

2003 DRAFTING REQUEST

Bill

Received: **09/20/2002**

Received By: **dkennedy**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget 257-9546**

By/Representing: **Jablonsky**

This file may be shown to any legislator: **NO**

Drafter: **dkennedy**

May Contact:

Addl. Drafters:

Subject: **Mental Health - protect place**

Extra Copies: **JTK**

Submit via email: **NO**

Pre Topic:

DOA:.....Jablonsky - BB0050

Topic:

Intensive treatment beds at centers for developmentally disabled

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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/1	dkennedy 10/25/2002	jdyer 10/28/2002	swatkins 10/29/2002	_____	lemery 10/29/2002		S&L
/2	dkennedy 12/06/2002	jdyer 12/09/2002	pgreensl 12/10/2002	_____	amentkow 12/10/2002		State
/3	dkennedy 01/17/2003	jdyer 01/17/2003	chaugen 01/17/2003	_____	amentkow 01/17/2003		S&L
/4	dkennedy	jdyer	rschluet	_____	mbarman		S&L

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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5 2/6 jld 2/6 ps

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4 1/27 jld  UPN
1-273

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FE Sent For:

1/2 12/9 jld

12/9 ps

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12/9 ps

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		1 10/28 jld	SKW/10/28	SKW/10/29 CM			

FE Sent For:

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Intensive Treatment Beds at the Centers

Current Language

s.51.06 (1)^m(d) allows the Centers for the Developmentally Disabled to provide services for up to 50 individuals with a developmental disability who are also diagnosed as mentally ill or who exhibit certain behaviors.

Proposed Change

1. Amend s.51.06 (1)^m(d) to remove the limit on the number of individuals to whom the Centers may provide these services.
2. Create statutory language that allows the Department to impose a surcharge on extended lengths of stay for individuals in the ITPs. Allow the Department to impose a progressive surcharge of an additional 10% for each subsequent six month period that the individual remains at the Center beyond the discharge date agreed upon by the Center and county of residence.
3. Create a new, continuing appropriation in the Division of Supportive Living in which surcharge payments are deposited. All monies received from the counties as a surcharge on ITP beds should be deposited in this appropriation. Allow the Department to provide grants from this appropriation to counties for one-time costs associated with the placement of individuals from the Centers under the CIP 1A waiver program.

Effect of the Change

1. This change will expand the number of Intensive Treatment Program (ITP) beds which the Department can operate and allow the Department to react to the needs of counties without seeking additional statutory changes. The individuals in the ITP units are eligible for Medical Assistance and counties pay the non-federal portion of the MA cost. There will be no cost to the state as a result of this request.
2. Counties will have an incentive to return individuals in the ITP to the community, in the least restrictive environment, as quickly as possible, encouraging the shortest possible length of stay appropriate for the individual.

3. If surcharges are imposed, there will be a source of revenue for one-time expenses related to CIP 1A placements.

Rationale for the Change

The Department currently operates Intensive Treatment Programs at Northern and Southern Wisconsin Centers, and one is anticipated to open at Central Wisconsin Center soon. There is a large demand for the kinds of services these ITPs provide. Counties have repeatedly requested these services for their residents and there have been waiting lists for ITP beds at some Centers. The Department is seeking permission to expand the number of beds it currently operates as needed. As beds are added, additional staff will be required, which the Department will request through the administrative procedure of an s.16.505/515 request.

Although the IT program is intended to be a short-term program, 23% of the individuals in the ITPs currently have been in these programs for over ten years. These individuals generally have complicated behavioral problems which may make it difficult to find placements for them in their counties of residence. There is currently no fiscal incentive for counties actively to pursue plans for these individuals to return to their home communities because of the higher costs associated with serving these people.

The Department proposes to impose a surcharge on individuals who remain in the ITPs beyond the agreed-upon discharge date. Applying a surcharge will encourage the counties to plan to return an individual to his or her community on a definite date. Centers will be better able to make beds available in the ITPs when the need arises, to support other individuals in other counties. Increased turn-around times will create more bed space in the ITPs and maintain service capacity.

Counties will probably oppose the surcharge. Smaller counties may have limited community capacity for individuals with severe behavioral problems and may find it more difficult to find appropriate placements within a specified period of time.

Counties frequently lack funds to pay one-time costs associated with placing individuals from the Centers in the community under the CIP 1A waiver. Daily costs of the placements are paid through the CIP 1A rate, but there are one-time costs that cannot be paid out of this rate. Such costs might include making a residence handicapped-accessible, specialized equipment, or supplies such as bedding and furniture. Allocating the revenues from the surcharge to these one-time costs will assist counties in finding appropriate community placement facilities. The Division of Supportive Living will administer these funds as a grant program to counties.

This surcharge will benefit counties and not the Department and will thus not violate the Medicaid prohibition against supplementation of Medicaid payments to providers.

Desired Effective Date: Upon Passage of Bill
Agency: DHFS
Agency Contact: Ellen Hadidian
Phone: 266-8155



State of Wisconsin
2003 - 2004 LEGISLATURE

SOON - In edit 10/25

LRB-0211/1

DAK:.....

JLD

DOA:.....Jablonsky - BB0050 Intensive treatment beds at centers for developmentally disabled

FOR 2003-05 BUDGET — NOT READY FOR INTRODUCTION

don't gen

1 AN ACT ...; relating to: imposing a surcharge for extended intensive treatment
2 services at the state centers for the developmentally disabled and making an
3 appropriation. ✓

Analysis by the Legislative Reference Bureau
HEALTH AND HUMAN SERVICES ✓

MENTAL ILLNESS AND DEVELOPMENTAL DISABILITIES ✓

Under current law, the state centers for the developmentally disabled may provide, among other services, intensive treatment services for up to 50 individuals with developmental disabilities who are also diagnosed as mentally ill or who exhibit extremely aggressive and challenging behaviors. *state*

This bill removes the limit on the number of individuals who may be provided intensive treatment services at the centers for developmental disabilities. The bill also authorizes DHFS to impose on counties that pay for these services a progressive surcharge of an additional 10% on the fee charged for the intensive treatment services, for each six-month period that an individual receives the services beyond the discharge date agreed upon by the center for developmental disabilities and the individual's county of residence. From the moneys received under this surcharge, DHFS may provide payment to counties for one-time costs associated with relocating individuals into communities from state centers for the developmentally disabled under a waiver of federal Medical Assistance program laws.

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:

1 SECTION 1. 20.435 (2) (gL) of the statutes is created to read:

2 20.435 (2) (gL) *Extended intensive treatment surcharge*. All moneys received

3 as payments of the surcharge for extended intensive treatment under s. 51.06 (5) for

4 one-time payment of relocation costs for individuals under s. 46.275 (5) (e).

5 SECTION 2. 46.275 (5) (e) of the statutes is created to read:

6 46.275 (5) (e) From the appropriation under s. 20.435 (2) (gL), the department

7 may provide moneys to a county to pay for one-time costs associated with the

8 relocation under this section of an individual from a state center for the

9 developmentally disabled.

10 SECTION 3. 51.06 (1m) (d) of the statutes is amended to read:

11 51.06 (1m) (d) Services for ~~up to 50~~ individuals with developmental disability

12 who are also diagnosed as mentally ill or who exhibit extremely aggressive and

13 challenging behaviors.

14 SECTION 4. 51.06 (5) of the statutes is created to read:

15 51.06 (5) SURCHARGE FOR EXTENDED INTENSIVE TREATMENT. The department may

16 impose a progressive surcharge of an additional 10% of the fee for services under sub.

17 (1m) (d) charged under s. 46.03 (18) for each 6-month period that an individual

18 receives the services after the discharge date for the individual that was agreed upon

19 by the center for developmentally disabled and the individual's county of residence.

History: 1975 c. 430; 1981 c. 20; 1985 a. 29 ss. 1061 to 1064, 3200 (56); 1985 a. 176; 1991 a. 39; 1993 a. 16; 1995 a. 27 s. 9145 (1); 1997 a. 27, 164; 1999 a. 9; 2001 a.

1 Any revenues received under this subsection[✓] shall be credited to the appropriation
2 account under s. 20.435 (2) (gL).[✓]

3 **SECTION 9324.[✓] Initial applicability; health and family services.**

4 (1) EXTENDED INTENSIVE TREATMENT SURCHARGE. The treatment of sections
5 20.435 (2) (gL),[✓] 46.275 (5) (e),[✓] and 51.06 (1m) (d)[✓] and (5)[✓] of the statutes first applies
6 to services under section 51.06 (1m) (d)[✓] of the statutes provided on the effective date
7 of this subsection[✓] that are received by an individual after his or her agreed-upon
8 discharge date.

9 (END)



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

100 NORTH HAMILTON STREET
5TH FLOOR
P. O. BOX 2037
MADISON, WI 53701-2037

STEPHEN R. MILLER
CHIEF

LEGAL SECTION: (608) 266-3561
LEGAL FAX: (608) 264-6948
REFERENCE SECTION: (608) 266-0341
REFERENCE FAX: (608) 266-5648

FAX TRANSMITTAL COVER SHEET

(From: LRB-Legal Section-Front Office ... Fax: 608-264-6948)

Date: December 2, 2002 Time: 4:30

Total pages transmitted, including this page: 5

Please Deliver This FAX To: SUE JABLONSKY

Telephone Number: _____

FAX Number: 70372

MESSAGE: I have not attempted to draft
this proposed revision, so I don't yet
know if it has problems.

Senders Name: Debra Kennedy

**IF THERE ARE ANY PROBLEMS WITH THIS FAX TRANSMITTAL,
PLEASE CALL (608) 266-3561.
THANK YOU**

TELEPHONE DRAFTING INSTRUCTIONS

Drafting instructions received by Debora Kennedy.

DATE: 12/02/02

CONVERSATION WITH: Sue Jablonsky

OF: DOA

TELEPHONE NO:

REGARDING LRB # OR DRAFT TOPIC: - 0211

INSTRUCTIONS: I had received proposed revisions

(From D&FS?) to 0211/1 - ok to redraft?
(Faxed SJ a copy)

12/02/02 - From Sue: Yes, ok

LRB – 0211/1: PROPOSED REVISIONS

SECTION 1. 20.435 (2) (gL) of the statutes is created to read:

20.435 (2) (gL) *Extended intensive treatment surcharge.* All moneys received as payments of the surcharge for extended intensive treatment under s. 51.06 (5), for one-time payment of relocation costs for individuals under s. 46.275 (5) (e).

SECTION 2. 46.275 (5) (e) of the statutes is created to read:

46.275 (5) (e) From the appropriation under s. 20.435 (2) (gL), the department may provide moneys to a county to pay for one-time costs associated with the relocation under this section of an individual from a state center for the developmentally disabled.

SECTION 3. 51.06 (1m) (d) of the statutes is amended to read:

51.06 (1m) (d) Services for ~~up to 50~~ individuals with developmental disability who are also diagnosed as mentally ill or who exhibit extremely aggressive and challenging behaviors.

SECTION 4. 51.06 (3) of the statutes is renumbered 51.06(3)(a).

SECTION 5. 51.06 (3) (b) of the statutes is created to read:

51.06 (3) (b) An individual may be placed at a center for the developmentally disabled for services under sub. (1m) (d) only if both of the following conditions are met:

1. The department determines that a licensed bed and other necessary resources are available to provide services to that individual.
2. The individual's county of residence and the department agree as a condition of admission upon a maximum discharge date for the individual.

SECTION 6. 51.06 (5) of the statutes is created to read:

51.06 (5) SURCHARGE FOR EXTENDED INTENSIVE TREATMENT. The department may impose on a county a progressive surcharge for services under sub. (1m) (d) (that an individual receives after the maximum discharge date for the individual that was agreed upon under sub. (3) (b) 2.) The surcharge shall be 10% of the amount paid for the services under s. 49.45 during the first 6-month period following the maximum discharge date, and shall increase by 10% of the amount paid for the services under s. 49.45 during each

6-month period thereafter. Any revenues received under this subsection shall be credited to the appropriation account under s. 20.435 (2) (gL).

SECTION 7. 51.20 (13) (c) 1, (c) 2 and (f) of the statutes are amended to read:

51.20 (13) (c) 1. The court shall designate the facility or service which is to receive the subject individual into the mental health system, subject to s. 51.06 (3) ~~except that, if the subject individual is under the age of 22 years and the facility is a center for the developmentally disabled, the court shall designate only the central center for the developmentally disabled unless the department authorizes designation of the northern or southern center for the developmentally disabled;~~

(c) 2. The county department under s. 51.42 or 51.437 shall arrange for treatment in the least restrictive manner consistent with the requirements of the subject individual in accordance with a court order designating the maximum level of inpatient facility, if any, which may be used for treatment, subject to s. 51.06 (3) ~~except that, if the subject individual is under the age of 22 years and the facility is a center for the developmentally disabled, designation shall be only to the central center for the developmentally disabled unless the department authorizes the placement of the individual at the northern or southern center for the developmentally disabled; and~~

(f) The county department under s. 51.42 or 51.437 which receives an individual who is committed by a court under par. (a) 3. is authorized to place such individual in an approved treatment facility subject to any limitations which are specified by the court under par. (c) 2. The county department shall place the subject individual in the treatment program and treatment facility which is least restrictive of the individual's personal liberty, consistent with the treatment requirements of the individual. The county department shall have ongoing responsibility to review the individual's needs, in accordance with sub. (17), and transfer the person to the least restrictive program consistent with the individual's needs. Placement or transfer under this paragraph is subject to s. 51.06 (3) ~~If the subject individual is under the age of 22 years and if the facility appropriate for placement or transfer is a center for the developmentally disabled, placement or transfer of the individual shall be made only to the central center for the developmentally disabled unless the department authorizes the placement or transfer to the northern or southern center for the developmentally disabled.~~

SECTION 8. 51.35 (1) (bm) of the statutes is amended to read:

51.35 (1) (bm) Notwithstanding par. (b), transfer of a patient ~~under the age of 22 years to a center for the developmentally disabled is subject to s. 51.06 (3) may be made only to the central center for the developmentally disabled unless the department authorizes the transfer of the patient to the northern or southern center for the developmentally disabled.~~

SECTION 9. 51.437 (4rm) (c) 2m. of the statutes is amended to read:

51.437 (4rm) (c) 2m. Bill the county department of developmental disabilities services for services provided under s. 51.06 (1m) (d) to individuals who are eligible for medical assistance that are not provided by the federal government, plus any applicable surcharge under s. 51.06 (5), using the procedure established under subd. 1.

SECTION 10. 51.67 of the statutes is amended to read:

51.67 Alternate procedure; protective services. If, after hearing under s. 51.13 (4) or 51.20, the court finds that commitment under this chapter is not warranted and that the subject individual is a fit subject for guardianship and protective placement or services, the court may, without further notice, appoint a temporary guardian for the subject individual and order temporary protective placement or services under ch. 55 for a period not to exceed 30 days. ~~Temporary~~ If the court orders temporary protective placement for an individual under the age of 22 years in a center for the developmentally disabled is subject to s. 51.06 (3), ~~this placement may be made only at the central center for the developmentally disabled unless the department authorizes the placement or transfer to the northern or southern center for the developmentally disabled.~~ Any interested party may then file a petition for permanent guardianship or protective placement or services, including medication, under ch. 55. If the individual is in a treatment facility, the individual may remain in the facility during the period of temporary protective placement if no other appropriate facility is available. The court may order psychotropic medication as a temporary protective service under this section if it finds that there is probable cause to believe the individual is not competent to refuse psychotropic medication and that the medication ordered will have therapeutic value and will not unreasonably impair the ability of the individual to prepare for and participate in subsequent legal proceedings. An individual is not competent to refuse psychotropic

medication if, because of chronic mental illness, and after the advantages and disadvantages of and alternatives to accepting the particular psychotropic medication have been explained to the individual, one of the following is true:

SECTION 9324. Initial applicability; health and family services.

(1) EXTENDED INTENSIVE TREATMENT SURCHARGE. The treatment of sections 20.435 (2) (gL), 46.275 (5) (e), and 51.06 (1m) (d) and (5) of the statutes first applies to services under section 51.06 (1m) (d) of the statutes provided on the effective date of this subsection that are received by an individual after his or her agreed-upon discharge date.

* * *

Explanation:

Sections 1, 2, 3 and 9324 are identical to the text of LRB – 0211/1.

Section 4 and 5 establish the pre-conditions for placement of an individual into an ITP bed, i.e., that there is a bed and other resources needed for the individual, and that the department and individual's county of residence agree on a maximum discharge date.

Section 6 is a revised version of LRB – 0211/1 section 4. The revisions clarify that the surcharge is imposed on the county and that the amount of the surcharge is based on a percentage of the Medicaid reimbursement rate.

Sections 7, 8 and 10 provide that an individual cannot be placed into an ITP bed unless the department and individual's county of residence agree on a maximum discharge date, and make non-substantive conforming amendments to existing language regarding placement of minors into DD Centers.

Section 9 creates a mechanism for collecting the surcharge from the county of residence, specifically via the same billing process that is currently used for collecting the non-federal share of Medicaid reimbursement for the services.



DOA:.....Jablonsky - BB0050 Intensive treatment beds at centers for developmentally disabled

FOR 2003-05 BUDGET - NOT READY FOR INTRODUCTION

However, the bill conditions receipt of those services on a determination by DHFS that a licensed ^{bed} and necessary resources are available and on an agreement between DHFS and the individual's county of residence concerning a maximum discharge date for the individual.

Don't gen

- ① AN ACT ...; relating to: ~~imposing a surcharge for~~ extended intensive treatment
- 2 services at the state centers for the developmentally disabled and making an
- 3 appropriation.

**Analysis by the Legislative Reference Bureau
HEALTH AND HUMAN SERVICES**

MENTAL ILLNESS AND DEVELOPMENTAL DISABILITIES

Under current law, the state centers for the developmentally disabled may provide, among other services, intensive treatment services for up to 50 individuals with developmental disabilities who are also diagnosed as mentally ill or who exhibit extremely aggressive and challenging behaviors.

This bill removes the limit on the number of individuals who may be provided intensive treatment services at the state centers for developmental disabilities. The bill also authorizes DHFS to impose on counties that pay for these services a progressive surcharge of an additional 10% ~~on the fee charged~~ for the intensive treatment services, for ~~each~~ six-month period that an individual receives the services beyond the discharge date agreed upon by ~~the state center for developmental disabilities~~ and the individual's county of residence. From the moneys received under this surcharge, DHFS may provide payment to counties for one-time costs associated with relocating individuals into communities from state centers for the

of the amount paid under Medical Assistance (MA)

DHFS

any part of the

For each subsequent six-month period during any part of which the individual receives the services, the surcharge is increased by an additional 10%

(commonly known as "Medicaid") laws the
 developmentally disabled under a waiver of federal Medicaid Assistance program
 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:

1 **SECTION 1.** 20.435 (2) (gL) of the statutes is created to read:

2 20.435 (2) (gL) *Extended intensive treatment surcharge.* All moneys received
 3 as payments of the surcharge for extended intensive treatment under s. 51.06 (5), for
 4 one-time payment of relocation costs for individuals under s. 46.275 (5) (e).

 ****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

5 **SECTION 2.** 46.275 (5) (e) of the statutes is created to read:

6 46.275 (5) (e) From the appropriation under s. 20.435 (2) (gL), the department
 7 may provide moneys to a county to pay for one-time costs associated with the
 8 relocation under this section of an individual from a state center for the
 9 developmentally disabled.

10 **SECTION 3.** 51.06 (1m) (d) of the statutes is amended to read:

11 51.06 (1m) (d) Services for up to 50 individuals with developmental disability
 12 who are also diagnosed as mentally ill or who exhibit extremely aggressive and
 13 challenging behaviors.

14 ~~**SECTION 4.** 51.06 (5) of the statutes is created to read:~~

15 ~~51.06 (5) **SURCHARGE FOR EXTENDED INTENSIVE TREATMENT.** The department may~~
 16 ~~impose a progressive surcharge of an additional 10% of the fee for services under sub.~~
 17 ~~(1m) (d) charged under s. 46.03 (18), for each 6-month period that an individual~~
 18 ~~receives the services after the discharge date for the individual that was agreed upon~~
 19 ~~by the center for developmentally disabled and the individual's county of residence.~~

1 Any revenues received under this subsection shall be credited to the appropriation
2 account under s. 20.435 (2) (gL).

INSERT
3-2

3 **SECTION 9324. Initial applicability; health and family services.**

4 (1) EXTENDED INTENSIVE TREATMENT SURCHARGE. The treatment of sections

5 20.435 (2) (gL), 46.275 (5) (e), and 51.06 (1m) (d) and (5) of the statutes first applies
6 to services under section 51.06 (1m) (d) of the statutes provided on the effective date
7 of this subsection that are received by an individual after his or her agreed-upon
8 discharge date.

9 (END)

that are

51.20 (13) (c) (intro.),
1, and 2, and (f),
51.35 (1) (bm),
51.437 (4rm) (c)
2m., and 51.67
(intro.)

, the renumbering of section
51.06 (3) of the statutes, and
the creation of section
51.06 (3) (b) of the statutes

INSERT 3-2

SECTION 1. 51.06 (3) of the statutes is renumbered 51.06 (3) (a) and amended to read:

51.06 (3) ~~ADMISSION~~ (a) Individuals Subject to par. (b), individuals under the age of 22 years shall be placed only at the central center for the developmentally disabled unless the department authorizes the placement of the individual at the northern or southern center for the developmentally disabled.

History: 1975 c. 430; 1981 c. 20; 1985 a. 29 ss. 1061 to 1064, 3200 (56); 1985 a. 176; 1991 a. 39; 1993 a. 16; 1995 a. 27 s. 9145 (1); 1997 a. 27, 164; 1999 a. 9; 2001 a. 16.

SECTION 2. 51.06 (3) (b) of the statutes is created to read:

51.06 (3) (b) An individual may be placed at a center for the developmentally disabled for services under sub. (1m) (d) only after all of the following conditions are met:

1. The department determines that a licensed bed and other necessary resources are available to provide services to the individual.
2. The department and the county of residence of the individual agree on a maximum discharge date for the individual.

SECTION 3. 51.06 (5) of the statutes is created to read:

51.06 (5) **SURCHARGE FOR EXTENDED INTENSIVE TREATMENT.** The department may impose on a county a progressive surcharge for services under sub. (1m) (d) that an individual receives after the maximum discharge date for the individual that was

agreed upon under sub. (3) (b) 2. The surcharge is 10% of the amount paid for the individual's services under s. 49.45 during any part of the first 6-month period following the maximum discharge date, and increases by 10% of the amount paid for the individual's services under s. 49.45 during any part of each 6-month period thereafter. Any revenues received under this subsection shall be credited to the appropriation account under s. 20.435 (2) (gL).

SECTION 4. 51.20 (13) (c) (intro.) of the statutes is amended to read:

51.20 (13) (c) (intro.) If disposition is made under par. (a) 3., all of the following apply:

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.

SECTION 5. 51.20 (13) (c) 1. of the statutes is amended to read:

51.20 (13) (c) 1. The court shall designate the facility or service which that is to receive the subject individual into the mental health system, ~~except that, if the subject individual is under the age of 22 years and the facility is a center for the developmentally disabled, the court shall designate only the central center for the developmentally disabled unless the department authorizes designation of the northern or southern center for the developmentally disabled;~~ subject to s. 51.06 (3).

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.

SECTION 6. 51.20 (13) (c) 2. of the statutes is amended to read:

51.20 (13) (c) 2. The county department under s. 51.42 or 51.437 shall arrange for treatment in the least restrictive manner consistent with the requirements of the subject individual in accordance with a court order designating the maximum level of inpatient facility, if any, which that may be used for treatment, ~~except that, if the subject individual is under the age of 22 years and the facility is a center for the~~

~~developmentally disabled, designation shall be only to the central center for the developmentally disabled unless the department authorizes the placement of the individual at the northern or southern center for the developmentally disabled; and subject to s. 51.06 (3).~~ ✓

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.

SECTION 7. 51.20 (13) (f) ✓ of the statutes is amended to read:

51.20 (13) (f) The county department under s. 51.42 or 51.437 ~~which that~~ receives an individual who is committed by a court under par. (a) 3. is authorized to place ~~such the~~ individual in an approved treatment facility, subject to any limitations which are specified by the court under par. (c) 2. The county department shall place the subject individual in the treatment program and treatment facility ~~which that~~ is least restrictive of the individual's personal liberty, consistent with the treatment requirements of the individual. The county department ~~shall have~~ has ongoing responsibility to review the individual's needs, in accordance with sub. (17), and to transfer the person to the least restrictive program consistent with the individual's needs. ~~If the subject individual is under the age of 22 years and if the facility appropriate for placement or transfer is a center for the developmentally disabled, placement or transfer of the individual shall be made only to the central center for the developmentally disabled unless the department authorizes the placement or transfer to the northern or southern center for the developmentally disabled.~~ Placement or transfer under this paragraph is subject to s. 51.06 (3). ✓ plain

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.

SECTION 8. 51.35 (1) (bm) ✓ of the statutes is amended to read:

51.35 (1) (bm) Notwithstanding par. (b), transfer of a patient under the age of 22 years to a center for the developmentally disabled may be made only to the central center for the developmentally disabled unless the department authorizes the transfer of the patient to the northern or southern center for the developmentally disabled is subject to s. 51.06 (3).

History: 1975 c. 430 ss. 18, 81; 1977 c. 26, 29, 428; 1979 c. 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.

SECTION 9. 51.437 (4rm) (c) 2m. of the statutes is amended to read:

51.437 (4rm) (c) 2m. Bill the county department of developmental disabilities services for services that are not provided by the federal government and that are provided under s. 51.06 (1m) (d) to individuals who are eligible for medical assistance that are not provided by the federal government, plus any applicable surcharge under s. 52.06 (5) using the procedure established under subd. 1.

*

← score
← score
plain

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.

SECTION 10. 51.67 (intro.) of the statutes is amended to read:

51.67 Alternate procedure; protective services. (intro.) If, after a hearing under s. 51.13 (4) or 51.20, the court finds that commitment under this chapter is not warranted and that the subject individual is a fit subject for guardianship and protective placement or services, the court may, without further notice, appoint a temporary guardian for the subject individual and order temporary protective placement or services under ch. 55 for a period not to exceed 30 days. If the court orders temporary Temporary protective placement for an individual under the age of 22 years in a center for the developmentally disabled, this placement may be made only at the central center for the developmentally disabled unless the department authorizes the placement or transfer to the northern or southern center for the developmentally disabled is subject to s. 51.06 (3). Any interested party may then

file a petition for permanent guardianship or protective placement or services, including medication, under ch. 55. If the individual is in a treatment facility, the individual may remain in the facility during the period of temporary protective placement if no other appropriate facility is available. The court may order psychotropic medication as a temporary protective service under this section if it finds that there is probable cause to believe the individual is not competent to refuse psychotropic medication and that the medication ordered will have therapeutic value and will not unreasonably impair the ability of the individual to prepare for and participate in subsequent legal proceedings. An individual is not competent to refuse psychotropic medication if, because of chronic mental illness, and after the advantages and disadvantages of and alternatives to accepting the particular psychotropic medication have been explained to the individual, one of the following is true:

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

(end ins)

TELEPHONE DRAFTING INSTRUCTIONS

Drafting instructions received by Debora Kennedy.

DATE:

1/17/03

CONVERSATION
WITH:

Sue Jablonsky

OF:

DOA

TELEPHONE NO:

REGARDING LRB #
OR DRAFT TOPIC:

-0211/2

INSTRUCTIONS:

Redraft: delete extended
intensive treatment surcharge +
leave in bill only audit to 5606
(1m)(d),



DOA:.....Jablonsky - BB0050 Intensive treatment beds at centers for developmentally disabled

FOR 2003-05 BUDGET - NOT READY FOR INTRODUCTION

✓ the developmentally disabled

Don't gen

1 AN ACT ...; relating to: ~~extended intensive treatment~~ services at the state centers
2 for the developmentally disabled and ~~making an appropriation.~~

Analysis by the Legislative Reference Bureau
HEALTH AND HUMAN SERVICES

MENTAL ILLNESS AND DEVELOPMENTAL DISABILITIES

Under current law, the state centers for the developmentally disabled may provide, among other services, intensive treatment services for up to 50 individuals with developmental disabilities who are also diagnosed as mentally ill or who exhibit extremely aggressive and challenging behaviors.

This bill removes the limit on the number of individuals who may be provided intensive treatment services at the state centers for ~~developmental disabilities.~~

However, the bill conditions receipt of those services on a determination by DHFS that a licensed bed and necessary resources are available and on an agreement between DHFS and the individual's county of residence concerning a maximum discharge date for the individual. The bill also authorizes DHFS to impose on counties that pay for these services a progressive surcharge of an additional 10% of the amount paid under Medical Assistance (MA) for the intensive treatment services, for any part of the six-month period that an individual receives the services beyond the discharge date agreed upon by DHFS and the individual's county of residence. For each subsequent six-month period during any part of which the

individual receives the services, the surcharge is increased by an additional 10%. From the moneys received under this surcharge, DHFS may provide payment to counties for one-time costs associated with relocating individuals into communities from state centers for the developmentally disabled under waiver laws of the federal MA program (commonly known as "Medicaid").

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

Fix
Component

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

1 SECTION 1. 20.435 (2) (gL) of the statutes is created to read:

2 20.435 (2) (gL) *Extended intensive treatment surcharge.* All moneys received
3 as payments of the surcharge for extended intensive treatment under s. 51.06 (5), for
4 one-time payment of relocation costs for individuals under s. 46.275 (5) (e).

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

5 SECTION 2. 46.275 (5) (e) of the statutes is created to read:

6 46.275 (5) (e) From the appropriation under s. 20.435 (2) (gL), the department
7 may provide moneys to a county to pay for one-time costs associated with the
8 relocation under this section of an individual from a state center for the
9 developmentally disabled.

10 SECTION 3. 51.06 (1m) (d) of the statutes is amended to read:

11 51.06 (1m) (d) Services for up to 50 individuals with developmental disability
12 who are also diagnosed as mentally ill or who exhibit extremely aggressive and
13 challenging behaviors.

14 SECTION 4. 51.06 (3) of the statutes is renumbered 51.06 (3) (a) and amended
15 to read:

16 51.06 (3) (a) Individuals Subject to par. (b), individuals under the age of 22
17 years shall be placed only at the central center for the developmentally disabled

1 unless the department authorizes the placement of the individual at the northern or
2 southern center for the developmentally disabled.

3 **SECTION 5.** 51.06 (3) (b) of the statutes is created to read:

4 51.06 (3) (b) An individual may be placed at a center for the developmentally
5 disabled for services under sub. (1m) (d) only after all of the following conditions are
6 met:

7 1. The department determines that a licensed bed and other necessary
8 resources are available to provide services to the individual.

9 2. The department and the county of residence of the individual agree on a
10 maximum discharge date for the individual.

11 **SECTION 6.** 51.06 (5) of the statutes is created to read:

12 51.06 (5) SURCHARGE FOR EXTENDED INTENSIVE TREATMENT. The department may
13 impose on a county a progressive surcharge for services under sub. (1m) (d) that an
14 individual receives after the maximum discharge date for the individual that was
15 agreed upon under sub. (3) (b) 2. The surcharge is 10% of the amount paid for the
16 individual's services under s. 49.45 during any part of the first 6-month period
17 following the maximum discharge date, and increases by 10% of the amount paid for
18 the individual's services under s. 49.45 during any part of each 6-month period
19 thereafter. Any revenues received under this subsection shall be credited to the
20 appropriation account under s. 20.435 (2) (gL).

21 **SECTION 7.** 51.20 (13) (c) (intro.) of the statutes is amended to read:

22 51.20 (13) (c) (intro.) If disposition is made under par. (a) 3., all of the following
23 apply:

24 **SECTION 8.** 51.20 (13) (c) 1. of the statutes is amended to read:

1 ~~51.20 (13) (c) 1. The court shall designate the facility or service which that is~~
2 ~~to receive the subject individual into the mental health system, except that, if the~~
3 ~~subject individual is under the age of 22 years and the facility is a center for the~~
4 ~~developmentally disabled, the court shall designate only the central center for the~~
5 ~~developmentally disabled unless the department authorizes designation of the~~
6 ~~northern or southern center for the developmentally disabled; subject to s. 51.06 (3).~~

7 **SECTION 9.** 51.20 (13) (c) 2. of the statutes is amended to read:

8 51.20 (13) (c) 2. The county department under s. 51.42 or 51.437 shall arrange
9 for treatment in the least restrictive manner consistent with the requirements of the
10 subject individual in accordance with a court order designating the maximum level
11 of inpatient facility, if any, which that may be used for treatment, except that, if the
12 ~~subject individual is under the age of 22 years and the facility is a center for the~~
13 ~~developmentally disabled, designation shall be only to the central center for the~~
14 ~~developmentally disabled unless the department authorizes the placement of the~~
15 ~~individual at the northern or southern center for the developmentally disabled; and~~
16 subject to s. 51.06 (3).

17 **SECTION 10.** 51.20 (13) (f) of the statutes is amended to read:

18 51.20 (13) (f) The county department under s. 51.42 or 51.437 which that
19 receives an individual who is committed by a court under par. (a) 3. is authorized to
20 place such the individual in an approved treatment facility, subject to any limitations
21 which are specified by the court under par. (c) 2. The county department shall place
22 the subject individual in the treatment program and treatment facility which that
23 is least restrictive of the individual's personal liberty, consistent with the treatment
24 requirements of the individual. The county department shall have has ongoing
25 responsibility to review the individual's needs, in accordance with sub. (17), and to

1 transfer the person to the least restrictive program consistent with the individual's
2 needs. ~~If the subject individual is under the age of 22 years and if the facility~~
3 ~~appropriate for placement or transfer is a center for the developmentally disabled,~~
4 ~~placement or transfer of the individual shall be made only to the central center for~~
5 ~~the developmentally disabled unless the department authorizes the placement or~~
6 ~~transfer to the northern or southern center for the developmentally disabled~~
7 Placement or transfer under this paragraph is subject to s. 51.06 (3).

8 **SECTION 11.** 51.35 (1) (bm) of the statutes is amended to read:

9 51.35 (1) (bm) Notwithstanding par. (b), transfer of a patient under the age of
10 22 years to a center for the developmentally disabled may be made only to the central
11 center for the developmentally disabled unless the department authorizes the
12 transfer of the patient to the northern or southern center for the developmentally
13 disabled is subject to s. 51.06 (3).

14 **SECTION 12.** 51.437 (4rm) (c) 2m. of the statutes is amended to read:

15 51.437 (4rm) (c) 2m. Bill the county department of developmental disabilities
16 services for services that are not provided by the federal government and that are
17 provided under s. 51.06 (1m) (d) to individuals who are eligible for medical assistance
18 that are not provided by the federal government, plus any applicable surcharge
19 under s. 51.06 (5), using the procedure established under subd. 1.

20 **SECTION 13.** 51.67 (intro.) of the statutes is amended to read:

21 **51.67 Alternate procedure; protective services.** (intro.) If, after a hearing
22 under s. 51.13 (4) or 51.20, the court finds that commitment under this chapter is not
23 warranted and that the subject individual is a fit subject for guardianship and
24 protective placement or services, the court may, without further notice, appoint a
25 temporary guardian for the subject individual and order temporary protective

1 placement or services under ch. 55 for a period not to exceed 30 days. If the court
2 orders temporary Temporary protective placement for an individual under the age
3 of 22 years in a center for the developmentally disabled, this placement may be made
4 only at the central center for the developmentally disabled unless the department
5 authorizes the placement or transfer to the northern or southern center for the
6 developmentally disabled is subject to s. 51.06 (3). Any interested party may then
7 file a petition for permanent guardianship or protective placement or services,
8 including medication, under ch. 55. If the individual is in a treatment facility, the
9 individual may remain in the facility during the period of temporary protective
10 placement if no other appropriate facility is available. The court may order
11 psychotropic medication as a temporary protective service under this section if it
12 finds that there is probable cause to believe the individual is not competent to refuse
13 psychotropic medication and that the medication ordered will have therapeutic
14 value and will not unreasonably impair the ability of the individual to prepare for
15 and participate in subsequent legal proceedings. An individual is not competent to
16 refuse psychotropic medication if, because of chronic mental illness, and after the
17 advantages and disadvantages of and alternatives to accepting the particular
18 psychotropic medication have been explained to the individual, one of the following
19 is true:

20 **SECTION 9324. Initial applicability; health and family services.**

21 (1) ~~EXTENDED INTENSIVE TREATMENT SURCHARGE.~~ The treatment of sections
22 20.435 (2) (gL), 46.275 (5) (e), 51.06 (1m) (d) and (5), 51.20 (13) (c) (intro.), 1., and 2.
23 and (f), 51.35 (1) (bm), 51.437 (4rm) (c) 2m., and 51.67 (intro.) of the statutes, the
24 renumbering of section 51.06 (3) of the statutes, and the creation of section 51.06 (3)

1 (b) of the statutes first apply to services under section 51.06 (1m) (d) of the statutes
2 that are provided on the effective date of this subsection.

3 (END)

TELEPHONE DRAFTING INSTRUCTIONS

Drafting instructions received by Debora Kennedy.

DATE: 1/24/03

CONVERSATION WITH: Sue Jablonsky

OF:

TELEPHONE NO:

REGARDING LRB # OR DRAFT TOPIC: 0211/3

INSTRUCTIONS:

~~Redraft to 0211/1~~

1/25 No, redraft to 0211/2



DOA:.....Jablonsky - BB0050 Intensive treatment beds at centers for developmentally disabled

FOR 2003-05 BUDGET - NOT READY FOR INTRODUCTION

don't gen

extended intensive treatment ✓

1 AN ACT ...; relating to: services at the state centers for the developmentally
2 disabled. and making an appropriation ✓

**Analysis by the Legislative Reference Bureau
HEALTH AND HUMAN SERVICES**

MENTAL ILLNESS AND DEVELOPMENTAL DISABILITIES

Under current law, the state centers for the developmentally disabled may provide, among other services, intensive treatment services for up to 50 individuals with developmental disabilities who are also diagnosed as mentally ill or who exhibit extremely aggressive and challenging behaviors.

This bill removes the limit on the number of individuals who may be provided intensive treatment services at the state centers for the developmentally disabled.

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

Fix component →

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

INSERT 1-2 ✓

3 SECTION 1. 51.06 (1m) (d) of the statutes is amended to read:

and local ✓

INSERT ANAL ✓

1 51.06 (1m) (d) Services for up to 50[✓] individuals with developmental disability
2 who are also diagnosed as mentally ill or who exhibit extremely aggressive and
3 challenging behaviors.

4

(END)

INSERT 2-3 ✓

2003-2004 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0211/4ins
DAK:jld:ch

INSERT ANAL

1209#

However, the bill conditions receipt of those services on a determination by DHFS that a licensed bed and necessary resources are available and on an agreement between DHFS and the individual's county of residence concerning a maximum discharge date for the individual. The bill also authorizes DHFS to impose on counties that pay for these services a progressive surcharge of an additional 10% of the amount paid under Medical Assistance (MA) for the intensive treatment services, for any part of the six-month period that an individual receives the services beyond the discharge date agreed upon by DHFS and the individual's county of residence. For each subsequent six-month period during any part of which the individual receives the services, the surcharge is increased by an additional 10%. From the moneys received under this surcharge, DHFS may provide payment to counties for one-time costs associated with relocating individuals into communities from state centers for the developmentally disabled under waiver of laws of the federal MA program (commonly known as "Medicaid").

P. 107
6

individual receives the services, the surcharge is increased by an additional 10%. From the moneys received under this surcharge, DHFS may provide payment to counties for one-time costs associated with relocating individuals into communities from state centers for the developmentally disabled under waiver laws of the federal MA program (commonly known as "Medicaid").

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:

INSERT 1-2

1 SECTION 1. 20.435 (2) (gL) of the statutes is created to read:

2 20.435 (2) (gL) *Extended intensive treatment surcharge.* All moneys received
3 as payments of the surcharge for extended intensive treatment under s. 51.06 (5), for
4 one-time payment of relocation costs for individuals under s. 46.275 (5) (e).

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

5 SECTION 2. 46.275 (5) (e) of the statutes is created to read:

6 46.275 (5) (e) From the appropriation under s. 20.435 (2) (gL), the department
7 may provide moneys to a county to pay for one-time costs associated with the
8 relocation under this section of an individual from a state center for the
9 developmentally disabled. (end ins 1-2)

10 SECTION 3. 51.06 (1m) (d) of the statutes is amended to read:

11 51.06 (1m) (d) Services for up to 50 individuals with developmental disability
12 who are also diagnosed as mentally ill or who exhibit extremely aggressive and
13 challenging behaviors.

INSERT 2-3

14 SECTION 4. 51.06 (3) of the statutes is renumbered 51.06 (3) (a) and amended
15 to read:

16 51.06 (3) (a) Individuals Subject to par. (b), individuals under the age of 22
17 years shall be placed only at the central center for the developmentally disabled



10.2
65

1 unless the department authorizes the placement of the individual at the northern or
2 southern center for the developmentally disabled.

3 SECTION 5. 51.06 (3) (b) of the statutes is created to read:

4 51.06 (3) (b) An individual may be placed at a center for the developmentally
5 disabled for services under sub. (1m) (d) only after all of the following conditions are
6 met:

7 1. The department determines that a licensed bed and other necessary
8 resources are available to provide services to the individual.

9 2. The department and the county of residence of the individual agree on a
10 maximum discharge date for the individual.

11 SECTION 6. 51.06 (5) of the statutes is created to read:

12 51.06 (5) SURCHARGE FOR EXTENDED INTENSIVE TREATMENT. The department may
13 impose on a county a progressive surcharge for services under sub. (1m) (d) that an
14 individual receives after the maximum discharge date for the individual that was
15 agreed upon under sub. (3) (b) 2. The surcharge is 10% of the amount paid for the
16 individual's services under s. 49.45 during any part of the first 6-month period
17 following the maximum discharge date, and increases by 10% of the amount paid for
18 the individual's services under s. 49.45 during any part of each 6-month period
19 thereafter. Any revenues received under this subsection shall be credited to the
20 appropriation account under s. 20.435 (2) (gL).

21 SECTION 7. 51.20 (13) (c) (intro.) of the statutes is amended to read:

22 51.20 (13) (c) (intro.) If disposition is made under par. (a) 3., all of the following
23 apply:

24 SECTION 8. 51.20 (13) (c) 1. of the statutes is amended to read:



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1 51.20 (13) (c) 1. The court shall designate the facility or service ~~which~~ that is
 2 to receive the subject individual into the mental health system, ~~except that, if the~~
 3 ~~subject individual is under the age of 22 years and the facility is a center for the~~
 4 ~~developmentally disabled, the court shall designate only the central center for the~~
 5 ~~developmentally disabled unless the department authorizes designation of the~~
 6 ~~northern or southern center for the developmentally disabled;~~ subject to s. 51.06 (3).

7 **SECTION 9.** 51.20 (13) (c) 2. of the statutes is amended to read:

8 51.20 (13) (c) 2. The county department under s. 51.42 or 51.437 shall arrange
 9 for treatment in the least restrictive manner consistent with the requirements of the
 10 subject individual in accordance with a court order designating the maximum level
 11 of inpatient facility, if any, ~~which~~ that may be used for treatment, ~~except that, if the~~
 12 ~~subject individual is under the age of 22 years and the facility is a center for the~~
 13 ~~developmentally disabled, designation shall be only to the central center for the~~
 14 ~~developmentally disabled unless the department authorizes the placement of the~~
 15 ~~individual at the northern or southern center for the developmentally disabled; and~~
 16 subject to s. 51.06 (3).

17 **SECTION 10.** 51.20 (13) (f) of the statutes is amended to read:

18 51.20 (13) (f) The county department under s. 51.42 or 51.437 ~~which~~ that
 19 receives an individual who is committed by a court under par. (a) 3. is authorized to
 20 place ~~such~~ the individual in an approved treatment facility, subject to any limitations
 21 which are specified by the court under par. (c) 2. The county department shall place
 22 the subject individual in the treatment program and treatment facility ~~which~~ that
 23 is least restrictive of the individual's personal liberty, consistent with the treatment
 24 requirements of the individual. The county department shall ~~have~~ has ongoing
 25 responsibility to review the individual's needs, in accordance with sub. (17), and to



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1 transfer the person to the least restrictive program consistent with the individual's
 2 needs. ~~If the subject individual is under the age of 22 years and if the facility~~
 3 ~~appropriate for placement or transfer is a center for the developmentally disabled,~~
 4 ~~placement or transfer of the individual shall be made only to the central center for~~
 5 ~~the developmentally disabled unless the department authorizes the placement or~~
 6 ~~transfer to the northern or southern center for the developmentally disabled~~
 7 Placement or transfer under this paragraph is subject to s. 51.06 (3).

8 SECTION 11. 51.35 (1) (bm) of the statutes is amended to read:

9 51.35 (1) (bm) Notwithstanding par. (b), transfer of a patient ~~under the age of~~
 10 ~~22 years to a center for the developmentally disabled may be made only to the central~~
 11 ~~center for the developmentally disabled unless the department authorizes the~~
 12 ~~transfer of the patient to the northern or southern center for the developmentally~~
 13 ~~disabled is subject to s. 51.06 (3).~~

14 SECTION 12. 51.437 (4rm) (c) 2m. of the statutes is amended to read:

15 51.437 (4rm) (c) 2m. Bill the county department of developmental disabilities
 16 services for services that are not provided by the federal government and that are
 17 provided under s. 51.06 (1m) (d) to individuals who are eligible for medical assistance
 18 ~~that are not provided by the federal government, plus any applicable surcharge~~
 19 under s. 51.06 (5), using the procedure established under subd. 1.

20 SECTION 13. 51.67 (intro.) of the statutes is amended to read:

21 **51.67 Alternate procedure; protective services.** (intro.) If, after a hearing
 22 under s. 51.13 (4) or 51.20, the court finds that commitment under this chapter is not
 23 warranted and that the subject individual is a fit subject for guardianship and
 24 protective placement or services, the court may, without further notice, appoint a
 25 temporary guardian for the subject individual and order temporary protective

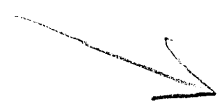


P. 5
676

1 placement or services under ch. 55 for a period not to exceed 30 days. If the court
 2 orders temporary Temporary protective placement for an individual under the age
 3 of 22 years in a center for the developmentally disabled, ~~this placement may be made~~
 4 ~~only at the central center for the developmentally disabled unless the department~~
 5 ~~authorizes the placement or transfer to the northern or southern center for the~~
 6 ~~developmentally disabled~~ is subject to s. 51.06 (3). Any interested party may then
 7 file a petition for permanent guardianship or protective placement or services,
 8 including medication, under ch. 55. If the individual is in a treatment facility, the
 9 individual may remain in the facility during the period of temporary protective
 10 placement if no other appropriate facility is available. The court may order
 11 psychotropic medication as a temporary protective service under this section if it
 12 finds that there is probable cause to believe the individual is not competent to refuse
 13 psychotropic medication and that the medication ordered will have therapeutic
 14 value and will not unreasonably impair the ability of the individual to prepare for
 15 and participate in subsequent legal proceedings. An individual is not competent to
 16 refuse psychotropic medication if, because of chronic mental illness, and after the
 17 advantages and disadvantages of and alternatives to accepting the particular
 18 psychotropic medication have been explained to the individual, one of the following
 19 is true:

SECTION 9324. Initial applicability; health and family services.

21 (1) EXTENDED INTENSIVE TREATMENT SURCHARGE. The treatment of sections
 22 20.435 (2) (gL), 46.275 (5) (e), 51.06 (1m) (d) and (5), 51.20 (13) (c) (intro.), 1., and 2.
 23 and (f), 51.35 (1) (bm), 51.437 (4rm) (c) 2m., and 51.67 (intro.) of the statutes, the
 24 renumbering of section 51.06 (3) of the statutes, and the creation of section 51.06 (3)



1 (b) of the statutes first apply to services under section 51.06 (1m) (d) of the statutes
2 that are provided on the effective date of this subsection.

3 _____ (END) _____

End of INS 2-3



State of Wisconsin
2003 - 2004 LEGISLATURE

LRB-0211/5

DAK:jld:rs

D-NOTE

DOA:.....Jablonsky - BB0050 Intensive treatment beds at centers for developmentally disabled

FOR 2003-05 BUDGET — NOT READY FOR INTRODUCTION

don't gen

- 1 AN ACT ...; relating to: extended intensive treatment services at the state centers
2 for the developmentally disabled and making an appropriation.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

MENTAL ILLNESS AND DEVELOPMENTAL DISABILITIES

Under current law, the state centers for the developmentally disabled may provide, among other services, intensive treatment services for up to 50 individuals with developmental disabilities who are also diagnosed as mentally ill or who exhibit extremely aggressive and challenging behaviors.

This bill removes the limit on the number of individuals who may be provided intensive treatment services at the state centers for the developmentally disabled. However, the bill conditions receipt of those services on a determination by DHFS that a licensed bed and necessary resources are available and on an agreement between DHFS and the individual's county of residence concerning a maximum discharge date for the individual. The bill also authorizes DHFS to impose on counties that pay for these services a progressive surcharge of an additional 10% of the amount paid under Medical Assistance (MA) for the intensive treatment services, for any part of the six-month period that an individual receives the services beyond the discharge date agreed upon by DHFS and the individual's county of residence. For each subsequent six-month period during any part of which the

individual receives the services, the surcharge is increased by an additional 10%. From the moneys received under this surcharge, DHFS may provide payment to counties for one-time costs associated with relocating individuals into communities from state centers for the developmentally disabled under waiver of laws of the federal MA program (commonly known as “Medicaid”).

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:

1 **SECTION 1.** 20.435 (2) (gL) of the statutes is created to read:

2 20.435 (2) (gL) *Extended intensive treatment surcharge.* All moneys received
3 as payments of the surcharge for extended intensive treatment under s. 51.06 (5), for
4 one-time payment of relocation costs for individuals under s. 46.275 (5) (e).

 ****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

5 **SECTION 2.** 46.275 (5) (e) of the statutes is created to read:

6 46.275 (5) (e) From the appropriation under s. 20.435 (2) (gL), the department
7 may provide moneys to a county to pay for one-time costs associated with the
8 relocation under this section of an individual from a state center for the
9 developmentally disabled.

10 **SECTION 3.** 51.06 (1m) (d) of the statutes is amended to read:

11 51.06 (1m) (d) Services for ~~up to 50~~ individuals with developmental disability
12 who are also diagnosed as mentally ill or who exhibit extremely aggressive and
13 challenging behaviors.

14 **SECTION 4.** 51.06 (3) of the statutes is renumbered 51.06 (3) (a) and amended
15 to read:

16 51.06 (3) (a) Individuals Subject to par. (b), individuals under the age of 22
17 years shall be placed only at the central center for the developmentally disabled

1 unless the department authorizes the placement of the individual at the northern or
2 southern center for the developmentally disabled.

3 **SECTION 5.** 51.06 (3) (b) of the statutes is created to read:

4 51.06 (3) (b) An individual may be placed at a center for the developmentally
5 disabled for services under sub. (1m) (d) only after all of the following conditions are
6 met:

7 1. The department determines that a licensed bed and other necessary
8 resources are available to provide services to the individual.

9 2. The department and the county of residence of the individual agree on a
10 maximum discharge date for the individual.

11 **SECTION 6.** 51.06 (5) of the statutes is created to read:

12 51.06 (5) SURCHARGE FOR EXTENDED INTENSIVE TREATMENT. The department may
13 impose on a county a progressive surcharge for services under sub. (1m) (d) that an
14 individual receives after the maximum discharge date for the individual that was
15 agreed upon under sub. (3) (b) 2. The surcharge is 10% of the amount paid for the
16 individual's services under s. 49.45 during any part of the first 6-month period
17 following the maximum discharge date, and increases by 10% of the amount paid for
18 the individual's services under s. 49.45 during any part of each 6-month period
19 thereafter. Any revenues received under this subsection shall be credited to the
20 appropriation account under s. 20.435 (2) (gL).

21 **SECTION 7.** 51.20 (13) (c) (intro.) of the statutes is amended to read:

22 51.20 (13) (c) (intro.) If disposition is made under par. (a) 3., all of the following
23 apply:

24 **SECTION 8.** 51.20 (13) (c) 1. of the statutes is amended to read:

1 51.20 (13) (c) 1. The court shall designate the facility or service ~~which~~ that is
2 to receive the subject individual into the mental health system, ~~except that, if the~~
3 ~~subject individual is under the age of 22 years and the facility is a center for the~~
4 ~~developmentally disabled, the court shall designate only the central center for the~~
5 ~~developmentally disabled unless the department authorizes designation of the~~
6 ~~northern or southern center for the developmentally disabled;~~ subject to s. 51.06 (3).

7 **SECTION 9.** 51.20 (13) (c) 2. of the statutes is amended to read:

8 51.20 (13) (c) 2. The county department under s. 51.42 or 51.437 shall arrange
9 for treatment in the least restrictive manner consistent with the requirements of the
10 subject individual in accordance with a court order designating the maximum level
11 of inpatient facility, if any, ~~which~~ that may be used for treatment, ~~except that, if the~~
12 ~~subject individual is under the age of 22 years and the facility is a center for the~~
13 ~~developmentally disabled, designation shall be only to the central center for the~~
14 ~~developmentally disabled unless the department authorizes the placement of the~~
15 ~~individual at the northern or southern center for the developmentally disabled; and~~
16 subject to s. 51.06 (3).

17 **SECTION 10.** 51.20 (13) (f) of the statutes is amended to read:

18 51.20 (13) (f) The county department under s. 51.42 or 51.437 ~~which~~ that
19 receives an individual who is committed by a court under par. (a) 3. is authorized to
20 place ~~such~~ the individual in an approved treatment facility, subject to any limitations
21 which are specified by the court under par. (c) 2. The county department shall place
22 the subject individual in the treatment program and treatment facility ~~which~~ that
23 is least restrictive of the individual's personal liberty, consistent with the treatment
24 requirements of the individual. The county department shall ~~have~~ has ongoing
25 responsibility to review the individual's needs, in accordance with sub. (17), and to

1 transfer the person to the least restrictive program consistent with the individual's
 2 needs. ~~If the subject individual is under the age of 22 years and if the facility~~
 3 ~~appropriate for placement or transfer is a center for the developmentally disabled,~~
 4 ~~placement or transfer of the individual shall be made only to the central center for~~
 5 ~~the developmentally disabled unless the department authorizes the placement or~~
 6 ~~transfer to the northern or southern center for the developmentally disabled~~
 7 Placement or transfer under this paragraph is subject to s. 51.06 (3).

8 SECTION 11. 51.35 (1) (bm) of the statutes is amended to read:

Transfer

9 51.35 (1) (bm) ~~Notwithstanding par. (b), transfer~~ of a patient under the age of
 10 22 years ~~to a center for the developmentally disabled may be made only to the central~~
 11 ~~center for the developmentally disabled unless the department authorizes the~~
 12 ~~transfer of the patient to the northern or southern center for the developmentally~~
 13 ~~disabled is subject to s. 51.06 (3).~~ resident by a county department ✓

INSERT 5-13

14 SECTION 12. 51.437 (4rm) (c) 2m. of the statutes is amended to read:

15 51.437 (4rm) (c) 2m. Bill the county department of developmental disabilities
 16 services for services that are not provided by the federal government and that are
 17 provided under s. 51.06 (1m) (d) to individuals who are eligible for medical assistance
 18 that are not provided by the federal government, plus any applicable surcharge
 19 under s. 51.06 (5), using the procedure established under subd. 1.

20 SECTION 13. 51.67 (intro.) of the statutes is amended to read:

21 **51.67 Alternate procedure; protective services.** (intro.) If, after a hearing
 22 under s. 51.13 (4) or 51.20, the court finds that commitment under this chapter is not
 23 warranted and that the subject individual is a fit subject for guardianship and
 24 protective placement or services, the court may, without further notice, appoint a
 25 temporary guardian for the subject individual and order temporary protective

1 placement or services under ch. 55 for a period not to exceed 30 days. ~~If the court~~
2 ~~orders temporary~~ Temporary protective placement for an individual ~~under the age~~
3 ~~of 22 years in a center for the developmentally disabled, this placement may be made~~
4 ~~only at the central center for the developmentally disabled unless the department~~
5 ~~authorizes the placement or transfer to the northern or southern center for the~~
6 ~~developmentally disabled~~ is subject to s. 51.06 (3). Any interested party may then
7 file a petition for permanent guardianship or protective placement or services,
8 including medication, under ch. 55. If the individual is in a treatment facility, the
9 individual may remain in the facility during the period of temporary protective
10 placement if no other appropriate facility is available. The court may order
11 psychotropic medication as a temporary protective service under this section if it
12 finds that there is probable cause to believe the individual is not competent to refuse
13 psychotropic medication and that the medication ordered will have therapeutic
14 value and will not unreasonably impair the ability of the individual to prepare for
15 and participate in subsequent legal proceedings. An individual is not competent to
16 refuse psychotropic medication if, because of chronic mental illness, and after the
17 advantages and disadvantages of and alternatives to accepting the particular
18 psychotropic medication have been explained to the individual, one of the following
19 is true:

20 **SECTION 9324. Initial applicability; health and family services.**

21 (1) **EXTENDED INTENSIVE TREATMENT SURCHARGE.** The treatment of sections
22 20.435 (2) (gL), 46.275 (5) (e), 51.06 (1m) (d) and (5), 51.20 (13) (c) (intro.), 1., and 2.
23 and (f), 51.35 (1) (bm), 51.437 (4rm) (c) 2m., and 51.67 (intro.) of the statutes, the
24 renumbering of section 51.06 (3) of the statutes, and the creation of section 51.06 (3)

1 (b) of the statutes first apply to services under section 51.06 (1m) (d) of the statutes
2 that are provided on the effective date of this subsection.

3 (END)

D-NOTE

D-NOTE

To See Gabelovsky;

This draft reconciles LRB-0196/2, LRB-0211/4, and LRB-1746,
LRB-0196 ~~and~~, LRB-0211 should continue to
appear in the compiled bill. all

DAK

and LRB-1746/3.

It does not affect the numbering

of s. 51.06(5); and it affects

s. 51.35(1)(bm) as it was treated

by LRB-0196/2.

NEW INSERT

INSERT 5-13

*** This is reconciled s. 51.35[✓](1)(b.m).

This section has been affected by drafts
LRB

with the following LRB#s: A-0211/4 and

LRB-0196/2.

(end ins)

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0211/5dn
DAK:jld:pg

February 6, 2003

To Sue Jablonsky:

This draft reconciles LRB-0196/2, LRB-0211/4, and LRB-1746/3. It does not affect the numbering of s. 51.06 (5); and it affects s. 51.35 (1) (bm) as it was treated by LRB-0196/2. LRB-0196, LRB-0211, and LRB-1746 should all continue to appear in the compiled draft.

Debora A. Kennedy
Managing Attorney
Phone: (608) 266-0137
E-mail: debora.kennedy@legis.state.wi.us



State of Wisconsin
2003 - 2004 LEGISLATURE

LRB-0211/5
DAK:jld:pg

DOA:.....Jablonsky – BB0050 Intensive treatment beds at centers for
developmentally disabled

FOR 2003-05 BUDGET — NOT READY FOR INTRODUCTION

- 1 AN ACT ...; relating to: extended intensive treatment services at the state centers
- 2 for the developmentally disabled and making an appropriation.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

MENTAL ILLNESS AND DEVELOPMENTAL DISABILITIES

Under current law, the state centers for the developmentally disabled may provide, among other services, intensive treatment services for up to 50 individuals with developmental disabilities who are also diagnosed as mentally ill or who exhibit extremely aggressive and challenging behaviors.

This bill removes the limit on the number of individuals who may be provided intensive treatment services at the state centers for the developmentally disabled. However, the bill conditions receipt of those services on a determination by DHFS that a licensed bed and necessary resources are available and on an agreement between DHFS and the individual's county of residence concerning a maximum discharge date for the individual. The bill also authorizes DHFS to impose on counties that pay for these services a progressive surcharge of an additional 10% of the amount paid under Medical Assistance (MA) for the intensive treatment services, for any part of the six-month period that an individual receives the services beyond the discharge date agreed upon by DHFS and the individual's county of residence. For each subsequent six-month period during any part of which the

individual receives the services, the surcharge is increased by an additional 10%. From the moneys received under this surcharge, DHFS may provide payment to counties for one-time costs associated with relocating individuals into communities from state centers for the developmentally disabled under waiver of laws of the federal MA program (commonly known as “Medicaid”).

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:

1 **SECTION 1.** 20.435 (2) (gL) of the statutes is created to read:

2 20.435 (2) (gL) *Extended intensive treatment surcharge.* All moneys received
3 as payments of the surcharge for extended intensive treatment under s. 51.06 (5), for
4 one-time payment of relocation costs for individuals under s. 46.275 (5) (e).

 ****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

5 **SECTION 2.** 46.275 (5) (e) of the statutes is created to read:

6 46.275 (5) (e) From the appropriation under s. 20.435 (2) (gL), the department
7 may provide moneys to a county to pay for one-time costs associated with the
8 relocation under this section of an individual from a state center for the
9 developmentally disabled.

10 **SECTION 3.** 51.06 (1m) (d) of the statutes is amended to read:

11 51.06 (1m) (d) Services for ~~up to 50~~ individuals with developmental disability
12 who are also diagnosed as mentally ill or who exhibit extremely aggressive and
13 challenging behaviors.

14 **SECTION 4.** 51.06 (3) of the statutes is renumbered 51.06 (3) (a) and amended
15 to read:

16 51.06 (3) (a) ~~Individuals~~ Subject to par. (b), individuals under the age of 22
17 years shall be placed only at the central center for the developmentally disabled

1 unless the department authorizes the placement of the individual at the northern or
2 southern center for the developmentally disabled.

3 **SECTION 5.** 51.06 (3) (b) of the statutes is created to read:

4 51.06 (3) (b) An individual may be placed at a center for the developmentally
5 disabled for services under sub. (1m) (d) only after all of the following conditions are
6 met:

7 1. The department determines that a licensed bed and other necessary
8 resources are available to provide services to the individual.

9 2. The department and the county of residence of the individual agree on a
10 maximum discharge date for the individual.

11 **SECTION 6.** 51.06 (5) of the statutes is created to read:

12 51.06 (5) SURCHARGE FOR EXTENDED INTENSIVE TREATMENT. The department may
13 impose on a county a progressive surcharge for services under sub. (1m) (d) that an
14 individual receives after the maximum discharge date for the individual that was
15 agreed upon under sub. (3) (b) 2. The surcharge is 10% of the amount paid for the
16 individual's services under s. 49.45 during any part of the first 6-month period
17 following the maximum discharge date, and increases by 10% of the amount paid for
18 the individual's services under s. 49.45 during any part of each 6-month period
19 thereafter. Any revenues received under this subsection shall be credited to the
20 appropriation account under s. 20.435 (2) (gL).

21 **SECTION 7.** 51.20 (13) (c) (intro.) of the statutes is amended to read:

22 51.20 (13) (c) (intro.) If disposition is made under par. (a) 3., all of the following
23 apply:

24 **SECTION 8.** 51.20 (13) (c) 1. of the statutes is amended to read:

1 51.20 (13) (c) 1. The court shall designate the facility or service ~~which~~ that is
2 to receive the subject individual into the mental health system, ~~except that, if the~~
3 ~~subject individual is under the age of 22 years and the facility is a center for the~~
4 ~~developmentally disabled, the court shall designate only the central center for the~~
5 ~~developmentally disabled unless the department authorizes designation of the~~
6 ~~northern or southern center for the developmentally disabled;~~ subject to s. 51.06 (3).

7 **SECTION 9.** 51.20 (13) (c) 2. of the statutes is amended to read:

8 51.20 (13) (c) 2. The county department under s. 51.42 or 51.437 shall arrange
9 for treatment in the least restrictive manner consistent with the requirements of the
10 subject individual in accordance with a court order designating the maximum level
11 of inpatient facility, if any, ~~which~~ that may be used for treatment, ~~except that, if the~~
12 ~~subject individual is under the age of 22 years and the facility is a center for the~~
13 ~~developmentally disabled, designation shall be only to the central center for the~~
14 ~~developmentally disabled unless the department authorizes the placement of the~~
15 ~~individual at the northern or southern center for the developmentally disabled; and~~
16 subject to s. 51.06 (3).

17 **SECTION 10.** 51.20 (13) (f) of the statutes is amended to read:

18 51.20 (13) (f) The county department under s. 51.42 or 51.437 ~~which~~ that
19 receives an individual who is committed by a court under par. (a) 3. is authorized to
20 place ~~such~~ the individual in an approved treatment facility, subject to any limitations
21 which are specified by the court under par. (c) 2. The county department shall place
22 the subject individual in the treatment program and treatment facility ~~which~~ that
23 is least restrictive of the individual's personal liberty, consistent with the treatment
24 requirements of the individual. The county department ~~shall have~~ has ongoing
25 responsibility to review the individual's needs, in accordance with sub. (17), and to

1 transfer the person to the least restrictive program consistent with the individual's
2 needs. ~~If the subject individual is under the age of 22 years and if the facility~~
3 ~~appropriate for placement or transfer is a center for the developmentally disabled,~~
4 ~~placement or transfer of the individual shall be made only to the central center for~~
5 ~~the developmentally disabled unless the department authorizes the placement or~~
6 ~~transfer to the northern or southern center for the developmentally disabled~~
7 Placement or transfer under this paragraph is subject to s. 51.06 (3).

8 SECTION 11. 51.35 (1) (bm) of the statutes is amended to read:

9 51.35 (1) (bm) ~~Notwithstanding par. (b), transfer~~ Transfer of a patient under
10 ~~the age of 22 years resident by a county department~~ to a center for the
11 ~~developmentally disabled may be made only to the central center for the~~
12 ~~developmentally disabled unless the department authorizes the transfer of the~~
13 ~~patient to the northern or southern center for the developmentally disabled~~ is subject
14 to s. 51.06 (3).

***NOTE: This is reconciled s. 51.35 (1) (bm). This SECTION has been affected by
drafts with the following LRB numbers: LRB-0211/4 and LRB-0196/2.

15 SECTION 12. 51.437 (4rm) (c) 2m. of the statutes is amended to read:

16 51.437 (4rm) (c) 2m. Bill the county department of developmental disabilities
17 services for services that are not provided by the federal government and that are
18 provided under s. 51.06 (1m) (d) to individuals who are eligible for medical assistance
19 ~~that are not provided by the federal government, plus any applicable surcharge~~
20 under s. 51.06 (5), using the procedure established under subd. 1.

21 SECTION 13. 51.67 (intro.) of the statutes is amended to read:

22 **51.67 Alternate procedure; protective services.** (intro.) If, after a hearing
23 under s. 51.13 (4) or 51.20, the court finds that commitment under this chapter is not

1 warranted and that the subject individual is a fit subject for guardianship and
2 protective placement or services, the court may, without further notice, appoint a
3 temporary guardian for the subject individual and order temporary protective
4 placement or services under ch. 55 for a period not to exceed 30 days. ~~If the court~~
5 ~~orders temporary~~ Temporary protective placement for an individual ~~under the age~~
6 ~~of 22 years~~ in a center for the developmentally disabled, ~~this placement may be made~~
7 ~~only at the central center for the developmentally disabled unless the department~~
8 ~~authorizes the placement or transfer to the northern or southern center for the~~
9 ~~developmentally disabled~~ is subject to s. 51.06 (3). Any interested party may then
10 file a petition for permanent guardianship or protective placement or services,
11 including medication, under ch. 55. If the individual is in a treatment facility, the
12 individual may remain in the facility during the period of temporary protective
13 placement if no other appropriate facility is available. The court may order
14 psychotropic medication as a temporary protective service under this section if it
15 finds that there is probable cause to believe the individual is not competent to refuse
16 psychotropic medication and that the medication ordered will have therapeutic
17 value and will not unreasonably impair the ability of the individual to prepare for
18 and participate in subsequent legal proceedings. An individual is not competent to
19 refuse psychotropic medication if, because of chronic mental illness, and after the
20 advantages and disadvantages of and alternatives to accepting the particular
21 psychotropic medication have been explained to the individual, one of the following
22 is true:

23 **SECTION 9324. Initial applicability; health and family services.**

24 (1) EXTENDED INTENSIVE TREATMENT SURCHARGE. The treatment of sections
25 20.435 (2) (gL), 46.275 (5) (e), 51.06 (1m) (d) and (5), 51.20 (13) (c) (intro.), 1., and 2.

1 and (f), 51.35 (1) (bm), 51.437 (4rm) (c) 2m., and 51.67 (intro.) of the statutes, the
2 renumbering of section 51.06 (3) of the statutes, and the creation of section 51.06 (3)
3 (b) of the statutes first apply to services under section 51.06 (1m) (d) of the statutes
4 that are provided on the effective date of this subsection.

5

(END)