

**2015 DRAFTING REQUEST**

**Bill**

Received: **11/10/2014** Received By: **tdodge**  
Wanted: **As time permits** Same as LRB:  
For: **Administration-Budget 6-2214** By/Representing: **Hutter**  
May Contact: Drafter: **tdodge**  
Subject: **Mental Health - miscellaneous** Addl. Drafters:  
Extra Copies:

Submit via email: **YES**  
Requester's email:  
Carbon copy (CC) to: **sbostatlanguage@webapps.wi.gov**  
**tamara.dodge@legis.wisconsin.gov**

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**Pre Topic:**

DOA:.....Hutter, BB0207 -

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**Topic:**

Consolidate community mental health funding in one appropriation

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**Instructions:**

See attached

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**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 11/17/2014			_____			
/P1	tdodge 1/16/2015	jdyer 11/19/2014	jmurphy 11/20/2014	_____	sbasford 11/20/2014		State S&L
/P2	tdodge 1/28/2015	jdyer 1/17/2015	jmurphy 1/19/2015	_____	lparisi 1/19/2015		State 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>
/P3	tdodge 1/29/2015	jdye 1/28/2015	rschluet 1/28/2015	_____	lparisi 1/28/2015		State S&L
/P4		kfollett 1/29/2015	jfrantze 1/29/2015	_____	lparisi 1/29/2015		State S&L

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*1 pull of  
1/27*

*[Signature]*  
1/29

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*JL*  
*2015*

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**Topic:**

Consolidate community mental health funding in one appropriation

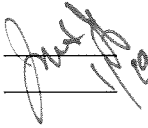
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**Instructions:**

See attached

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/?	tdodge 11/17/2014	P2 1/17 jld	Jm 1/18				
/P1		jdye 11/19/2014	jmurphy 11/20/2014		sbasford 11/20/2014		State S&L

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**Pre Topic:**

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**Topic:**

Consolidate community mental health funding in one appropriation ✓

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**Instructions:**

See attached

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/?	tdodge 11/17/2014	P1 11/19 JLD	JD	JD 11/20			
/P1							State S&L

FE Sent For:

<END>



## Dodge, Tamara

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**From:** Hanaman, Cathlene  
**Sent:** Monday, November 10, 2014 1:21 PM  
**To:** Dodge, Tamara  
**Subject:** FW: Statutory Language Drafting Request - BB0207  
**Attachments:** Streamline MH Stat Language.docx

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**From:** ryan.hutter@wisconsin.gov [mailto:ryan.hutter@wisconsin.gov]  
**Sent:** Monday, November 10, 2014 12:36 PM  
**To:** Hanaman, Cathlene  
**Cc:** Steinmetz, Jana D - DOA; Hutter, Ryan M - DOA; Connor, Christopher B - DOA  
**Subject:** Statutory Language Drafting Request - BB0207

Biennial Budget: 2015-17

Topic: Mental Health Funding

Tracking Code: BB0207

SBO Team: HSI

SBO Analyst: Hutter, Ryan  
Phone: 608-266-2214  
E-mail: [ryan.hutter@wisconsin.gov](mailto:ryan.hutter@wisconsin.gov)

Agency Acronym: DHS

Agency Number: 435

Priority: Medium

Intent:

Reallocate community mental health funding to one appropriation.

Attachments: True

Please send completed drafts to [SBOSatlanguage@webapps.wi.gov](mailto:SBOSatlanguage@webapps.wi.gov)

1. Reallocate both the community mental health funding from s. 20.435 (5)(be) and the existing CSP funding in s. 20.435 (5)(bL) to the Community Aids appropriation s. 20.435 (7)(b). The existing (5)(bL) statutory requirements would be deleted. Trempealeau County Health Care Center funding (\$1,551,308) would remain in s. 20.435 (5)(be) and statutory requirements related to funding community-based care in from this appropriation would be deleted.

- Modify language in s. 20.435(5)(be) Mental health treatment services to reflect that the alpha will be the budget authority for institution for mental disease services at Trempealeau County Health Care Center only, effective January 1, 2016.
- Add language under s. 46.40 to create a Community Mental Health Services allocation that requires the department to distribute not less than \$11,771,230 annually, effective January 1, 2016.
- Add language to s. 20.435 (7)(b) Community aids and medical assistance payments to allow funding to be used for community mental health services, effective January 1, 2016.
- Delete s. 20.435 (5)(bL) Community support programs and psychosocial services, effective June 30, 2016.
- Delete s. 46.266 and s. 46.268, effective January 1, 2016.
- Delete s. 51.421 (3)(e) and s. 51.423 (3), effective January 1, 2016.
- Remove references to s. 20.435 (5)(bL) in s. 49.45 (41)(b) and s. 20.435 (7)(bc), effective January 1, 2016.



editor updated ✓  
BBO 207  
In: 11/17/14

State of Wisconsin  
2015 - 2016 LEGISLATURE



LRB-0596(?)  
TJD: A: ...  
JLd

DOA:.....Hutter - Consolidate community mental health funding in one appropriation

**FOR 2015-2017 BUDGET — NOT READY FOR INTRODUCTION**

✗ do not gen  
1 AN ACT ...; relating to: the budget. ✓

*Analysis by the Legislative Reference Bureau*

**HEALTH AND HUMAN SERVICES ✓**

**MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES**

Under current law, DHS is required to distribute moneys for community aids, which includes community social, mental health, developmental disabilities, and alcohol and other drug abuse services; for the Alzheimer's family and caregiver support program; for the family support program; for the mental health community support program; to county departments of social services, human services, community programs, and developmental disabilities; and to county aging units. The source of these moneys to be distributed is federal revenue and general purpose revenue (GPR). ✓ The bill consolidates moneys from other appropriations and allocates moneys for community mental health services to be paid from the GPR appropriation that pays for community aids.

Under current law, if a skilled nursing facility or an intermediate care facility ✓ is found to meet the classification of an institution for mental diseases, DHS must pay for care in the community or in that institution for mental diseases for individuals meeting certain criteria. Current law also requires DHS to pay for relocations of certain individuals who have mental illness to the community. The bill eliminates both of these requirements.

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<sup>✓</sup> (5) (be) of the statutes is amended to read:

2           20.435 (5) (be) *Mental health treatment services.* The amounts in the schedule  
3 for mental health treatment services ~~for individuals who are in or are relocated from~~  
4 ~~institutions for mental diseases under ss. 46.266<sup>✓</sup> and 46.268<sup>✓</sup> at the Trempeleau<sup>a</sup>~~  
5 County Health Care Center. Notwithstanding ss. 20.001 (3) (a) and 20.002 (1), the  
6 department may transfer funds between fiscal years under this paragraph. All funds  
7 allocated but not encumbered by December 31 of each year lapse to the general fund  
8 on the next January 1 unless carried forward to the next calendar year by the joint  
9 committee on finance.

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; 2007 a. 20 ss. 331 to 422, 9121 (6) (a); 2007 a. 39, 88, 107, 111, 130; 2009 a. 2, 15; 2009 a. 28 ss. 325 to 470, 485, 488, 490; 2009 a. 76, 180, 190, 219, 274, 276, 279, 318, 334; 2011 a. 32, 70, 257; 2013 a. 20, 92; 2013 a. 116 s. 31; 2013 a. 126, 127, 129, 134, 132, 137; 2013 a. 166 s. 77; 2013 a. 168 s. 21; 2013 a. 195, 203, 246; s. 13.92 (2) (i).

10           **SECTION 2.** 20.435 (5) (bL) of the statutes is repealed.

→ Note: delay ←

11           **SECTION 3.** 20.435 (7) (b) of the statutes is amended to read:

12           20.435 (7) (b) *Community aids and Medical Assistance payments.* The  
13 amounts in the schedule for human services and community mental health services  
14 under s. 46.40, to fund services provided by resource centers under s. 46.283 (5), for  
15 services under the family care benefit under s. 46.284 (5), for Medical Assistance  
16 payment adjustments under s. 49.45 (52) (a) for services described in s. 49.45 (52) (a)  
17 1., for Medical Assistance payments under s. 49.45 (6tw), and for Medical Assistance  
18 payments under s. 49.45 (53) for services described in s. 49.45 (53) that are provided

1 before January 1, 2012. Social services disbursements under s. 46.03 (20) (b) may  
2 be made from this appropriation. Refunds received relating to payments made under  
3 s. 46.03 (20) (b) for the provision of services for which moneys are appropriated under  
4 this paragraph shall be returned to this appropriation. Notwithstanding ss. 20.001  
5 (3) (a) and 20.002 (1), the department of health services may transfer funds between  
6 fiscal years under this paragraph. The department shall deposit into this  
7 appropriation funds it recovers under ss. 46.495 (2) (b) and 51.423 (15), from prior  
8 year audit adjustments including those resulting from audits of services under s.  
9 46.26, 1993 stats., or s. 46.27. Except for amounts authorized to be carried forward  
10 under s. 46.45, all funds recovered under ss. 46.495 (2) (b) and 51.423 (15) and all  
11 funds allocated under s. 46.40 and not spent or encumbered by December 31 of each  
12 year shall lapse to the general fund on the succeeding January 1 unless carried  
13 forward to the next calendar year by the joint committee on finance.

**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; 2007 a. 20 ss. 331 to 422, 9121 (6) (a); 2007 a. 39, 88, 107, 111, 130; 2009 a. 2, 15; 2009 a. 28 ss. 325 to 470, 485, 488, 490; 2009 a. 76, 180, 190, 219, 274, 276, 279, 318, 334; 2011 a. 32, 70, 257; 2013 a. 20, 92; 2013 a. 116 s. 31; 2013 a. 126, 127, 129, 131, 132, 137; 2013 a. 166 s. 77; 2013 a. 168 s. 21; 2013 a. 195, 203, 246; s. 13.92 (2) (i).

14 **SECTION 4. 20.435 (7) (bc) of the statutes is amended to read:**

15 20.435 (7) (bc) *Grants for community programs.* The amounts in the schedule  
16 for grants for community programs under s. 46.48. Notwithstanding ss. 20.001 (3)  
17 (a) and 20.002 (1), the department may transfer funds between fiscal years under  
18 this paragraph. ~~Notwithstanding ss. 20.001 (3) (b) and 20.002 (1), the department~~  
19 ~~of health services may credit or deposit into this appropriation account funds for the~~  
20 ~~purpose specified in s. 46.48 (13) that the department transfers from the~~  
21 ~~appropriation account under sub. (5) (b) that are allocated by the department under~~

1 ~~that appropriation account but unexpended or unencumbered on June 30 of each~~  
 2 ~~year. Except for amounts authorized to be carried forward under s. 46.48 and as~~  
 3 ~~otherwise provided in this paragraph, all funds allocated but not encumbered by~~  
 4 ~~December 31 of each year lapse to the general fund on the next January 1 unless~~  
 5 ~~carried forward to the next calendar year by the joint committee on finance.~~

**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; 2007 a. 20 ss. 331 to 422, 9121 (6) (a); 2007 a. 39, 88, 107, 111, 130; 2009 a. 2, 15; 2009 a. 28 ss. 325 to 470, 485, 488, 490; 2009 a. 76, 180, 190, 219, 274, 276, 279, 318, 334; 2011 a. 32, 70, 257; 2013 a. 20, 92; 2013 a. 116 s. 31; 2013 a. 126, 127, 129, 131, 132, 137; 2013 a. 166 s. 77; 2013 a. 168 s. 21; 2013 a. 195, 203, 246; s. 13.92 (2) (i).

6 **SECTION 5.** 46.266 of the statutes is repealed.

7 **SECTION 6.** 46.268 of the statutes is repealed.

8 **SECTION 7.** 46.27 (6r) (b) 1m. of the statutes is renumbered 46.27 (6r) (b) 1m.  
 9 (intro.) and amended to read:

10 **46.27 (6r) (b) 1m. (intro.)** The person meets the requirements under ~~s. 46.266~~  
 11 ~~(1) (a), (b) or (e)~~ <sup>plain</sup> any of the following for receipt of care in an institution for mental  
 12 diseases:

**History:** 1981 c. 20; 1983 a. 27; 1983 a. 189 s. 329 (5); 1983 a. 192, 239; 1985 a. 29 ss. 876s to 896am, 3200 (56); 1985 a. 120, 176; 1987 a. 27, 399; 1989 a. 31, 77, 336, 359; 1991 a. 32, 39, 235, 274; 1993 a. 16, 27, 437; 1995 a. 27; 1997 a. 13, 27, 39, 79, 237; 1999 a. 9, 63; 2001 a. 16, 103; 2003 a. 33; 2005 a. 22, 25, 264, 386, 387; 2007 a. 20 ss. 904 to 921, 9121 (6) (a); 2007 a. 141; 2009 a. 2; 2011 a. 32; 2013 a. 20, 92; 2013 a. 165 s. 114.

13 **SECTION 8.** 46.27 (6r) (b) 1m. a. and b. of the statutes are created to read:

14 **46.27 (6r) (b) 1m. a.** A person who resided in the facility on the date of the  
 15 finding that a skilled nursing facility or intermediate care facility that provides care  
 16 to Medical Assistance recipients to be an institution for mental diseases whose care  
 17 in the facility is disallowed for federal financial participation under Medical  
 18 Assistance.

19 b. A person who is aged 21 to 64, who has a primary diagnosis of mental illness,  
 20 who would meet the level of care requirements for Medical Assistance

1 reimbursement in a skilled nursing facility or intermediate care facility but for a  
 2 finding that the facility is an institution for mental diseases, and for whom services  
 3 would be provided in place of a person specified in subd. 1m. a. who discontinues  
 4 services.

\*\*\*NOTE: I am assuming in this draft that the classification of institution for mental diseases is not being eliminated. I transferred two of the requirements from the eliminated section to the COP program. I did not transfer the third requirement because it relates to individuals receiving community services under s. 46.266 and there will not be any community services provided under that section. Please advise if instead you want s. 46.27 (6r) (b) 1m eliminated.

5 SECTION 9. 46.277 (5g) (b) of the statutes is renumbered 46.277 (5g) (b) (intro.)  
 6 and amended to read:

7 46.277 (5g) (b) (intro.) This section does not apply to the delicensure of a bed  
 8 of an institution for mental diseases of an individual who is aged 21 to 64, who has  
 9 a primary diagnosis of mental illness and who otherwise meets any of the following  
 10 requirements of s. 46.266 (1) (a), (b) or (c):

History: 1983 a. 27; 1985 a. 29 ss. 896nc to 896u, 3202 (23); 1985 a. 176; 1987 a. 27, 186, 399; 1989 a. 31; 1991 a. 39; 1993 a. 16; 1995 a. 27; 1997 a. 13, 27, 114; 1999 a. 9; 2001 a. 16; 2003 a. 33; 2005 a. 25, 355; 2007 a. 20 ss. 926 to 928, 9121 (6) (a); 2009 a. 277; 2013 a. 165 s. 114.

11 SECTION 10. 46.277 (5g) (b) 1. and 2. of the statutes are created to read:

12 46.277 (5g) (b) 1. A person who resided in the facility on the date of the finding  
 13 that a skilled nursing facility or intermediate care facility that provides care to  
 14 Medical Assistance recipients to be an institution for mental diseases whose care in  
 15 the facility is disallowed for federal financial participation under Medical Assistance.

16 2. A person who is aged 21 to 64, who has a primary diagnosis of mental illness,  
 17 who would meet the level of care requirements for Medical Assistance  
 18 reimbursement in a skilled nursing facility or intermediate care facility but for a  
 19 finding that the facility is an institution for mental diseases, and for whom services  
 20 would be provided in place of a person specified in subd. 1m. a. who discontinues  
 21 services.

\*\*\*NOTE: I transferred two of the requirements from the eliminated section to the COP program. I did not transfer the third requirement because it relates to individuals receiving community services under s. 46.266 and there will not be any community services provided under that section. Please advise if instead you want s. 46.27, (5g) (b) eliminated.

1 SECTION 11. 46.40 (7m) of the statutes is created to read:

2 46.40 (7m) STATE COMMUNITY MENTAL HEALTH ALLOCATION. For community  
3 mental health services, the department shall distribute not less than \$11,771,230 in  
4 each fiscal year.

\*\*\*NOTE: The request language stated that the community mental health services allocation must be made annually. I assume that you want the allocation made in each fiscal year. Please advise if you want the allocation made every calendar year instead.

5 SECTION 12. 49.45 (41) (b) of the statutes is amended to read:

6 49.45 (41) (b) If a county elects to become certified as a provider of mental  
7 health crisis intervention services, the county may provide mental health crisis  
8 intervention services under this subsection in the county to medical assistance  
9 recipients through the medical assistance program. A county that elects to provide  
10 the services shall pay the amount of the allowable charges for the services under the  
11 medical assistance program that is not provided by the federal government. From  
12 the appropriation account under s. 20.435 (5) (bL), the department shall  
13 reimburse the county under this subsection only for the amount of the allowable  
14 charges for those services under the medical assistance program that is provided by  
15 the federal government.

**History:** 1971 c. 40 s. 93; 1971 c. 42, 125; 1971 c. 213 s. 5; 1971 c. 215, 217, 307; 1973 c. 62, 90, 147; 1973 c. 333 ss. 106g, 106h, 106j, 201w; 1975 c. 39; 1975 c. 223 s. 28; 1975 c. 224 ss. 54h, 56 to 59m; 1975 c. 383 s. 4; 1975 c. 411; 1977 c. 29, 418; 1979 c. 34 ss. 837f to 838, 2102 (20) (a); 1979 c. 102, 177, 221, 355; 1981 c. 20 ss. 839 to 854, 2202 (20) (r); 1981 c. 93, 317; 1983 a. 27 ss. 1046 to 1062m, 2200 (42); 1983 a. 245, 447, 527; 1985 a. 29 ss. 1026m to 1031d, 3200 (23), (56), 3202 (27); 1985 a. 120, 176, 269; 1985 a. 332 ss. 91, 251 (5), 253; 1985 a. 340; 1987 a. 27 ss. 989r to 1000s, 2247, 3202 (24); 1987 a. 186, 307, 339, 399; 1987 a. 403 s. 256; 1987 a. 413; 1989 a. 6; 1989 a. 31 ss. 1402 to 1452g, 2909g, 2909i; 1989 a. 107, 173, 310, 336, 351, 359; 1991 a. 22, 39, 80, 250, 269, 315, 316; 1993 a. 16 ss. 1362g to 1403, 3883; 1993 a. 27, 107, 112, 183, 212, 246, 269, 335, 356, 437, 446, 469; 1995 a. 20; 1995 a. 27 ss. 2947 to 3002r, 7299, 9126 (19), 9130 (4), 9145 (1); 1995 a. 191, 216, 225, 289, 303, 398, 417, 457; 1997 a. 3, 13, 27, 114, 175, 191, 237, 252, 293; 1999 a. 9, 63, 103, 180, 185; 2001 a. 13, 16, 35, 38, 57, 67, 104, 109; 2003 a. 33, 318, 321; 2005 a. 22; 2005 a. 25 ss. 1120 to 1149f, 2503 to 2510; 2005 a. 107, 165, 253, 254, 264, 301, 340, 386, 441; 2007 a. 20 ss. 1513 to 1559h, 9121 (6) (a); 2007 a. 90, 97, 104, 141, 153; 2009 a. 2, 28, 113, 177, 180, 190, 221, 334, 342; 2011 a. 10, 32, 120, 126, 158, 192, 209, 258; 2011 a. 260 s. 81; 2013 a. 20, 92; 2013 a. 116 ss. 2, 3, 29, 30; 2013 a. 117 ss. 2, 4; 2013 a. 130; 2013 a. 165 s. 114; 2013 a. 226.

\*\*\*NOTE: Please advise if you want to replace the reference to the appropriation from which the reimbursement should be made and please advise if you want to eliminate the entire last sentence of this paragraph instead of just the appropriation reference.

16 SECTION 13. 51.42 (5) (a) 13. of the statutes is repealed.



1           **SECTION 14.** 51.42 (6m) (o) of the statutes is repealed.

2           **SECTION 15.** 51.421 (3) (e) of the statutes is repealed.

3           **SECTION 16.** 51.423 (3) of the statutes is repealed.

4           **SECTION 9418. Effective dates; Health Services.**

5           (1) **COMMUNITY MENTAL HEALTH SERVICES.**

6           (a) *Consolidating appropriations; eliminating certain relocation programs.*

7           The treatment of sections 20.435 (5) (be) and (7) (b) and (bc), 46.266, 46.268, 46.40  
8           (7m), 49.45 (41) (b), 51.42 (5) (a) 13. and (6m) (o), 51.421 (3) (e), and 51.423 (3) of the  
9           statutes, the renumbering and amendment of sections 46.27 (6r) (b) 1m. and 46.277  
10          (5g) (b) of the statutes, and the creation of sections 46.27 (6r) (b) 1m. a. and b. and  
11          46.277 (5) (b) 1. and 2. of the statutes, take effect on January 1, 2016.

12          (b) *Eliminating community support program appropriation.* The treatment of  
13          sections 20.435 (5) (bL) of the statutes takes effect on June 30, 2016.

14

(END)

## Dodge, Tamara

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**From:** Hutter, Ryan M - DOA <Ryan.Hutter@wisconsin.gov>  
**Sent:** Friday, January 16, 2015 12:33 PM  
**To:** Dodge, Tamara  
**Cc:** Steinmetz, Jana D - DOA  
**Subject:** Draft 0596 Changes

Hi Tammy,

Below are a few remarks the department has made on the Consolidate community mental health funding in one appropriation, 0596. Let me know if wish to discuss or if you have any questions.

### LRB-0596

Pg. 2, lines 4 and 5

- The Department suggests replacing the language “at the Trempealeau County Health Care Center” with “at a county-operated institution for mental disease as selected by the Department.”
  - This change will allow the Department the flexibility to continue to contract with the Trempealeau County Health Care Center should the Center’s name change in the future or to contract with a different county-operated IMD, should the Department decide to do so.

Pg. 4, LRB drafter’s comment

- The Department is ok with the language as drafted.

Pg. 5, LRB drafter’s comment after line 13

- The Department is ok with the language as drafted.

Pg. 5, LRB drafter’s comment after line 17

- The Department is ok with the language as drafted.
  - In FY 16, the allocation for mental health services through s. 46.40 (7m) will only be half the statutorily-designated amount because the statute does not take effect until January 1, 2016.

Pg. 6, LRB drafter’s comment

- The Department is ok with the language as drafted.

Thanks,

Ryan Hutter  
Division of Executive Budget & Finance  
Department of Administration  
(608) 266-2214



P2

In: 1/16/15 due wed, 1-21

DOA:.....Hutter, BB0207 – Consolidate community mental health funding in one appropriation

**FOR 2015-2017 BUDGET -- NOT READY FOR INTRODUCTION**

✓  
1 AN ACT ...; relating to: the budget. ✓  
don't gen

*Analysis by the Legislative Reference Bureau*

**HEALTH AND HUMAN SERVICES**

**MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES**

Under current law, DHS is required to distribute moneys for community aids, which includes community social, mental health, developmental disabilities, and alcohol and other drug abuse services; for the Alzheimer’s family and caregiver support program; for the family support program; for the mental health community support program; to county departments of social services, human services, community programs, and developmental disabilities; and to county aging units. The source of these moneys to be distributed is federal revenue and general purpose revenue (GPR). The bill consolidates moneys from other appropriations and allocates moneys for community mental health services to be paid from the GPR appropriation that pays for community aids.

Under current law, if a skilled nursing facility or an intermediate care facility is found to meet the classification of an institution for mental diseases, DHS must pay for care in the community or in that institution for mental diseases for individuals meeting certain criteria. Current law also requires DHS to pay for relocations of certain individuals who have mental illness to the community. The bill eliminates both of these requirements.

a county-operated institution for mental disease as selected by the department of health services ✓

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 (5) (be) of the statutes is amended to read:

2 20.435 (5) (be) *Mental health treatment services.* The amounts in the schedule  
3 for mental health treatment services for individuals who are in or are relocated from  
4 institutions for mental diseases under ss. 46.266 and 46.268 at the Trempealeau  
5 County Health Care Center. Notwithstanding ss. 20.001 (3) (a) and 20.002 (1), the  
6 department may transfer funds between fiscal years under this paragraph. All funds  
7 allocated but not encumbered by December 31 of each year lapse to the general fund  
8 on the next January 1 unless carried forward to the next calendar year by the joint  
9 committee on finance.

10 SECTION 2. 20.435 (5) (bL) of the statutes is repealed.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation, but should not be reflected in the revised schedule in s. 20.005, stats., because of a delayed effective date.

11 SECTION 3. 20.435 (7) (b) of the statutes is amended to read:

12 20.435 (7) (b) *Community aids and Medical Assistance payments.* The  
13 amounts in the schedule for human services and community mental health services  
14 under s. 46.40, to fund services provided by resource centers under s. 46.283 (5), for  
15 services under the family care benefit under s. 46.284 (5), for Medical Assistance  
16 payment adjustments under s. 49.45 (52) (a) for services described in s. 49.45 (52) (a)  
17 1., for Medical Assistance payments under s. 49.45 (6tw), and for Medical Assistance  
18 payments under s. 49.45 (53) for services described in s. 49.45 (53) that are provided  
19 before January 1, 2012. Social services disbursements under s. 46.03 (20) (b) may  
20 be made from this appropriation. Refunds received relating to payments made under

1 s. 46.03 (20) (b) for the provision of services for which moneys are appropriated under  
2 this paragraph shall be returned to this appropriation. Notwithstanding ss. 20.001  
3 (3) (a) and 20.002 (1), the department of health services may transfer funds between  
4 fiscal years under this paragraph. The department shall deposit into this  
5 appropriation funds it recovers under ss. 46.495 (2) (b) and 51.423 (15), from prior  
6 year audit adjustments including those resulting from audits of services under s.  
7 46.26, 1993 stats., or s. 46.27. Except for amounts authorized to be carried forward  
8 under s. 46.45, all funds recovered under ss. 46.495 (2) (b) and 51.423 (15) and all  
9 funds allocated under s. 46.40 and not spent or encumbered by December 31 of each  
10 year shall lapse to the general fund on the succeeding January 1 unless carried  
11 forward to the next calendar year by the joint committee on finance.

12 SECTION 4. 20.435 (7) (bc) of the statutes is amended to read:

13 20.435 (7) (bc) *Grants for community programs.* The amounts in the schedule  
14 for grants for community programs under s. 46.48. Notwithstanding ss. 20.001 (3)  
15 (a) and 20.002 (1), the department may transfer funds between fiscal years under  
16 this paragraph. ~~Notwithstanding ss. 20.001 (3) (b) and 20.002 (1), the department~~  
17 ~~of health services may credit or deposit into this appropriation account funds for the~~  
18 ~~purpose specified in s. 46.48 (13) that the department transfers from the~~  
19 ~~appropriation account under sub. (5) (bL) that are allocated by the department under~~  
20 ~~that appropriation account but unexpended or unencumbered on June 30 of each~~  
21 ~~year. Except for amounts authorized to be carried forward under s. 46.48 and as~~  
22 otherwise provided in this paragraph, all funds allocated but not encumbered by  
23 December 31 of each year lapse to the general fund on the next January 1 unless  
24 carried forward to the next calendar year by the joint committee on finance.

25 SECTION 5. 46.266 of the statutes is repealed.

1           **SECTION 6.** 46.268 of the statutes is repealed.

2           **SECTION 7.** 46.27 (6r) (b) 1m. of the statutes is renumbered 46.27 (6r) (b) 1m.  
3 (intro.) and amended to read:

4           46.27 (6r) (b) 1m. (intro.) The person meets the requirements under s. 46.266  
5 (1) (a), ~~(b) or (c)~~ any of the following for receipt of care in an institution for mental  
6 diseases:

7           **SECTION 8.** 46.27 (6r) (b) 1m. a. and b. of the statutes are created to read:

8           46.27 (6r) (b) 1m. a. A person who resided in the facility on the date of the  
9 finding that a skilled nursing facility or intermediate care facility that provides care  
10 to Medical Assistance recipients to be an institution for mental diseases whose care  
11 in the facility is disallowed for federal financial participation under Medical  
12 Assistance.

13           b. A person who is aged 21 to 64, who has a primary diagnosis of mental illness,  
14 who would meet the level of care requirements for Medical Assistance  
15 reimbursement in a skilled nursing facility or intermediate care facility but for a  
16 finding that the facility is an institution for mental diseases, and for whom services  
17 would be provided in place of a person specified in subd. 1m. a. who discontinues  
18 services.

\*\*\*\*NOTE: I am assuming in this draft that the classification of institution for  
mental diseases is not being eliminated. I transferred two of the requirements from the  
eliminated section to the COP program. I did not transfer the third requirement because  
it relates to individuals receiving community services under s. 46.266 and there will not  
be any community services provided under that section. Please advise if instead you want  
s. 46.27 (6r) (b) 1m. eliminated.

19           **SECTION 9.** 46.277 (5g) (b) of the statutes is renumbered 46.277 (5g) (b) (intro.)  
20 and amended to read:

21           46.277 (5g) (b) (intro.) This section does not apply to the delicensure of a bed  
22 of an institution for mental diseases of an individual who is aged 21 to 64, who has

1 a primary diagnosis of mental illness and who otherwise meets any of the following  
2 requirements of s. 46.266 (1) (a), (b) or (c):

3 **SECTION 10.** 46.277 (5g) (b) 1. and 2. of the statutes are created to read:

4 46.277 (5g) (b) 1. A person who resided in the facility on the date of the finding  
5 that a skilled nursing facility or intermediate care facility that provides care to  
6 Medical Assistance recipients to be an institution for mental diseases whose care in  
7 the facility is disallowed for federal financial participation under Medical  
8 Assistance.

9 2. A person who is aged 21 to 64, who has a primary diagnosis of mental illness,  
10 who would meet the level of care requirements for Medical Assistance  
11 reimbursement in a skilled nursing facility or intermediate care facility but for a  
12 finding that the facility is an institution for mental diseases, and for whom services  
13 would be provided in place of a person specified in subd. 1. who discontinues services.

\*\*\*\*NOTE: I transferred two of the requirements from the eliminated section to the COP program. I did not transfer the third requirement because it relates to individuals receiving community services under s. 46.266 and there will not be any community services provided under that section. Please advise if instead you want s. 46.277 (5g) (b) eliminated.

14 **SECTION 11.** 46.40 (7m) of the statutes is created to read:

15 46.40 (7m) STATE COMMUNITY MENTAL HEALTH ALLOCATION. For community  
16 mental health services, the department shall distribute not less than \$11,771,230 in  
17 each fiscal year.

\*\*\*\*NOTE: The request language stated that the community mental health services allocation must be made annually. I assume that you want the allocation made in each fiscal year. Please advise if you want the allocation made every calendar year instead.

18 **SECTION 12.** 49.45 (41) (b) of the statutes is amended to read:

19 49.45 (41) (b) If a county elects to become certified as a provider of mental  
20 health crisis intervention services, the county may provide mental health crisis

1 intervention services under this subsection in the county to medical assistance  
 2 recipients through the medical assistance program. A county that elects to provide  
 3 the services shall pay the amount of the allowable charges for the services under the  
 4 medical assistance program that is not provided by the federal government. ~~From~~  
 5 ~~the appropriation account under s. 20.435 (5) (bL), the~~ The department shall  
 6 reimburse the county under this subsection only for the amount of the allowable  
 7 charges for those services under the medical assistance program that is provided by  
 8 the federal government.

\*\*\*\*NOTE: Please advise if you want to replace the reference to the appropriation from which the reimbursement should be made and please advise if you want to eliminate the entire last sentence of this paragraph instead of just the appropriation reference.

9 SECTION 13. 51.42 (5) (a) 13. of the statutes is repealed.

10 SECTION 14. 51.42 (6m) (o) of the statutes is repealed.

11 SECTION 15. 51.421 (3) (e) of the statutes is repealed.

12 SECTION 16. 51.423 (3) of the statutes is repealed.

13 SECTION 9418. **Effective dates; Health Services.**

14 (1) COMMUNITY MENTAL HEALTH SERVICES.

15 (a) *Consolidating appropriations; eliminating certain relocation programs.*

16 The treatment of sections 20.435 (5) (be) and (7) (b) and (bc), 46.266, 46.268, 46.40  
 17 (7m), 49.45 (41) (b), 51.42 (5) (a) 13. and (6m) (o), 51.421 (3) (e), and 51.423 (3) of the  
 18 statutes, the renumbering and amendment of sections 46.27 (6r) (b) 1m. and 46.277  
 19 (5g) (b) of the statutes, ~~and~~ the creation of sections 46.27 (6r) (b) 1m. a. and b. and  
 20 46.277 (5g) (b) 1. and 2. of the statutes take effect on January 1, 2016.

21 (b) *Eliminating community support program appropriation.* The treatment of  
 22 section 20.435 (5) (bL) of the statutes takes effect on June 30, 2016.

23 (END)

Insert  
12-13 ✓

^ and SECTION 9118 (1) of this act ✓ Auto Ref A ✓ Target



2015-2016 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-0596/P2ins  
TJD:.....

1  
2  
3  
4  
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7

*Antonef A  
7-19-16  
Kris Jamar*

**INSERT 6-13**

**SECTION 9118. Nonstatutory provisions; Health Services.**

(1) COMMUNITY MENTAL HEALTH ALLOCATION. Notwithstanding section 46.40 (7m)

of the statutes, as created by this act, the department of health services may

distribute <sup>one-</sup> half of the amount allocated for community mental health services in fiscal

year 2015-16 after the effective date of this subsection.

**END INSERT 6-13**

## Dodge, Tamara

---

**From:** Hutter, Ryan M - DOA <Ryan.Hutter@wisconsin.gov>  
**Sent:** Wednesday, January 28, 2015 12:34 PM  
**To:** Dodge, Tamara  
**Subject:** RE: Draft 0596 Changes

Hi Tammy,

One additional change has been made regarding this draft.

Pg. 2, line 13

- Currently the amount in the draft is \$11,771,230. This amount needs to be increased to **\$24,348,730**.

If you have any additional questions or concerns please let me know.

Thanks,

Ryan

---

**From:** Hutter, Ryan M - DOA  
**Sent:** Friday, January 16, 2015 12:33 PM  
**To:** Dodge, Tamara - LEGIS  
**Cc:** Steinmetz, Jana D - DOA (Jana.Steinmetz@wisconsin.gov)  
**Subject:** Draft 0596 Changes

Hi Tammy,

Below are a few remarks the department has made on the Consolidate community mental health funding in one appropriation, 0596. Let me know if wish to discuss or if you have any questions.

### **LRB-0596**

Pg. 2, lines 4 and 5

- The Department suggests replacing the language “at the Trempealeau County Health Care Center” with “at a county-operated institution for mental disease as selected by the Department.”
  - This change will allow the Department the flexibility to continue to contract with the Trempealeau County Health Care Center should the Center’s name change in the future or to contract with a different county-operated IMD, should the Department decide to do so.

Pg. 4, LRB drafter’s comment

- The Department is ok with the language as drafted.

Pg. 5, LRB drafter’s comment after line 13

- The Department is ok with the language as drafted.

Pg. 5, LRB drafter’s comment after line 17

- The Department is ok with the language as drafted.
  - In FY 16, the allocation for mental health services through s. 46.40 (7m) will only be half the statutorily-designated amount because the statute does not take effect until January 1, 2016.

Pg. 6, LRB drafter’s comment

- The Department is ok with the language as drafted.

Thanks,

Ryan Hutter  
Division of Executive Budget & Finance  
Department of Administration  
(608) 266-2214