

2007 DRAFTING REQUEST

Bill

Received: **10/29/2007**

Received By: **dkennedy**

Wanted: **As time permits**

Identical to LRB:

For: **Legislative Council - LRC 6-9791**

By/Representing: **Laura Rose**

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

Drafter: **dkennedy**

May Contact:

Addl. Drafters:

Subject: **Mental Health - miscellaneous**

Extra Copies:

Submit via email: **YES**

Requester's email: **laura.rose@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Admission of minors to inpatient mental health treatment

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 10/29/2007	bkraft 10/30/2007		_____			
/P1			jfrantze 10/30/2007	_____	mbarman 10/30/2007		
/P2	dkennedy 11/01/2007 pkahler 11/02/2007	bkraft 11/02/2007	rschluet 11/02/2007	_____	mbarman 11/02/2007		

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	dkennedy 11/20/2007	bkraft 11/20/2007	nnatzke 11/26/2007	_____	sbasford 11/26/2007	cduerst 11/26/2007	

FE Sent For: *N/A*

<END>

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PJK

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/?	dkennedy	/P1 bjk 10/30		<i>Sell</i> <i>10/30</i>			

FE Sent For:

<END>

Admission of Minors to Inpatient Treatment

Specific Statutory Change Requested

Change the language in 51.13(4)(g) which, as amended by Act 444, would permit a court to place a minor in any inpatient facility *except a DD Center* without the approval of the facility treatment director of the director of the county department. DDES requests that this language be changed to require the approval of the treatment director and county department director for all placements in any inpatient facility. p. 16

Administrative or Substantive Problem with the Current Statutes

When the amendments stemming from Act 444 were made this change appears to have been made in error. The previous statutory language required facility and county department directors review and approval for all placements and it was not the intent of those involved in this new legislation to change these review processes. The change results in less protections and reviews than were previously in place.

Need for the Change

See above, the changes appear to have been an error when amending 51.13(4)(g).

Estimate of Fiscal Effect

No fiscal effect.

DHFS Contact: Rodney Miller (608) 266-2715



State of Wisconsin
2007 - 2008 LEGISLATURE

WEDNESDAY a.m. ←

LRB-3362/PI

DAK:.....

Lbjk

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION ✓

SA ✓
X-ref ✓

gen. cat.

- 1 AN ACT ...; relating to: approval of a court order for a minor's placement in or
- 2 transfer to an inpatient facility (suggested as remedial legislation by the
- 3 Department of Health and Family Services.)

Analysis by the Legislative Reference Bureau

Under current law, if a court finds that a minor's therapy or treatment for mental illness, developmental disability, alcoholism, or drug abuse in a particular inpatient facility is not appropriate or consistent with the minor's needs, the court is authorized to order placement in or transfer to another more appropriate or less restrictive facility. However, if the minor is ordered to be placed in the northern or southern center for the developmentally disabled, the placement or transfer must first be approved by the minor's parent (if the minor is under 14 years of age), or the minor and his or her parent (if the minor is aged 14 years or older), except that if the minor refuses approval, the parent may provide approval on behalf of the minor. The placement or transfer also must first be approved by the treatment director of the facility, the director of the appropriate county department of developmental disabilities or community programs (if the county department is responsible for the costs of the therapy or treatment), and the Department of Health and Family Services (DHFS).

This bill changes required approval for a court order to place or transfer a minor from one inpatient facility to another, more appropriate or less restrictive inpatient facility so as to require that any such placement or transfer be approved by the minor's parent (for a minor under age 14); the minor and his or her parent (for a minor aged 14 or older), except that the parent may provide approval on behalf of the

minor; the facility treatment director; and the director of the appropriate county department (if the county is responsible for the costs).[✓] In addition, if the court order is to transfer or place a minor in the northern or southern center for the developmentally disabled, DHFS must approve the placement or transfer.[✓]

This bill is explained in the NOTES provided by the Joint Legislative Council in the bill. [✓]

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

LAW REVISION COMMITTEE PREPATORY NOTE: This bill is a remedial legislation proposal, requested by the Department of Health and Family Services and introduced by the Law Revision Committee under s. 13.83 (1) (c) 4., stats. After careful consideration [✓] of the various provisions of the bill, the Law Revision Committee has determined that this bill makes minor substantive changes in the statutes, and that these changes are desirable as a matter of public policy.

1 **SECTION 1.** 51.13 (4) (g) (intro.) of the statutes is amended to read:
 2 [✓] 51.13 (4) (g) (intro.) If the court finds, under a hearing under par. (d), that the
 3 minor is in need of psychiatric services or services for developmental disability,
 4 alcoholism, or drug abuse in an inpatient facility, that the inpatient facility to which
 5 the minor is admitted offers therapy or treatment that is appropriate for the minor's
 6 needs and that is the least restrictive therapy or treatment consistent with the
 7 minor's needs, the court shall permit admission. If the court finds that the therapy
 8 or treatment in the inpatient facility to which the minor is admitted is not
 9 appropriate or is not the least restrictive therapy or treatment consistent with the
 10 minor's needs, the court may order placement in or transfer to another more
 11 appropriate or less restrictive inpatient facility, ~~except that the placement in or~~
 12 ~~transfer to the northern or southern centers for the developmentally disabled of a~~
 13 ~~minor shall first be~~ if the placement or transfer is first approved by all of the
 14 following, except that placement in or transfer to the northern or southern center for

Kennedy, Debora

To: Katie Plona
Subject: RE: DHFS Draft review: LRB 07-3362/P1 Topic: Admission of minorsto inpatient mental health treatment

Thanks, Katie. I will change it.

-----Original Message-----

From: Katie Plona [mailto:PlonaKP@dhfs.state.wi.us]
Sent: Wednesday, October 31, 2007 10:59 AM
To: Kennedy, Debora
Cc: Bunck, Theodore J - DHFS; Laura Rose
Subject: DHFS Draft review: LRB 07-3362/P1 Topic: Admission of minorsto inpatient mental health treatment

Debora,

Here are the comments to this draft and a requested change to clarify intent. Ted Bunck will be the main person to contact. I have asked him to call you today to answer any questions you have about our request to modify the language to the draft. Ted is the director of the Bureau of Center Operations in the Division of Long Term Care. Ted's phone number is 608-301-9229.

The intent was to correct an obvious error when Ch. 51 was modified by Act 444. This language does accomplish this goal. It does, however, have one oddity and that is it requires Department review for Southern and Northern Centers only. After consulting with Ted and Fredi, our suggested additional modification is to change the language as follows:

The final part of the last sentence, which was the added language now states: "except that placement in or transfer to the northern or southern center for the developmentally disabled shall first be approved by all of the following and the department."

We would modify that to say: "except that placement in or transfer to a center for the developmentally disabled shall first be approved by all of the following and the department. "

This would put central center in the mix as well which makes the process consistent and logical.

Thank you, Katie

From: Barman, Mike
Sent: Tuesday, October 30, 2007 9:24 AM
To: Rose, Laura
Subject: Draft review: LRB 07-3362/P1 Topic: Admission of minors to inpatient mental health treatment

Following is the PDF version of draft LRB 07-3362/P1.

Katie Plona
Legislative Liaison
Department of Health and Family Services
(608) 266-3262
plonakp@dhfs.state.wi.us

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Legislative Liaison
Department of Health and Family Services
(608) 266-3262
plonakp@dhfs.state.wi.us



FRIDAY a.m.
State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-3362/PT2
DAK:bjk:if
Stacy

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION ✓

SAW

regen. cat.

1 AN ACT to repeal 51.13 (4) (g) 4.; and to amend 51.13 (4) (g) (intro.) of the
2 statutes; relating to: approval of a court order for a minor's placement in or
3 transfer to an inpatient facility (suggested as remedial legislation by the
4 Department of Health and Family Services).

Analysis by the Legislative Reference Bureau

Under current law, if a court finds that a minor's therapy or treatment for mental illness, developmental disability, alcoholism, or drug abuse in a particular inpatient facility is not appropriate or consistent with the minor's needs, the court is authorized to order placement in or transfer to another more appropriate or less restrictive facility. However, if the minor is ordered to be placed in the northern or southern center for the developmentally disabled, the placement or transfer must first be approved by the minor's parent (if the minor is under 14 years of age), or the minor and his or her parent (if the minor is aged 14 years or older), except that if the minor refuses approval, the parent may provide approval on behalf of the minor. The placement or transfer also must first be approved by the treatment director of the facility, the director of the appropriate county department of developmental disabilities or community programs (if the county department is responsible for the costs of the therapy or treatment), and the Department of Health and Family Services (DHFS).

This bill changes required approval for a court order to place or transfer a minor from one inpatient facility to another, more appropriate or less restrictive inpatient facility so as to require that any such placement or transfer be approved by the

minor's parent (for a minor under age 14); the minor and his or her parent (for a minor aged 14 or older), except that the parent may provide approval on behalf of the minor; the facility treatment director; and the director of the appropriate county department (if the county is responsible for the costs). In addition, if the court order is to transfer or place a minor in ~~the northern or southern~~ center for the developmentally disabled, DHFS must approve the placement or transfer.

This bill is explained in the NOTES provided by the Joint Legislative Council in the bill.

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1 the developmentally disabled shall first be approved by all of the following and the
2 department:

3 **SECTION 2.** 51.13 (4) (g) 4. of the statutes is repealed.

4 (END)



→ / SOON - In edit 11/20
State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-3362/1
DAK:bjk:
stays

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2007 Bill

Insert

SA ✓

regen. cat.

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14 following, except that placement in or transfer to a center for the developmentally
15 disabled shall first be approved by all of the following and the department:

✓

①

SECTION 2. 51.13 (4) (g) 4. of the statutes is repealed.

②

(END)

INSERT 3-1

INSERT 3-1

NOTE CS

~~LRB 3364~~ This bill requires that a placement of a minor in, or transfer to, an inpatient facility must be first approved by the treatment director of the facility or his or her designee, and the director of the appropriate county department under s. 51.42 or 51.437 if the county department is to be responsible for the cost of the minor's therapy or treatment. In addition, if the placement or transfer is to a center for the developmentally disabled, the placement or transfer must also be approved by the department of health and family services. According to the department of health and family services, this bill corrects an error in 2005 Wisconsin Act 444 that provided that a minor could be placed in an inpatient facility without the approval of the treatment director of the facility or his or her designee, and without the approval of the director of the county department. ✓

end Insert 3-1

Duerst, Christina

From: Rose, Laura
Sent: Monday, November 26, 2007 2:48 PM
To: LRB.Legal
Subject: Draft Review: LRB 07-3362/1 Topic: Admission of minors to inpatient mental health treatment

Please Jacket LRB 07-3362/1 for the ASSEMBLY.