

2007 DRAFTING REQUEST

Bill

Received: 01/19/2007

Received By: dkennedy

Wanted: As time permits

Identical to LRB:

For: Sheryl Albers (608) 266-8531

By/Representing: Kurt Simatic (aide)

This file may be shown to any legislator: NO

Drafter: dkennedy

May Contact:

Addl. Drafters:

Subject: Mental Health - detent/commit

Extra Copies:

Submit via email: YES

Requester's email: Rep.Albers@legis.wisconsin.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

State to pay 50% of actual costs of mental health commitments

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>
/?	dkennedy 02/27/2007	jdye 03/07/2007		_____			S&L
/1			jfrantze 03/07/2007	_____	sbasford 03/07/2007	cduerst 05/07/2007	

FE Sent For: "/1" AT INTRO. 9-20-07<END>

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/?	dkennedy	1 ³ / ₇ [initials]	[initials] 3/11	[initials] 3/11			

FE Sent For:

<END>

Bill Request Form

Legislative Reference Bureau
One East Main Street, Suite 200
Legal Section 266-3561

You may use this form or talk directly with the LRB attorney who will draft the bill.

Date 1/18/07

Legislator, agency, or other person requesting this draft Rep. Sheryl Albers

Person submitting request (name and phone number) Kurt Simatic 6-0427

Persons to contact for questions about this draft (names and phone numbers) same

Describe the problem, including any helpful examples. How do you want to solve the problem?

Draft a bill directing the state to absorb 50% of actual costs of mental health commitments. Billing of counties should be limited to 50% of the actual costs at the placement facility. The appropriation for the state's portion should be sum sufficient. Actual costs for commitments will be determined by Audit Bureau.

Please attach a copy of any correspondence or other material that may help us. If you know of any statute sections that might be affected, list them or provide a marked-up copy.

You may attach a marked-up copy of any LRB draft or provide its number (e.g., 2005 LRB-2345/1 or 2003 AB-67).

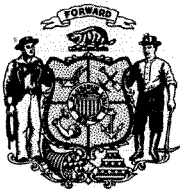
Requests are confidential unless stated otherwise. May we tell others that we are working on this for you? YES NO

If yes: Anyone who asks? YES NO
 Any legislator? YES NO

Only the following persons _____

Do you consider this request urgent? YES NO If yes, please indicate why _____

Should we give this request priority over any pending request of this legislator, agency, or person? YES NO



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-1588/2 1

DAK:.....

D-NOTE

JLd

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

, beginning on
January 1, 2008,

Gen

1 AN ACT ...; relating to: reducing reimbursement by county departments of
2 community programs for inpatient facility care and services for mentally ill
3 county residents and making an appropriation. ✓

Analysis by the Legislative Reference Bureau

Under current law, a county department of community programs must reimburse a state, local, or private facility for the actual cost of all authorized care and services that are provided to mentally ill, developmentally disabled, alcoholic, or other drug dependent residents of the county, less fee collections made from patients. *

of This bill changes the inpatient facility reimbursement requirement to require that a county department of community programs reimburse 50 percent, rather than all, care and services provided to mentally ill county residents in inpatient facilities, less applicable collections. The bill provides a sum sufficient appropriation of general purpose revenue for the Department of Health and Family Services to pay the remaining 50 percent of the cost. ✓

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:

4 SECTION 1. 20.435 (7) (da) ✓ of the statutes is amended to read:

1 20.435 (7) (da) *Reimbursements to local units of government.* A sum sufficient
 2 for the cost of care as provided in s. 51.22 (3) and for 50 percent of the cost of
 3 authorized care and services of mentally ill patients in inpatient facilities, as
 4 provided in s. 51.42 (3) (as) 1., 1m and 3.

History: 1971 c. 125 ss. 138 to 155, 522 (1); 1971 c. 211, 215, 302, 307, 322; 1973 c. 90, 198, 243; 1973 c. 284 s. 32; 1973 c. 308, 321, 322, 333, 336; 1975 c. 39 ss. 153 to 173, 732 (1), (2); 1975 c. 41 s. 52; 1975 c. 82, 224, 292; 1975 c. 413 s. 18; 1975 c. 422, 423; 1975 c. 430 ss. 1, 2, 80; 1977 c. 29 ss. 236 to 273, 1657 (18); 1977 c. 112; 1977 c. 203 s. 106; 1977 c. 213, 233, 327; 1977 c. 354 s. 101; 1977 c. 359; 1977 c. 418 ss. 129 to 137, 924 (18) (d), 929 (55); 1977 c. 428 s. 115; 1977 c. 447; 1979 c. 32 s. 92 (11); 1979 c. 34, 48; 1979 c. 102 s. 237; 1979 c. 111, 175, 177; 1979 c. 221 ss. 118g to 133, 2202 (20); 1979 c. 238, 300, 331, 361; 1981 c. 20 ss. 301 to 356b, 2202 (20) (b), (d), (g); 1981 c. 93 ss. 3 to 8, 186; 1981 c. 298, 314, 317, 359, 390; 1983 a. 27 ss. 318 to 410, 2202 (20); 1983 a. 192, 199, 245; 1983 a. 333 s. 6; 1983 a. 363, 398, 410, 427; 1983 a. 435 ss. 2, 3, 7; 1983 a. 538; 1985 a. 24, 29, 56, 73, 120, 154, 176, 255, 281, 285, 332; 1987 a. 27, 339, 368, 398, 399, 402; 1987 a. 403 ss. 25, 256; 1987 a. 413; 1989 a. 31, 53; 1989 a. 56 ss. 13, 259; 1989 a. 102; 1989 a. 107 ss. 11, 13, 17 to 37; 1989 a. 120, 122, 173, 199, 202, 318, 336, 359; 1991 a. 6, 39, 189, 269, 275, 290, 315, 322; 1993 a. 16, 27, 76, 98, 99, 168, 183, 377, 437, 445, 446, 450, 469, 479, 490, 491; 1995 a. 27 ss. 806 to 961r, 9126 (19); 1995 a. 77, 98; 1995 a. 216 ss. 26, 27; 1995 a. 266, 276, 289, 303, 404, 417, 440, 448, 464, 468; 1997 a. 27 ss. 211, 214, 216, 217, 527 to 609; 1997 a. 35, 105, 231, 237, 280, 293; 1999 a. 5, 9, 32, 52, 84, 103, 109, 113, 133, 185, 186; 2001 a. 16, 69, 103, 105; 2003 a. 33, 139, 186, 318, 320, 326, 327; 2005 a. 15, 22; 2005 a. 25 ss. 299 to 331, 2498 to 2500, 2510; 2005 a. 74, 107, 199, 228, 264, 388, 406, 434.

5 **SECTION 2. 51.42 (3) (as) 1.** of the statutes is amended to read:

6 51.42 (3) (as) 1. A county department of community programs shall authorize
 7 all care of any patient in a state, local or private facility under a contractual
 8 agreement between the county department of community programs and the facility,
 9 unless the county department of community programs governs the facility. The need
 10 for inpatient care shall be determined by the program director or designee in
 11 consultation with and upon the recommendation of a licensed physician trained in
 12 psychiatry and employed by the county department of community programs or its
 13 contract agency. In cases of emergency, a facility under contract with any county
 14 department of community programs shall charge the county department of
 15 community programs having jurisdiction in the county where the patient is found.
 16 The county department of community programs shall reimburse the facility for the
 17 actual cost of all authorized care and services for developmentally disabled,
 18 alcoholic, and other drug dependent patients and for 50 percent of all authorized care
 19 and services for mentally ill patients, less applicable collections under s. 46.036 46.03
 20 (18), unless the department of health and family services determines that a charge
 21 is administratively infeasible, or unless the department of health and family
 22 services, after individual review, determines that the charge is not attributable to the

1 cost of basic care and services. From the appropriation under s. 20.435 (7) (da), the
 2 department of health and family services shall reimburse the facility for the
 3 remaining 50 percent of all authorized care and services for mentally ill patients.

4 Except as provided in subd. 1m., a county department of community programs may
 5 not reimburse any state institution or receive credit for collections for care received
 6 therein by nonresidents of this state, interstate compact clients, transfers under s.
 7 51.35 (3), and transfers from Wisconsin state prisons under s. 51.37 (5) (a),
 8 commitments under s. 975.01, 1977 stats., or s. 975.02, 1977 stats., or s. 971.14,
 9 971.17 or 975.06 or admissions under s. 975.17, 1977 stats., or children placed in the
 10 guardianship of the department of health and family services under s. 48.427 or
 11 48.43 or under the supervision of the department of corrections under s. 938.183 or
 12 938.355. The exclusionary provisions of s. 46.03 (18) do not apply to direct and
 13 indirect costs which are attributable to care and treatment of the client.

History: 1971 c. 125; 1973 c. 90, 198, 333, 336; 1975 c. 39, 198, 199, 224, 422; 1975 c. 428 s. 16; 1975 c. 430 ss. 24 to 31, 80; 1977 c. 26 ss. 37, 38, 75; 1977 c. 29 ss. 612 to 623p, 1656 (18); 1977 c. 193; 1977 c. 203 s. 106; 1977 c. 272; 1977 c. 354 s. 101; 1977 c. 418, 428, 447; 1979 c. 34, 117, 177, 221, 330, 355; 1981 c. 20 ss. 923 to 942, 2202 (20) (d), (n), (q); 1981 c. 93 ss. 105 to 122, 186; 1981 c. 329; 1983 a. 27 ss. 1106 to 1112, 2202 (20); 1983 a. 189 ss. 44, 329 (5); 1983 a. 192, 239, 365, 375, 524; 1985 a. 29, 120, 176; 1987 a. 3, 27, 199, 339, 366; 1989 a. 31, 122; 1991 a. 39, 274, 315; 1993 a. 16, 437, 445; 1995 a. 27 ss. 3260 to 3262, 9126 (19), 9145 (1); 1995 a. 64, 77, 92, 201, 224, 276, 352, 417; 1997 a. 27, 164, 237, 268; 1999 a. 9; 2001 a. 10, 16, 38; 2002 a. 320; 2005 a. 264, 388, 431, 434; s. 13.93 (2) (c).

14 **SECTION 3. 51.42 (3) (as) 1m. of the statutes is amended to read:**

15 51.42 (3) (as) 1m. A county department of community programs shall
 16 reimburse a mental health institute at 50 percent and, from the appropriation
 17 account under s. 20.437 (7) (da), the department of health and family services shall
 18 reimburse a mental health institute at 50 percent, of the institute's daily rate for
 19 custody of any person who is ordered by a court located in that county to be examined
 20 at the mental health institute under s. 971.14 (2) for all days that the person remains
 21 in custody at the mental health institute, beginning 48 hours, not including

1 Saturdays, Sundays, and legal holidays, after the sheriff and county department
2 receive notice under s. 971.14 (2) (d) that the examination has been completed.

History: 1971 c. 125; 1973 c. 90, 198, 333, 336; 1975 c. 39, 198, 199, 224, 422; 1975 c. 428 s. 16; 1975 c. 430 ss. 24 to 31, 80; 1977 c. 26 ss. 37, 38, 75; 1977 c. 29 ss. 612 to 623p, 1656 (18); 1977 c. 193; 1977 c. 203 s. 106; 1977 c. 272; 1977 c. 354 s. 101; 1977 c. 418, 428, 447; 1979 c. 34, 117, 177, 221, 330, 355; 1981 c. 20 ss. 923 to 942, 2202 (20) (d), (n), (q); 1981 c. 93 ss. 105 to 122, 186; 1981 c. 329; 1983 a. 27 ss. 1106 to 1112, 2202 (20); 1983 a. 189 ss. 44, 329 (5); 1983 a. 192, 239, 365, 375, 524; 1985 a. 29, 120, 176; 1987 a. 3, 27, 199, 339, 366; 1989 a. 31, 122; 1991 a. 39, 274, 315; 1993 a. 16, 437, 445; 1995 a. 27 ss. 3260 to 3262, 9126 (19), 9145 (1); 1995 a. 64, 77, 92, 201, 224, 276, 352, 417; 1997 a. 27, 164, 237, 268; 1999 a. 9; 2001 a. 10, 16, 38; 2003 a. 320; 2005 a. 264, 388, 431, 434; s. 13.93 (2) (c).

3 **SECTION 4. 51.42 (3) (as) 3.** of the statutes is amended to read:

4 51.42 (3) (as) 3. Care Fifty percent of care✓ services and supplies provided after
5 December 31, 1973, to any person who, on December 31, 1973, was in or under the
6 supervision of a mental health institute, or was receiving mental health services in
7 a facility authorized by s. 51.08 or 51.09, but was not admitted to a mental health
8 institute by the department of health and family services, shall be charged to the
9 county department of community programs which was responsible for such care and
10 services at the place where the patient resided when admitted to the institution, and
11 50 percent✓ of such care, services, and supplies shall be charged to the department of
12 health and family services for payment from the appropriation account under s.
13 20.435 (7) (da).✓ The department of health and family services may bill county
14 departments of community programs for care provided at the mental health
15 institutes at rates which the department of health and family services sets on a
16 flexible basis, except that this flexible rate structure shall cover the cost of operations
17 of the mental health institutes.

History: 1971 c. 125; 1973 c. 90, 198, 333, 336; 1975 c. 39, 198, 199, 224, 422; 1975 c. 428 s. 16; 1975 c. 430 ss. 24 to 31, 80; 1977 c. 26 ss. 37, 38, 75; 1977 c. 29 ss. 612 to 623p, 1656 (18); 1977 c. 193; 1977 c. 203 s. 106; 1977 c. 272; 1977 c. 354 s. 101; 1977 c. 418, 428, 447; 1979 c. 34, 117, 177, 221, 330, 355; 1981 c. 20 ss. 923 to 942, 2202 (20) (d), (n), (q); 1981 c. 93 ss. 105 to 122, 186; 1981 c. 329; 1983 a. 27 ss. 1106 to 1112, 2202 (20); 1983 a. 189 ss. 44, 329 (5); 1983 a. 192, 239, 365, 375, 524; 1985 a. 29, 120, 176; 1987 a. 3, 27, 199, 339, 366; 1989 a. 31, 122; 1991 a. 39, 274, 315; 1993 a. 16, 437, 445; 1995 a. 27 ss. 3260 to 3262, 9126 (19), 9145 (1); 1995 a. 64, 77, 92, 201, 224, 276, 352, 417; 1997 a. 27, 164, 237, 268; 1999 a. 9; 2001 a. 10, 16, 38; 2003 a. 320; 2005 a. 264, 388, 431, 434; s. 13.93 (2) (c).

18 **SECTION 5. Effective date.**

19 (1) This act takes effect on January 1, 2008.✓

20

(END)

D-NOTE

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

LRB-1588/7dn

DAK: n:...

JLD

To Representative Albers:

Section 16.47 (2)[✓], stats., prohibits passage by either house of a bill containing an appropriation exceeding \$10,000, before passage by both houses of the budget bill, unless certain emergency bill requirements are met. Therefore I have inserted an effective date for this bill of January 1, 2008, to ensure that its passage would not require that it be made an emergency bill. Okay?

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

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

LRB-1588/1dn
DAK:jld:jf

March 7, 2007

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E-mail: debora.kennedy@legis.wisconsin.gov

Duerst, Christina

From: Simatic, Kurt
Sent: Monday, May 07, 2007 11:49 AM
To: LRB.Legal
Subject: Draft Review: LRB 07-1588/1 Topic: State to pay 50% of actual costs of mental health commitments

Please Jacket LRB 07-1588/1 for the ASSEMBLY.