

**2013 DRAFTING REQUEST**

**Bill**

Received: **7/10/2013** Received By: **tdodge**  
 Wanted: **As time permits** Same as LRB:  
 For: **Erik Severson (608) 267-2365** By/Representing: **Mark Florian / AJ**  
 May Contact: **Representative Jagler's office** Drafter: **tdodge**  
 Subject: **Mental Health - miscellaneous** Addl. Drafters:  
 Extra Copies:  
 Submit via email: **YES**  
 Requester's email: **Rep.Severson@legis.wisconsin.gov**  
 Carbon copy (CC) to: **tamara.dodge@legis.wisconsin.gov**

**Pre Topic:**

No specific pre topic given

**Topic:**

Report on county performance on providing core mental health services

**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>
/?	tdodge 8/28/2013			_____			
/P1	tdodge 9/20/2013	scalvin 9/6/2013	rschluet 9/6/2013	_____	lparisi 9/6/2013		
/1	tdodge 10/7/2013	scalvin 9/20/2013	jmurphy 9/23/2013	_____	lparisi 9/23/2013		State S&L
/2		scalvin	rschluet	_____	sbasford	mbarman	State

Vers. Drafted

Reviewed  
10/8/2013

Typed  
10/8/2013

Proofed  
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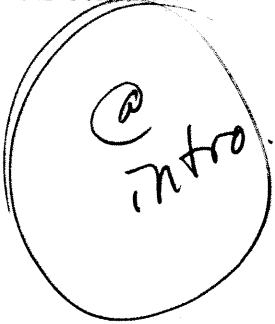
Submitted  
10/8/2013

Jacketed  
10/18/2013

Required  
S&L

FE Sent For:

<END>



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intro.

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See attached

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/2		scalvin	rschlue	_____	sbasford		State

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		1/2 sac 10/8/2013					

FE Sent For:

**<END>**

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Extra Copies:

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

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**Topic:**

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**Instructions:**

See attached

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/P1		scalvin 9/6/2013	rschluet 9/6/2013	_____	lparisi 9/6/2013		
FE Sent For:		1/1 sac 09/20/2013	Jm 9/20	Jm 9/23			

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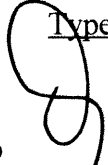
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FE Sent For:

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## **Dodge, Tamara**

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**From:** Florian, Mark  
**Sent:** Wednesday, July 10, 2013 11:07 AM  
**To:** Dodge, Tamara  
**Subject:** Bill Draft Request - Create a Report on county Performance on Providing Core Services  
**Attachments:** Bill Draft Request- Create a Report on County Performance on Providing Core Services.docx

Hello Tamara,

Attached you will find a second bill draft request from Rep. Jagler. Again, since mental health was listed as one of your primary subject areas I figured that you would be the appropriate attorney to receive this request. Please let me know if you have any questions or need any more information!

Thanks again and all the best,

Mark

Mark Florian  
Office of Representative John Jagler  
37th Assembly District  
(608) 266-9650

**Bill Draft Request: Create a Report on County Performance on Providing Core Services**

**FROM: MARK FLORIAN, OFFICE OF REP. JAGLER: (608) 266-9650**

**CONFIDENTIAL, NOT URGENT**

***Summary***

The Legislative Fiscal Bureau in January 2013 published LFB Paper #50 which among other items described the responsibility of counties for providing services for individuals with mental illness who reside in their county. The Legislative Fiscal Bureau describes counties' responsibilities as follows:

*"Each county is responsible for the treatment and care of persons with mental illness who reside in the county. Counties must also ensure that persons who need immediate emergency services receive them. Statutes specify that counties are responsible for the program needs only within the limits of available state and federal funding, and county matching funds. Each county establishes its own program and budget for these services. Counties may limit service levels and establish waiting lists to ensure that expenditures do not exceed available resources. For these reasons, the type and amount of available services varies among counties. (Emphasis added)"*

Other states, such as Iowa, have established a minimum core set of mental health services that a county or region must make available. Iowa has also established performance metrics that counties/regions must meet in providing such core services. DHS has also preliminarily identified a set of "core" services in a mental health and substance abuse collaborative pilot that several counties in western Wisconsin are currently participating in.

To begin to work to level the availability of mental health services provided by counties across Wisconsin and to identify "core" county provided mental health services that all Wisconsin citizens should be able to access in a timely way, this bill would require DHS to develop through rulemaking a set of core mental health and substance abuse services that represent best practices necessary for a county to meet its responsibilities under ch. 51, and a set of metrics that measure on a county by county basis the availability, accessibility, cost and effectiveness of such core services. Those metrics would then be used to create an annual report identifying each county's performance on those metrics and showing how local, state, and federal dollars are being spent by counties in Wisconsin to meet their responsibilities under chapter 51. No county would be required to provide the "core" services identified by the rule but all counties would be measured to see if and how they are providing those services.

**Bill language**

**SECTION 1 – Create s. 51.42(1)(f) as follows:**

51.42(1)(f) *Report core services.*

1. By January 1, 2015, the department shall enact rules that do the following:

- a. Identify a set of core mental health and substance abuse services that represent current best practices necessary for a county to meet its responsibilities under s. 51.42.
- b. Identify metrics that measure the availability, accessibility, cost and effectiveness of such core mental health and substance abuse services.
- c. If the Department does not have an existing method for receiving a metric identified in subd. b, creates a mechanism for counties to report such a metric to the Department.
- d. Creates an annual report produced by the Department that shall be submitted to the Legislature and each county board of supervisors by January 1 of each year that shows the following:
  - i. Each county's performance based on the metrics in subd. b.
  - ii. Each county's share of state or federal funds available to a county to fulfill its responsibilities under ch. 51.
  - iii. A comparison of Wisconsin's aggregate performance compared to other states of mental health measures in the CMHS Uniform Reporting System.
  - iv. A comparison of spending at the local, state, and federal level on mental health services compared to other states.

2. 51.42(1)(f)1.a. shall not be interpreted to modify any requirements of counties under ch. 51.

## **Dodge, Tamara**

---

**From:** Scholz, AJ  
**Sent:** Wednesday, August 28, 2013 10:07 AM  
**To:** Dodge, Tamara  
**Subject:** RE: Mental health drafts

Hello Tami,

That's perfect, thanks for your help.

### **AJ Scholz**

Office of Representative Erik Severson  
608-267-2365  
221 North, State Capitol

---

**From:** Dodge, Tamara  
**Sent:** Wednesday, August 28, 2013 10:07 AM  
**To:** Scholz, AJ  
**Subject:** Mental health drafts

AJ,

I received an email from Representative Jagler's office stating that Representative Severson would be taking over their drafts on reporting county performance on providing core mental health services and creating a mechanism for an interested party to pursue an emergency detention. Assuming this is correct, I will have those drafts sent directly to your office. Let me know if this is not the case.

Thanks,  
Tami

### **Tamara J. Dodge**

Attorney  
Wisconsin Legislative Reference Bureau  
P.O. Box 2037  
Madison, WI 53701-2037  
(608) 267 - 7380  
[tamara.dodge@legis.wisconsin.gov](mailto:tamara.dodge@legis.wisconsin.gov)

## Dodge, Tamara

---

**From:** Florian, Mark  
**Sent:** Tuesday, August 27, 2013 2:55 PM  
**To:** Dodge, Tamara  
**Subject:** RE: Bill Draft Request - Create a Report on county Performance on Providing Core Services

Hello Tami,

Our office would not need to receive the bill drafts. Rep. Jagler stated that he would like to completely hand them over to Rep. Severson. Thank you so much for your assistance!

Best,

Mark

Mark Florian  
Office of Representative John Jagler  
37th Assembly District  
(608) 266-9650

---

**From:** Dodge, Tamara  
**Sent:** Tuesday, August 27, 2013 2:37 PM  
**To:** Florian, Mark  
**Subject:** RE: Bill Draft Request - Create a Report on county Performance on Providing Core Services

Mark,

Okay, and thank you. Do you still want Rep. Jagler to receive the bill drafts? If so, would you like Rep. Severson's office to receive an electronic copy of the bills directly from the LRB?

Thanks,  
Tami

**Tamara J. Dodge**  
Attorney  
Wisconsin Legislative Reference Bureau  
P.O. Box 2037  
Madison, WI 53701-2037  
(608) 267 - 7380  
[tamara.dodge@legis.wisconsin.gov](mailto:tamara.dodge@legis.wisconsin.gov)

---

**From:** Florian, Mark  
**Sent:** Tuesday, August 27, 2013 2:33 PM  
**To:** Dodge, Tamara  
**Cc:** Scholz, AJ  
**Subject:** FW: Bill Draft Request - Create a Report on county Performance on Providing Core Services

Good afternoon Tamara,

I hope that this message finds you well. Rep. Jagler would like to authorize Rep. Severson's office to discuss and work on these drafts with you. Please feel free to contact me with any questions or concerns.

Thanks and all the best,

Mark

Mark Florian  
Office of Representative John Jagler  
37th Assembly District  
(608) 266-9650

---

**From:** Florian, Mark  
**Sent:** Wednesday, July 10, 2013 11:07 AM  
**To:** Dodge, Tamara  
**Subject:** Bill Draft Request - Create a Report on county Performance on Providing Core Services

Hello Tamara,

Attached you will find a second bill draft request from Rep. Jagler. Again, since mental health was listed as one of your primary subject areas I figured that you would be the appropriate attorney to receive this request. Please let me know if you have any questions or need any more information!

Thanks again and all the best,

Mark

Mark Florian  
Office of Representative John Jagler  
37th Assembly District  
(608) 266-9650

**From:** Florian, Mark  
**Sent:** Wednesday, July 10, 2013 11:05 AM  
**To:** Dodge, Tamara  
**Subject:** Bill Draft Request: Mechanism for an Interested Party to Pursue an Emergency Detention

Hello Tamara,

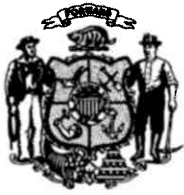
Attached you will find a bill draft request from Rep. Jagler. Since mental health was listed as one of your subject areas I figured that that you would be the appropriate attorney to contact with this request. I will be sending along another draft request that involves mental health as well in a separate email. Please let me know if you have any questions or need any more information from us!

Thanks and all the best,

Mark

Mark Florian

Office of Representative John Jagler  
37th Assembly District  
(608) 266-9650



State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-2668/P1

TJD:~:~:~

RMR  
SAC

In 8/28/13

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

1 AN ACT<sup>gen act</sup>...; relating to: reporting on county performance on providing core  
2 mental health services and requiring the exercise of rule-making authority.

---

***Analysis by the Legislative Reference Bureau***

This is a preliminary draft. An analysis will be provided in a subsequent version of this draft.

---

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

3 SECTION 1. 51.42 (7) (d) of the statutes is created to read:

4 51.42 (7) (d) 1. The department shall promulgate rules to do all of the following:

5 a. Identify a core set of mental health and substance abuse services that  
6 represent current best practices necessary for a county to meet its responsibilities  
7 under this section.

8 b. Identify standards and processes to measure the availability, accessibility,  
9 cost, and effectiveness of the core mental health and substance abused services  
10 identified in subd. 1. a.



1 c. If the department does not have a method for receiving information  
2 necessary to perform the measurements under subd. 1. b., create a mechanism for  
3 counties to report that information.

4 2. By January 1, 2016, and annually thereafter, the department shall prepare  
5 and submit a report to the legislature under s. 13.172 (2) and to the county board of  
6 supervisors of each county that shows all of the following:

\* \*\*\*\*NOTE: Please note that this draft requires the first report by January 1, 2016,  
instead of the requested January 1, 2015. With the current rulemaking procedure taking  
an unknown amount of time and the fact that a rule may not, in most circumstances, be  
submitted to and reviewed by the legislature between the last general floor session day  
and the first day of the next session, the rule most likely would not be promulgated by  
January 1, 2015. If you would like the rule to be promulgated sooner, these rules could  
be exempted from some rule-making procedures. Please contact me if you would like to  
discuss strategies to speed up the rule-making process for these rules.

7 a. The performance of each county based on the measurements under subd. 1.

8 b.

9 b. Each (The) county's share of the state or federal funds available to fulfill its  
10 responsibilities under this chapter.

\* \*\*\*\*NOTE: Please confirm that you want just this funding analysis for all of the county's  
responsibilities under chapter 51 instead of the responsibilities under s. 51.42, which the  
other measurements reflect.

11 c. A comparison of the state's performance compared to other states on mental  
12 health measures using data from the uniform reporting system of the center for  
13 mental health services of the federal substance abuse and mental health services  
14 administration.

15 d. A comparison of spending on mental health services at the local, state, and  
16 federal level compared to other states.

spending \*\*\*\*NOTE: Is DHS supposed to get this information from the same source as the  
other state comparison data? I am just wondering how the state would have access to  
timely information from other states.



## **Dodge, Tamara**

---

**From:** Scholz, AJ  
**Sent:** Monday, September 09, 2013 9:09 AM  
**To:** Dodge, Tamara  
**Subject:** LRB 2668

Hello Tami,

I was reviewing the drafting notes for LRB 2668/P1 relating to reporting on county performance on providing core mental health services and requiring the exercise of rule-making authority. You had three notes in there asking for feedback.

- 1) Reporting date, I agree that it would be unlikely to get anything ready in time given the current rule-making process. I don't think we want to create an exemption of some kind so Jan 1, 2016 will work fine.
- 2) Funding analysis, I think it would be important to have the information for all of chapter 51, not just this sub chapter, so yes please apply it to the entire chapter.
- 3) DHS information, I believe they would likely use the same information as specified in the (2)(c) however I don't know if we necessarily want to restrict them just to that source of information. If they know of, or can find, a better source of information we should give them that flexibility. I think the way it is currently written will provide them the ability to determine the best source of information in order to make their comparisons.

I hope that answers all of you questions, feel free to contact me if you have any additional questions or concerns.

Sincerely,

**AJ Scholz**  
Office of Representative Erik Severson  
608-267-2365  
221 North, State Capitol

**Dodge, Tamara**

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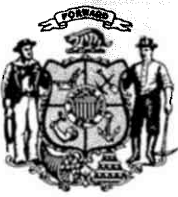
**From:** Scholz, AJ  
**Sent:** Tuesday, September 10, 2013 4:11 PM  
**To:** Dodge, Tamara  
**Subject:** LRB 2668 Modifications

Hey Tami,

One slight change of plans from what I sent you the other day relating to changes to LRB 2668. If you could please completely remove Page 2 line 14 through 19 relating to all state to state comparisons we would really appreciate it. So sub c and d in that section. I apologize for changing our minds on that portion.

Thanks for all your help.

**AJ Scholz**  
Office of Representative Erik Severson  
608-267-2365  
221 North, State Capitol



State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-2668/P1 01  
TJD:sac:fs

In: 9/20/13  
Due Tues  
9/24/13

RMR

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

*gen cut*

1 AN ACT *to create* 51.42 (7) (d) of the statutes; **relating to:** reporting on county  
2 performance on providing core mental health services and requiring the  
3 exercise of rule-making authority.

*Insert  
Analysis*

***Analysis by the Legislative Reference Bureau***

This is a preliminary draft. An analysis will be provided in a subsequent version of this draft.

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

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5 51.42 (7) (d) 1. The department shall promulgate rules to do all of the following:  
6 a. Identify a core set of mental health and substance abuse services that  
7 represent current best practices necessary for a county to meet its responsibilities  
8 under this section.

1 b. Identify standards and processes to measure the availability, accessibility,  
2 cost, and effectiveness of the core mental health and substance abuse services  
3 identified in subd. 1. a.

4 c. If the department does not have a method for receiving information  
5 necessary to perform the measurements under subd. 1. b., create a mechanism for  
6 counties to report that information.

7 2. By January 1, 2016, and annually thereafter, the department shall prepare  
8 and submit a report to the legislature under s. 13.172 (2) and to the county board of  
9 supervisors of each county that shows all of the following:

\*\*\*\*NOTE: Please note that this draft requires the first report by January 1, 2016, instead of the requested January 1, 2015. With the current rulemaking procedure taking an unknown amount of time and the fact that a rule may not, in most circumstances, be submitted to and reviewed by the legislature between the last general floor session day and the first day of the next session, the rule most likely would not be promulgated by January 1, 2015. If you would like the rules to be promulgated sooner, these rules could be exempted from some rule-making procedures. Please contact me if you would like to discuss strategies to speed up the rule-making process for these rules.

10 a. The performance of each county based on the measurements under subd. 1.

11 b.

12 b. Each county's share of the state or federal funds available to fulfill its  
13 responsibilities under this chapter.

\*\*\*\*NOTE: Please confirm that you want this funding analysis for all of the county's responsibilities under chapter 51 instead of just the responsibilities under s. 51.42, which the other measurements reflect.

14 c. A comparison of the state's performance compared to other states on mental  
15 health measures using data from the uniform reporting system of the center for  
16 mental health services of the federal substance abuse and mental health services  
17 administration.

18 d. A comparison of spending on mental health services at the local, state, and  
19 federal level compared to other states.

\*\*\*\*NOTE: Is DHS supposed to get this information from the same source as the other state comparison data? I am just wondering how the state would have access to timely spending information from other states.

- 1 3. This paragraph and rules promulgated under this paragraph do not create
- 2 requirements for services to be provided by counties in addition to requirements of
- 3 this chapter.

4 (END)

1 INSERT ANALYSIS

Under current law, among other responsibilities of counties related to mental health of its residents, a county board of supervisors <sup>or</sup> county boards of supervisors of two or more counties must establish a county department of community programs to administer a community mental health, developmental disabilities, alcoholism and drug abuse program, make appropriations to operate the program, and authorize grant applications to fund the program. The county department of community programs, which is governed by a county community programs board, has various powers and duties including the duties of entering into contracts to render or secure services and preparing a local plan which includes an inventory of existing resources, identifies needed resources and services and contains a plan for meeting the needs of <sup>those who are</sup> the mentally ill, developmentally disabled, alcoholic, drug abusers and those with other psychiatric disabilities. The Department of Health Services (DHS) also has various duties related to the county departments of community programs including reviewing requests and certifying county departments of community programs and community mental health programs; developing a training curriculum for use in training members of the county community programs boards and county human services boards; and prescribing certain standards and requirements.

This bill requires DHS to promulgate rules to do all of the following: identify a core set of mental health and substance abuse services that represent current best practices for a county; identify standards and processes to measure the availability, accessibility, cost, and effectiveness of the core services; and create a mechanism for counties to report the information necessary to perform those measurements if DHS does not have a method already. The bill requires DHS to prepare an annual report <sup>beginning January 1, 2016</sup> that shows the performance of each county based on those measurements and each county's share of the state <sup>of</sup> federal funds available to fulfill responsibilities related to the mental health of that county's residents. DHS must submit the report to the legislature and to the county board of supervisors of each county.

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

(End insert analysis)

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## **Dodge, Tamara**

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**From:** Scholz, AJ  
**Sent:** Monday, October 07, 2013 11:38 AM  
**To:** Dodge, Tamara  
**Subject:** LRB 2668/1

Hello Tami,

There need to be some changes to LRB 2668/1 based on changes in the recommendation from the Speaker's Task Force. The Task Force report eliminated any reference to having DHS establish core standards for what mental health services should be provided. The current recommendation reads "Require DHS, by January 1, 2016, to enact rules that create a mechanism for counties to report to DHS which mental health services and programs they each provide."

In regards to the draft, I think that would eliminate any reference to a core set of mental health and substance abuse services. We simply want DHS to report what services each county is providing.

Thanks for your help

**AJ Scholz**

Office of Representative Erik Severson  
608-267-2365  
221 North, State Capitol



State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-2668/1  
TJD:sac:im

In: 10/7/13

Due Wed  
10/9 if  
possible

RMR

2013 BILL

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*Analysis by the Legislative Reference Bureau*

Under current law, among other responsibilities of counties related to mental health of its residents, a county board of supervisors or county boards of supervisors of two or more counties must establish a county department of community programs to administer a community mental health, developmental disabilities, alcoholism and drug abuse program, make appropriations to operate the program, and authorize grant applications to fund the program. The county department of community programs, which is governed by a county community programs board, has various powers and duties including the duties of entering into contracts to render or secure services and preparing a local plan which includes an inventory of existing resources, identifies needed resources and services and contains a plan for meeting the needs of those who are mentally ill, developmentally disabled, alcoholic, or drug abusers and those with other psychiatric disabilities. The Department of Health Services (DHS) also has various duties related to the county departments of community programs including reviewing requests and certifying county departments of community programs and community mental health programs; developing a training curriculum for use in training members of the county community programs boards and county human services boards; and prescribing certain standards and requirements.

**BILL**

by January 1, 2016

2  
Create a mechanism for counties to report which mental health services and programs they provide.

This bill requires DHS to promulgate rules to do all of the following: identify a core set of mental health and substance abuse services that represent current best practices for a county; identify standards and processes to measure the availability, accessibility, cost, and effectiveness of the core services; and create a mechanism for counties to report the information necessary to perform those measurements if DHS does not have a method already. The bill requires DHS to prepare an annual report that shows the performance of each county based on those measurements and each county's share of the state or federal funds available to fulfill responsibilities related to the mental health of that county's residents. DHS must submit the report to the legislature and to the county board of supervisors of each county beginning January 1, 2016.

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:*

By January 1, 2016, the

1 SECTION 1. 51.42 (7) (d) of the statutes is created to read:

2 51.42 (7) (d) 1. The department shall promulgate rules to do all of the following:

3 a. Identify a core set of mental health and substance abuse services that  
4 represent current best practices necessary for a county to meet its responsibilities  
5 under this section.

6 b. Identify standards and processes to measure the availability, accessibility,  
7 cost, and effectiveness of the core mental health and substance abuse services  
8 identified in subd. 1. a.

9 c. If the department does not have a method for receiving information  
10 necessary to perform the measurements under subd. 1. b., create a mechanism for  
11 counties to report that information.

12 2. By January 1, 2016, and annually thereafter, the department shall prepare  
13 and submit a report to the legislature under s. 13.172 (2) and to the county board of  
14 supervisors of each county that shows all of the following:

Create a mechanism for counties to report to the department which mental health services and programs they provide.

**BILL**

1 a. The performance of each county based on the measurements under subd. 1.

2 b.

3 b. Each county's share of the state or federal funds available to fulfill its  
4 responsibilities under this chapter.

5 3. This paragraph and rules promulgated under this paragraph do not create  
6 requirements for services to be provided by counties in addition to requirements of  
7 this chapter.

8 (END)

**Barman, Mike**

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**From:** Scholz, AJ  
**Sent:** Friday, October 18, 2013 10:03 AM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB -2668/2 Topic: Report on county performance on providing core mental health services

Please Jacket LRB -2668/2 for the ASSEMBLY.