. The intent of ch. 980, Stats., is to protect the public and provide treatment to this patient population. The major difference between this population and other patient populations is that this population has a significantly higher percentage of individuals diagnosed with anti-social personality disorders and, as such, they have consistently shown deliberate disregard for the rights of others and a willingness to break the law.

This permanent rulemaking order also amends s. HFS 94.24 (2) (d) 1. d. to authorize routine personal searches of ch. 980 patients at the Wisconsin Resource Center and to provide that routine personal searches may take place also of patients who reside in the maximum security facility at the Mendota Mental Health Institute. A "personal search," as defined in s. HFS 94.02 (33), is a search of a patient's person, including the patient's pockets, frisking his or her body, an examination of the patient's shoes and hat and a visual inspection of the patient's mouth.

Random searches of the rooms and personal belongings of ch. 980 patients and routine searches of their persons help the Wisconsin Resource Center identify and prevent numerous violations of facility rules that are safety and security related or countertherapeutic to the patients. The searches can also deter patients from harboring dangerous items in their rooms or on their person. These could go undetected and be at some point used in harming another person or hinder or block the individual's treatment. They include weapons, drugs, indications of planning underway to rape or assault another patient or a staff member, sexually explicit material which may interfere with treatment progress, and stolen property including credit cards.

A facility cannot effectively treat these patients without the ability to effectively monitor and confront criminogenic behaviors and patterns. Random searches of patient rooms and belongings and routine personal searches of these patients are very effective treatment tools in this respect. They also reduce the likelihood of false positives for releasing or discharging a patient when evaluating for continued pertinence of the commitment criteria.

The Department's authority to amend these rules is found in ss. 51.61 (9) and 227.11 (2) (a), Stats. The rules interpret ss. 51.61 (1) and 980.06 (2) (b), Stats.

SECTION 1. HFS 94.24 (2) (d) 1. d. and (e) are amended to read:

HFS 94.24 (2) (d) 1. d. If, for security reasons, the facility routinely conducts personal searches of patients committed under ch. 971 or 975, Stats., patients residing in the maximum security facility at the Mendota mental health institute or a secure mental health unit or facility under s. 980.065, Stats., and persons transferred under s. 51.35 (3) or 51.37, Stats.;

(e) The room and personal belongings of an inpatient may be searched only when there is documented reason to believe that security rules have been violated, except ~~that in forensic units where routine~~ searches may be conducted in forensic units, the maximum security facility at the Mendota mental health institute or a secure mental health unit or facility under s. 980.065, Stats., in accordance with written facility policies.

The rules contained in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register, as provided in s. 227.22 (2) (intro.), Stats.

Wisconsin Department of Health and
Family Services

Date:

By: _____
Joseph Lcean
Secretary

SEAL:



State of Wisconsin
Department of Health and Family Services

Tommy G. Thompson, Governor
Joe Leean, Secretary

January 27, 1999

The Honorable Judy Robson, Co-Chairperson
Joint Committee for Review of Administrative Rules
Room 15 South, State Capitol
Madison, Wisconsin

Dear Senator Robson:

The Department of Health and Family Services has three emergency rulemaking orders in effect that will expire before the emergency rules are replaced by permanent rules unless the effective periods of the emergency orders are extended. Pursuant to s. 227.24(2), Stats., I ask the Joint Committee to extend the effective periods of the emergency orders by the number of days indicated below.

(1) Searches of the Rooms and Personal Belongings of Certain Patients at the Wisconsin Resource Center and Mendota Mental Health Institute. This emergency order amending s. HFS 94.24 (2) (e) will expire on March 13, 1999, unless its effective period is extended. Before August 1, 1998, staff at the Wisconsin Resource Center conducted random searches of the rooms and personal belongings of ch. 980, Stats., patients. Those searches were carried out for treatment purposes and to protect other patients and staff and, in the long run, the general public. The searches were temporarily suspended effective August 1 after a patient brought a lawsuit challenging the practice, claiming that it violated s. HFS 94.24 (2) (e) which permits searches of patient rooms and belongings only if there is documented reason to believe that security rules have been violated or if the living unit is a forensic unit. The unit housing ch. 980 patients at the Wisconsin Resource Center is not a forensic unit. The emergency order published on August 15, 1998 amended s. HFS 94.24 (2) (e) to authorize random searches of the rooms and personal belongings of ch. 980 patients at the Wisconsin Resource Center and the rooms and personal belongings of similar patients in the maximum security facility at the Mendota Mental Health Institute. The Joint Committee on December 8, 1998, extended the effective period of the emergency rules by 60 days through March 12, 1999. The replacement permanent order was sent to the Legislature on January 15, 1999 for review by standing committees. The permanent rules will be filed in late February 1999 for a May 1, 1999 effective date. Therefore, I request an extension of the effective period of the emergency rules by 49 days, from March 13, 1999 through April 30, 1999. If that period is not extended, in the interim the random searches at the Wisconsin Resource Center will again have to be suspended, with likely adverse consequences for treatment of these patients and maintenance of a secure facility for other patients and staff.

(2) Caregiver Background Checks. This emergency order creating HFS 12 was published on October 1, 1998, and amended on December 12, 1999, and will expire on February 28, 1999, unless extended. The order repeats the requirements in ss. 48.685 and 50.065, Stats., as created by 1997 Wisconsin Act 27 and amended by 1997 Wisconsin Act 237, and adds the necessary implementing rules, for background checks conducted in a uniform manner on all persons who apply to the Department for or have received from the Department regulatory approval to operate a facility, service, agency or program that provides care or treatment to people needing it or who propose to reside at a regulated facility. Background checks

are to be carried out in the same uniform manner by county social services and human services departments and private child-placing agencies on people who want to be licenced to provide foster care for children or to adopt a child and by school boards contracting for day care services. Finally, background checks are to be carried out in the same uniform manner by the regulated facilities, service organizations and programs on all persons before they are hired or contracted with to provide care to clients or otherwise have regular contact with clients, and periodically on all persons employed by or under contract who provide care to clients or otherwise have regular contact with them. The Department, county departments, child-placing agencies and school boards are prohibited from giving regulatory approval to a person or permitting a nonclient to reside at a facility if the person has been convicted of or charged with a serious crime, has been found to have abused or neglected a client or child or misappropriated a client's property or does not have the proper professional credential, and regulated facilities, agencies, programs and services are prohibited from hiring or contracting with persons, or retaining them, for the same reasons. For some specified crimes and other acts, persons who have been convicted of them may ask the regulatory agency for a waiver of the bar based on evidence of rehabilitation. Replacement permanent rules were sent to the Legislative Council for review on November 25, 1998 and were taken to three public hearings this month. They will be sent to the Legislature by the end of February for review by legislative standing committees which means that they will not likely take effect until June 1, 1999 at the earliest. Therefore, I request an extension of the effective period of the emergency rules by 60 days, from February 28, 1999 through April 28, 1999. If the effective period is not extended, in the interim the implementation of ss. 48.685 and 50.065, Stats., with the designed increased protections to clients receiving care or treatment, will be halted.

(3) Reporting of Caregiver Misconduct. This emergency order creating HFS 13 and amending HSS 129 was published on October 1, 1998, and will expire on February 28, 1999, unless extended. The rulemaking order expands the misconduct part of what has been called the nurse aide registry that s. 146.40 (4g), Stats., requires the Department to maintain. Subsections (4g) and (4r) of s. 146.40, Stats., were amended by 1997 Wisconsin Acts 27 and 237 to require the Department to include in the misconduct part of the registry not only the names of nurse aides for whom there are substantiated reports of misconduct (abuse, neglect or misappropriation of property) toward patients and nursing home residents but also the names of caregivers working for other adult programs regulated by the Department for whom there are substantiated reports of misconduct toward program clients, and to disclose that information to prospective employers and others upon request. Specified facilities, agencies, programs and services regulated by the Department, including home health agencies, nursing homes, hospitals, CBRFs, ambulance service providers and certified community mental health and AODA programs and services, are required to report allegations of caregiver misconduct to the Department for investigation and decision. Replacement permanent rules were sent to the Legislative Council for review on November 16, 1998 and were taken to three public hearings this month. They will be sent to the Legislature by the end of February for review by legislative standing committees which means that they will not likely take effect until June 1, 1999 at the earliest. Therefore, I request an extension of the effective period of the emergency rules by 60 days, from February 28, 1999 through April 28, 1999. If the effective period is not extended, in the interim the required reporting to the Department of misconduct by caregivers who are not nurse aides will be halted, as well as Department investigations of allegations of their misconduct, listing of substantiated allegations of non-nurse aide caregiver misconduct in the caregiver misconduct registry and release of information about non-nurse aide caregivers from the caregiver misconduct registry on request to prospective employers, which means that some caregivers with a history of misconduct toward clients may continue to provide care or treatment to clients.

Copies of the emergency orders are attached to this letter. If you have any questions about the emergency rules relating to caregiver background checks or the emergency rules relating to reporting of caregiver

Senator Robson
January 27, 1999
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misconduct, you may contact Linda Dawson of the Department's Office of Legal Council at 266-0355. If you have any questions about the emergency rules relating to random searches of the rooms and personal belongings of ch. 980 patients at the Wisconsin Resource Center, you may contact Neil Gebhart of the Department's Office of Legal Counsel at 267-2002.

Sincerely,



Joe Leean
Secretary

Attachments

cc Representative Grothman

ORDER OF THE
DEPARTMENT OF HEALTH AND FAMILY SERVICES
AMENDING RULES

FINDING OF EMERGENCY

The Department of Health and Family Services finds that an emergency exists and that the adoption of the rules included in this order is necessary for the immediate preservation of the public peace, health, safety or welfare. The facts constituting the emergency are as follows:

The Department operates the Wisconsin Resource Center near Oshkosh, a mental health treatment facility for two groups of people: (1) inmates of correctional institutions whose behavior presents a serious problem to themselves or others in state correctional facilities and whose mental health treatment needs can be met at the Center, and (2) persons who have been found by a court or jury under s. 980.05, Stats., to be sexually violent persons and who have therefore been committed to the custody of the Department under s. 980.06, Stats., for control, care and treatment, whose commitment order specifies institutional care and who have been placed by the Department at the Center under s. 980.065, Stats. About 60% of the 370 patients at the Center are inmates of correctional institutions and about 40% are persons committed to the Department under ch. 980, Stats.

The security, discipline, care and treatment of inmates of correctional institutions at the Wisconsin Resource Center are governed by administrative rules of the Wisconsin Department of Corrections. Chapter HFS 94, the Department's rules relating to the rights of patients receiving treatment for a mental illness, a developmental disability, alcohol abuse or other drug abuse, applies to the inmates of correctional institutions at the Center only in relation to patient rights specified in s. 51.61 (1) (a), (d), (f), (g), (h), (j) and (k), Stats. However, the entire ch. HFS 94 applies to patients at the Center who are there under a ch. 980, Stats., commitment.

At the Wisconsin Resource Center staff have been making random searches of the rooms and personal belongings of patients who have been committed to the Department under ch. 980, Stats. A patient has challenged the practice in a lawsuit, claiming that it violates s. HFS 94.24 (2) (e) which permits a search only when there is documented reason to believe that security rules have been violated, unless the search is of rooms and belongings in a forensic unit. Patients at the Center who are there under ch. 980, Stats., commitments are not residents of a forensic unit; a commitment under ch. 980, Stats., is considered a civil commitment. The court handling the case is expected to rule in favor of the patient. Therefore, the Center effective August 1 will temporarily suspend random searches, pending amendment of the rule.

This order amends s. HFS 94.24 (2) (e) to permit searches of the rooms and personal belongings of not only inpatients of forensic units but also inpatients of a secure mental health unit or facility under s. 980.065, Stats., and similar inpatients of the maximum security facility at the Mendota mental health institute, and not only when there is documented reason to believe that security rules have been violated but under other circumstances as well as specified in written facility policies. This change will permit the Wisconsin Resource Center to resume random searches of the rooms and personal belongings of patients who have been committed to the Department under ch. 980, Stats.

This rule change is being promulgated on the advice of counsel by emergency order because of the length of the permanent rulemaking process and because random searches of the rooms and belongings of ch. 980, Stats., patients at the Wisconsin Resource Center need to be resumed without delay to protect other patients and staff and, in the long run, the general public.

These patients have been committed or are being detained because there is probable cause to believe they are dangerous individuals who are disposed to commit future acts of sexual violence. Many have documented histories of other types of criminal activity, including fraud, theft and physical assault. Many also have a history of drug/alcohol dependence and gang activity. The intent of ch. 980, Stats., is to protect the public and provide treatment to this patient population. The major difference between this population and other patient populations is this population has a significantly higher percentage of individuals diagnosed with anti-social personality disorders and, as such, they have consistently shown deliberate disregard for the rights of others and a willingness to break the law.

The Wisconsin Resource Center is responsible for maintaining a therapeutic and safe environment for its patients. Yet the ch. 980 patients in general have consistently found 'creative' ways to break facility rules. Therefore, unless there are effective mechanisms, such as random searches, in place to monitor their activity, these patients will use their rights to continue their criminal activity and to violate the rights of others.

Random searches help the Center identify and prevent numerous violations of facility rules that are safety and security related or countertherapeutic to the patients. These searches can also deter patients from harboring dangerous items in their rooms. These could go undetected and be at some point used in harming another person or hinder or block the individual's treatment. They include weapons, drugs, indications of planning underway to rape or assault another patient or a staff member, sexually explicit material which may interfere with treatment progress, and stolen property including credit cards.

A facility cannot effectively treat these patients without the ability to effectively monitor and confront crimogenic behaviors and patterns. Random searches are a very effective treatment tool in this respect. They also reduce the likelihood of false positives

for releasing or discharging a patient when evaluating for continued pertinence of the commitment criteria.

ORDER

Pursuant to authority vested in the Department of Health and Family Services by ss. 51.61 (9), 227.11 (2) (a) and 227.24 (1) (a), Stats., the Department of Health and Family Services hereby amends rules interpreting ss. 51.61 (1) and 980.06 (2) (b), Stats., as follows:

SECTION 1. HFS 94.24 (2) (e) is amended to read:

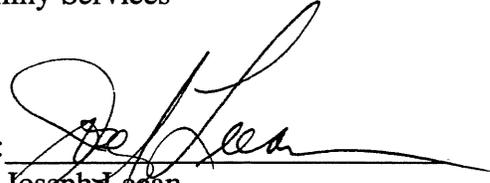
HFS 94.24 (2) (e) The room and personal belongings of an inpatient may be searched only when there is documented reason to believe that security rules have been violated, except that in forensic units where routine searches may be conducted under other circumstances in forensic units, the maximum security facility at the Mendota mental health institute or a secure mental health unit or facility under s. 980.065, Stats., in accordance with as specified in written facility policies.

The rules contained in this order shall take effect as emergency rules upon publication in the official state newspaper, as provided in s. 227.24 (1) (c), Stats.

Wisconsin Department of Health and
Family Services

Date: July 30, 1998

By:

A handwritten signature in black ink, appearing to read "Joe Lecan", written over a horizontal line.

Joseph Lecan
Secretary

SEAL:

LRB or Bill No./Adm. Rule No.
HFS 94.24 (2) (e)
Amendment No. if Applicable

- ORIGINAL
- UPDATED
- CORRECTED
- SUPPLEMENTAL

FISCAL ESTIMATE
DOA-2048 N(R10/96)

Subject

CONDITIONS FOR SEARCHING THE ROOMS AND BELONGINGS OF CH. 980, STATS., PATIENTS AT THE WISCONSIN RESOURCE CENTER AND PATIENTS IN THE MAXIMUM SECURITY FACILITY AT MENDOTA MENTAL HEALTH INSTITUTE

Fiscal Effect

State: No State Fiscal Effect

Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation.

Increase Costs - May be possible to Absorb Within Agency's Budget Yes No

- Increase Existing Appropriation
- Decrease Existing Appropriation
- Create New Appropriation
- Increase Existing Revenues
- Decrease Existing Revenues

Decrease Costs

Local: No local government costs

- 1. Increase Costs
 - Permissive
 - Mandatory
- 2. Decrease Costs
 - Permissive
 - Mandatory

- 3. Increase Revenues
 - Permissive
 - Mandatory
- 4. Decrease Revenues
 - Permissive
 - Mandatory

5. Types of Local Governmental Units Affected:
- Towns
 - Villages
 - Cities
 - Counties
 - Others _____
 - School Districts
 - WTCS Districts

Fund Sources Affected

- GPR
- FED
- PRO
- PRS
- SEG
- SEG-S

Affected Ch. 20 Appropriations

Assumptions Used in Arriving at Fiscal Estimate

This rule change will not affect the expenditures or revenues of state government or local governments.

Section HFS 94.24 (2) (e) in the Department's rules relating to the rights of patients receiving treatment for a mental disability, currently prohibits searches of the rooms and personal belongings of inpatients except when there is documented reason to believe that security rules have been violated. An exception to this prohibition is made in the case of patients in forensic units. This order amends s. HFS 94.24 (2) (e) to make exceptions also for searches of the rooms and personal belongings of patients in the maximum security facility at the Mendota Mental Health Institute and patients at the Wisconsin Resource Center who were committed for treatment under ch. 980, Stats.

The amendment of s. HFS 94.24 (2) (e) will permit the Wisconsin Resource Center to resume random searches of the rooms and personal belongings of ch. 980, Stats., patients. Those searches were done until recently for security and effective treatment reasons, but their legality under the current rule has been challenged and on the advice of counsel they have been suspended until the rule is amended.

The rule change concerns only the operation of state-operated mental health inpatient facilities, and not mental health inpatient facilities operated by local governments.

Long-Range Fiscal Implications

Agency/Prepared by: (Name & Phone No.)

H&FS/Paul Menge, 266-5602

Authorized Signature/Telephone No.

Richard W. Lorang
Richard W. Lorang, 266-9622

Date

7-28-98



P.O. Box 7882
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(608) 266-2253

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MADISON, WI 53708-8952
(608) 264-8486

JOINT COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES

Emergency Rule Extension Motion Form

Last Modified January 1999

February 25, 1999
411 South, State Capitol

Moved by Crothman, Seconded by Welch

THAT, pursuant to s. 227.24(2)(a), stats., the Joint Committee for Review of Administrative Rules extend the effective period of emergency rule HFS 94.24(2)(e) by 49 days, at the request of the Department of Health and Family Services.

COMMITTEE MEMBER	Aye	No	Absent
1. Senator ROBSON	✓		
2. Senator GROBSCHMIDT	✓		
3. Senator SHIBLISKI			
4. Senator WELCH	✓		
5. Senator DARLING			
6. Representative GROTHMAN	✓	W	
7. Representative GUNDERSON	✓		
8. Representative SERATTI	✓		
9. Representative KREUSER	✓		
10. Representative BLACK	✓		
Totals			

Motion Carried

Motion Failed