

2013 DRAFTING REQUEST

Senate Amendment (SA-SSA1-SB565)

Received: 3/10/2014 Received By: tdodge
Wanted: As time permits Same as LRB: a2033
For: Leah Vukmir (608) 266-2512 By/Representing: Dean Cady
May Contact: Rep. Sanfelippo's office Drafter: tdodge
Subject: Mental Health - miscellaneous Addl. Drafters:
Extra Copies:

Submit via email: YES
Requester's email: Sen.Vukmir@legis.wisconsin.gov
Carbon copy (CC) to: tamara.dodge@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Transition state board to county board on January 1, 2015, add specific audit language, other changes to Milwaukee County mental health

Instructions:

Companion to LRBa2033 (AA to ASA1 to AB 718)

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>
/1	tdodge 3/10/2014	scalvin 3/10/2014	rschluet 3/10/2014	_____	mbarman 3/10/2014	mbarman 3/10/2014	

FE Sent For:

<END>

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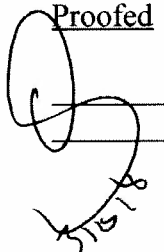
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/1	tdodge	/1 sac 03/10/2014	/1 sac 03/10/2014				

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State of Wisconsin
2013 - 2014 LEGISLATURE



2061/1

LRBa2033/1

TJD:jld&sac:jf

In: 3/10

Due Today
ASAP

stays companion
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SENATE

ASSEMBLY AMENDMENT,

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

SENATE

TO ASSEMBLY BILL 718

SENATE

565

Companion -
no changes

1 At the locations indicated, amend the substitute amendment as follows:

2 1. Page 2, line 17: after that line insert:

3 "SECTION 2d. 15.07 (1) (b) 24. of the statutes, as created by 2013 Wisconsin Act
4 (this act), is repealed."

5 2. Page 3, line 8: after that line insert:

6 "SECTION 3d. 15.07 (1) (cm) of the statutes, as affected by 2013 Wisconsin Act
7 (this act), is amended to read:

8 15.07 (1) (cm) The term of one member of the government accountability board
9 shall expire on each May 1. The terms of the 3 members of the land and water
10 conservation board appointed under s. 15.135 (4) (b) 2. shall expire on January 1.
11 The term of the member of the land and water conservation board appointed under
12 s. 15.135 (4) (b) 2m. shall expire on May 1 of an even-numbered year. The terms of

1 the appraiser members of the real estate appraisers board and the terms of the
2 auctioneer and auction company representative members of the auctioneer board
3 shall expire on May 1 in an even-numbered year. The terms of the members of the
4 cemetery board shall expire on July 1 in an even-numbered year. The term of the
5 student member of the Board of Regents of the University of Wisconsin System who
6 is at least 24 years old shall expire on May 1 of every even-numbered year. ~~The terms
7 of 6 of the members of the Milwaukee County mental health board appointed under
8 s. 15.195 (9) (b) shall expire on May 1 of an even-numbered year.”.~~

9 **3.** Page 3, line 12: after that line insert:

10 “SECTION 4d. 15.07 (3) (bm) 7. of the statutes, as created by 2013 Wisconsin Act
11 (this act), is repealed.”.

12 **4.** Page 4, line 20: delete “prescriber”.

13 **5.** Page 5, line 3: delete “nurse prescribers” and substitute “nurses”.

14 **6.** Page 9, line 12: after that line insert:

15 “SECTION 5d. 15.195 (9) of the statutes, as created by 2013 Wisconsin Act
16 (this act), is repealed.”.

17 **7.** Page 10, line 5: after that line insert:

18 “SECTION 6d. 17.07 (3r) of the statutes, as created by 2013 Wisconsin Act
19 (this act), is repealed.

20 **SECTION 6j.** 19.42 (7w) (e) of the statutes is created to read:

21 19.42 (7w) (e) The position of member of the Milwaukee County mental health
22 board as created under s. 51.41 (1d).”.

23 **8.** Page 10, line 10: after that line insert:

1 **SECTION 7d.** 20.435 (5) (kf) of the statutes, as created by 2013 Wisconsin Act
2 (this act), is repealed.

3 **SECTION 7s.** 46.011 (1s) of the statutes is created to read:

4 **46.011 (1s)** “Milwaukee County mental health board” means the Milwaukee
5 County mental health board created under s. 51.41 (1d).”.

6 **9.** Page 26, line 25: after “**board.**” insert “**(1d)** MILWAUKEE COUNTY MENTAL
7 HEALTH BOARD; APPOINTMENTS; REQUIREMENTS; VACANCIES. (a) Milwaukee County shall
8 establish the Milwaukee County mental health board.

9 (b) Subject to par. (d), the board shall consist of the following 11 voting members
10 appointed by the Milwaukee County executive for 4-year terms except for the
11 members under subds. 10. and 11.:

12 1. A psychiatrist or psychologist who is suggested by the Milwaukee County
13 board of supervisors. The Milwaukee County board of supervisors shall solicit
14 suggestions for psychiatrists and psychologists from organizations including the
15 Wisconsin Medical Society, the Medical Society of Milwaukee, the Wisconsin
16 Psychological Association, the Wisconsin Psychiatric Association, and the Wisconsin
17 Association of Family and Children’s Agencies for individuals who specialize in a full
18 continuum of behavioral health services for children. The Milwaukee County board
19 of supervisors shall suggest to the Milwaukee County executive 4 psychiatrists and
20 psychologists for this board membership position.

21 2. A psychiatrist or psychologist who is suggested by the Milwaukee County
22 board of supervisors. The Milwaukee County board of supervisors shall solicit
23 suggestions for psychiatrists and psychologists from organizations including the
24 Wisconsin Medical Society, the Medical Society of Milwaukee, the Wisconsin

1 Psychological Association, the Wisconsin Psychiatric Association, and the
2 Milwaukee Co-occurring Competency Cadre for individuals who specialize in a full
3 continuum of behavioral health services for adults. The Milwaukee County board
4 of supervisors shall suggest to the Milwaukee County executive 4 psychiatrists and
5 psychologists for this board membership position.

6 3. A representative of the community who is a consumer of mental health
7 services and who is suggested by the Milwaukee County board of supervisors. The
8 Milwaukee County board of supervisors shall solicit suggestions for individuals who
9 have experienced mental illness or substance abuse from organizations including
10 Warmline, the Milwaukee Mental Health Task Force, and the Milwaukee
11 Co-occurring Competency Cadre. The Milwaukee County board of supervisors shall
12 suggest to the Milwaukee County executive 4 representatives of the community for
13 this board membership position.

14 4. A psychiatric mental health advanced practice nurse who is suggested by the
15 Milwaukee County board of supervisors. The Milwaukee County board of
16 supervisors shall solicit suggestions from organizations including the Wisconsin
17 Nurses Association for individuals who specialize in a full continuum of behavioral
18 health and medical services including emergency detention, inpatient, residential,
19 transitional, partial hospitalization, intensive outpatient, and wraparound
20 community-based services. The Milwaukee County board of supervisors shall
21 suggest to the Milwaukee County executive 4 psychiatric mental health advanced
22 practice nurses for this board membership position.

23 5. An individual specializing in finance and administration. The Milwaukee
24 County executive shall solicit suggestions from organizations including the
25 Wisconsin Hospital Association, the Wisconsin County Human Services Association,

1 and the Public Policy Forum for at least 4 individuals with experience in analyzing
2 healthcare operating expenses, revenues, and reimbursement, knowledge of public
3 and private funding and systems, and expertise in financial restructuring for
4 sustainability.

5 6. A health care provider with experience in the delivery of substance abuse
6 services. The Milwaukee County executive shall solicit suggestions from
7 organizations including the Wisconsin Nurses Association and the Milwaukee
8 Co-occurring Competency Cadre for at least 4 health care providers specializing in
9 providing substance abuse services.

10 7. An individual with legal expertise. The Milwaukee County executive shall
11 solicit suggestions from organizations including the Legal Aid Society of Milwaukee,
12 Legal Action of Wisconsin, Community Justice Counsel, and Disability Rights
13 Wisconsin for at least 4 individuals who have legal expertise specializing in
14 emergency detention regulatory requirements including policies, procedures,
15 provider responsibilities, and patient rights.

16 8. A health care provider representing community-based mental health
17 service providers who is suggested by the Milwaukee County board of supervisors.
18 The Milwaukee County board of supervisors shall solicit suggestions from
19 organizations including the Wisconsin Nurses Association, the Milwaukee Health
20 Care Partnership, the Milwaukee Mental Health Task Force, and the Milwaukee
21 Co-occurring Competency Cadre for health care providers specializing in
22 community-based, recovery-oriented, mental health systems. The Milwaukee
23 County board of supervisors shall suggest to the Milwaukee County executive 4
24 health care providers representing community-based mental health service
25 providers for this board membership position.

1 9. An individual who is a consumer or family member representing
2 community-based mental health service providers. The Milwaukee County
3 executive shall solicit suggestions from organizations including the Milwaukee
4 Health Care Partnership, the Milwaukee Mental Health Task Force, and the
5 Milwaukee Co-occurring Competency Cadre for at least 4 consumers and family
6 members representing community-based mental health service providers.

7 10. The chairperson of the county community programs board in Milwaukee
8 County under s. 51.42 (4), or his or her designee who is not an elected official as
9 defined in s. 5.02 (3m). If the chairperson of the county community programs board
10 in Milwaukee County is an elected official, the chairperson shall designate a member
11 of the county community programs board who is not an elected official to be a member
12 under this subdivision.

13 11. The chairperson of the Milwaukee Mental Health Task Force, or his or her
14 designee.

15 (c) Subject to par. (d), the board shall consist of the following 2 nonvoting
16 members appointed by the Milwaukee County executive for 4-year terms:

17 1. A health care provider who is an employee of a higher education institution
18 suggested by the Medical College of Wisconsin. The Milwaukee County executive
19 shall solicit suggestions from the Medical College of Wisconsin for individuals
20 specializing in community-based, recovery-oriented mental health systems,
21 maximizing comprehensive community-based services, prioritizing access to
22 community-based services and reducing reliance on institutional and inpatient
23 care, protecting the personal liberty of individuals experiencing mental illness so
24 that they may be treated in the least restrictive environment to the greatest extent
25 possible, providing early intervention to minimize the length and depth of psychotic

1 and other mental health episodes, diverting people from the corrections system,
2 when appropriate, or maximizing the use of mobile crisis units and crisis
3 intervention training.

4 2. A health care provider who is an employee of a higher education institution
5 suggested by the University of Wisconsin—Madison. The Milwaukee County
6 executive shall solicit suggestions from the University of Wisconsin—Madison for
7 individuals specializing in community-based, recovery-oriented mental health
8 systems, maximizing comprehensive community-based services, prioritizing access
9 to community-based services and reducing reliance on institutional and inpatient
10 care, protecting the personal liberty of individuals experiencing mental illness so
11 that they may be treated in the least restrictive environment to the greatest extent
12 possible, providing early intervention to minimize the length and depth of psychotic
13 and other mental health episodes, diverting people from the corrections system,
14 when appropriate, or maximizing the use of mobile crisis units and crisis
15 intervention training.

16 (d) 1. The Milwaukee County executive shall ensure that one of the members
17 under par. (b) 1. and 2. is a psychologist.

18 2. A person nominating or suggesting individuals for nomination under par. (b)
19 shall attempt to ensure that individuals suggested are among the most-qualified
20 and experienced in their field.

21 3. a. In this subdivision, “cultural competency” means the ability to understand
22 and act respectfully toward, in a cultural context, the beliefs, interpersonal styles,
23 attitudes, and behaviors of persons and families of various cultures, including
24 persons and families who receive mental health services in Milwaukee County and
25 persons and families who provide mental health services in Milwaukee County.

1 b. Members under par. (b) collectively shall possess cultural competency and
2 shall reflect the population that is serviced by the Milwaukee County mental health
3 system.

4 4. No member of the board may be an employee of Milwaukee County at the
5 time of nomination.

6 5. No member of the board may be a lobbyist, as defined in s. 13.62 (11). No
7 member of the board may directly or indirectly solicit or receive subscriptions or
8 contributions for any partisan political party or any political purpose while
9 appointed to the board. No member of the board may engage in any form of political
10 activity calculated to favor or improve the chances of any political party or any person
11 seeking or attempting to hold partisan office. No member of the board may hold an
12 elected office. Any violation of this subdivision is adequate grounds for dismissal.

13 6. No member under par. (b) may serve more than 2 consecutive terms in a
14 membership position for which suggestions for nomination are made by the same
15 individual or entity, except that a member may serve 3 consecutive terms in a
16 membership position for which suggestions for nomination are made by the same
17 individual or entity if one of those 3 terms is for less than 2 years. An individual who
18 has served 2 consecutive 4-year terms or 3 consecutive terms totalling less than 10
19 years is eligible to be suggested for nomination as a member under par. (b) after the
20 individual has not served on the board for 12 months.

21 7. Notwithstanding par. (b) 1., 2., 3., 4., and 8. and subject to subd. 6., if the
22 Milwaukee County board of supervisors chooses to suggest a member of the
23 Milwaukee County mental health board for reappointment to his or her position
24 under par. (b) 1., 2., 3., 4., or 8., the Milwaukee County board of supervisors is not
25 required to solicit suggestions from organizations and is not required to submit an

1 additional 3 suggestions to the Milwaukee County executive for that appointment.
2 Notwithstanding par. (b) 5., 6., 7., and 9. and subject to subd. 6., if the Milwaukee
3 County executive chooses to suggest a member of the Milwaukee County mental
4 health board for reappointment to his or her position under par. (b) 5., 6., 7., or 9.,
5 the Milwaukee County executive is not required to solicit suggestions from
6 organizations for that appointment.

7 8. Notwithstanding s. 59.17 (2) (c), appointment of members under pars. (b) and
8 (c) to the Milwaukee County mental health board is not subject to approval of the
9 Milwaukee County board of supervisors.

10 (f) At its first meeting in each year, the Milwaukee County mental health board
11 shall elect a chairperson, vice chairperson, and secretary each of whom may be
12 reelected for successive terms.

13 (g) A majority of the membership of a board constitutes a quorum to do
14 business, and unless a more restrictive provision is adopted by the board, a majority
15 of a quorum may act in any matter within the jurisdiction of the board.

16 (h) The members of the Milwaukee County mental health board shall be
17 reimbursed for their actual and necessary expenses incurred in the performance of
18 their duties. The members shall receive no compensation for their services.

19 (i) 1. Notwithstanding s. 17.10, a member of the Milwaukee County mental
20 health board may be removed by all of the following:

21 a. If the Milwaukee County executive solicited suggestions for nomination, the
22 Milwaukee County executive, for cause.

23 b. If the Milwaukee County board of supervisors suggested the member for
24 nomination, the Milwaukee County board of supervisors, for cause.

1 2. A member of the Milwaukee County mental health board shall be removed
2 by the Milwaukee County executive for engaging in an activity that disqualifies an
3 individual from board membership under this subsection.”.

4 **10.** Page 27, line 1: delete “(1)” and substitute “(1s)”.

5 **11.** Page 27, line 6: before “budget” insert “mental health”.

6 **12.** Page 27, line 6: delete “amount set” and substitute “as defined”.

7 **13.** Page 27, line 6: after “(a)” insert “2”.

8 **14.** Page 28, line 6: delete “(a)”.

9 **15.** Page 28, line 12: delete lines 12 to 19.

10 **16.** Page 34, line 17: after “functions” insert “and to ensure there is no
11 interruption of mental health services”.

12 **17.** Page 35, line 8: after that line insert:

13 “**SECTION 35m.** 51.41 (3) and (5) (a) and (b) of the statutes, as created by 2013
14 Wisconsin Act (this act), are amended to read:

15 51.41 (3) PUBLIC HEARING; MEETINGS. The Milwaukee County mental health
16 board shall meet 6 times each year and may meet at other times on the call of the
17 chairperson or a majority of the board’s members. Annually, the Milwaukee County
18 mental health board shall hold a public hearing in Milwaukee County as one of its
19 required meetings.

20 (5) (a) The Milwaukee County board of supervisors has no jurisdiction over any
21 mental health policy, functions, programs, or services. The Milwaukee County board
22 of supervisors may not create new mental health functions, programs, or services
23 that are under the jurisdiction of the board of supervisors. ~~Any dispute between the~~

1 ~~Milwaukee County board of supervisors and the Milwaukee County mental health~~
2 ~~board over whether a function, program, or service is a mental health function,~~
3 ~~program, or service under the jurisdiction of the Milwaukee County mental health~~
4 ~~board shall be resolved by the secretary of health services.~~

5 (b) The Milwaukee County mental health board may transfer jurisdiction over
6 a Milwaukee County function, service, or program to itself that pertains to mental
7 health or is highly integrated with mental health services and that is not under its
8 jurisdiction by statute ~~or by agreement with the Milwaukee County board of~~
9 ~~supervisors~~, by an affirmative vote of ~~8 of the voting~~ a majority of the Milwaukee
10 County mental health board and a majority of the Milwaukee County board of
11 supervisors.

12 **SECTION 35p.** 51.41 (6) of the statutes, as created by 2013 Wisconsin Act ...
13 (this act), is repealed.”.

14 **18.** Page 44, line 19: after that line insert:

15 “(c) This subsection does not apply after December 31, 2014.

16 (2d) COUNTY-BASED MILWAUKEE COUNTY MENTAL HEALTH BOARD; TRANSFER OF
17 BOARD MEMBER APPOINTMENTS. Notwithstanding section 51.41 (1d) of the statutes, as
18 created by this act, on January 1, 2015, the Milwaukee County executive shall
19 appoint the individuals who are appointed to the state-based Milwaukee County
20 mental health board under section 15.195 (9) of the statutes, as created by this act,
21 as of December 31, 2014, to the county-based Milwaukee County mental health
22 board as created in section 51.41 (1d) of the statutes, as created by this act, to serve
23 the remainder of their terms as specified under subsection (1). Beginning January
24 1, 2015, the Milwaukee County executive shall make appointments to the

1 Milwaukee County mental health board in accordance with section 51.41 (1d) of the
2 statutes, as created by this act, to fill board vacancies and to fill positions when the
3 term of a board member expires.”.

4 **19.** Page 45, line 6: after “programs.” insert “The audit shall include
5 recommendations for the state assuming oversight responsibility for emergency
6 detention services and the psychiatric hospital of the Milwaukee County Mental
7 Health Complex, developing a plan for closing the Milwaukee County Mental Health
8 Complex, and developing a plan for state oversight of a regional facility for the
9 delivery of institutional, inpatient, crisis services, and behavioral health services
10 using similar state-operated regional facilities as a model. In addition, the audit
11 shall provide details and specifications on how, after the transitioning of the
12 county-run institutional model to a state-based regionalized model, the state-based
13 Milwaukee County mental health board will transition to a county-based board, the
14 positions on the Milwaukee County mental health board will transition to a
15 community-based focus, the funding for inpatient services and community-based
16 services will continue, and mental health services will be delivered in a manner that
17 reflects all of the following principles:

- 18 1. Community-based, person-centered, recovery-oriented mental health
19 systems.
- 20 2. Maximizing comprehensive community-based services.
- 21 3. Prioritizing access to community-based services and reducing reliance on
22 institutional and inpatient care.

1 4. Protecting the personal liberty of individuals experiencing mental illness so
2 that they may be treated in the least restrictive environment to the greatest extent
3 possible.

4 5. Providing early intervention to minimize the length and depth of psychotic
5 and other mental health episodes.

6 6. Diverting people experiencing mental illness from the corrections system
7 when appropriate.

8 7. Maximizing use of mobile crisis units and crisis intervention training.”.

9 **20.** Page 45, line 6: before “The department” insert “(b)”.

10 **21.** Page 45, line 7: after “audit” insert “under paragraph (a)”.

11 **22.** Page 45, line 9: delete “audit shall” and substitute “audit under paragraph
12 (a) shall”.

13 **23.** Page 45, line 9: delete “audit, including” and substitute “audit under
14 paragraph (a), including”.

15 **24.** Page 45, line 15: delete “(b)” and substitute “(c)”.

16 **25.** Page 45, line 20: after that line insert:

17 “**SECTION 54m. Effective dates.** This act takes effect on the day after
18 publication, except as follows:

19 (1) **TRANSITION TO COUNTY-BASED MILWAUKEE COUNTY MENTAL HEALTH BOARD.** The
20 treatment of sections 15.07 (1) (cm) (by SECTION 3d), 19.42 (7w) (e), 46.011 (1s), and
21 51.41 (1d), (3) (by SECTION 35m), and (5) (a) and (b) (by SECTION 35m) of the statutes
22 and the repeal of sections 15.07 (1) (b) 24. and (3) (bm) 7., 15.195 (9), 17.07 (3r), 20.435
23 (5) (kf), and 51.41 (6) of the statutes take effect on January 1, 2015.”.

24

(END)