February 28, 2018 –Introduced by Representative SINICKI. Referred to Committee on Local Government.

1 **AN ACT to renumber and amend** 50.03 (4) (g); and **to create** 50.01 (1f), 50.03

2 (2) (f) 6., 50.03 (4) (a) 4., 50.03 (4) (g) 2. and 50.035 (7m) of the statutes; **relating**

3 to: licensing and complaint procedures for certain community–based

4 residential facilities.

**Analysis by the Legislative Reference Bureau**

This bill requires counties that contract with a community–based residential facility to serve certain client groups, including those with serious and persistent mental illness, those in supervised release from commitment as a sexually violent person, or those under the legal custody of a government correctional agency or under the legal jurisdiction of a criminal court, to 1) send public notices to local elected officials and certain residents living near the proposed facility about the proposed facility, and 2) hold at least one public listening session and informational hearing about the proposed CBRF before the Department of Health Services may license the CBRF. The bill also requires DHS to make available certain information regarding applicants for CBRF licenses and complaints regarding CBRFs. Finally, the bill requires that a county holding a contract with a CBRF is responsible for providing or reimbursing the costs for providing a law enforcement response to that CBRF.
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:

SECTION 1. 50.01 (1f) of the statutes is created to read:

50.01 (1f) “Client group” means a group of individuals who need similar services because of a common disability, condition, or status, including any of the following:

(a) Individuals who have any of the following:
1. Functional impairments that commonly accompany advanced age.
2. Irreversible dementia, such as Alzheimer’s disease.
3. A developmental disability as described under s. 51.01 (5).
4. Physical disabilities.
5. Traumatic brain injury.
6. Acquired immunodeficiency syndrome.

(b) Individuals who are any of the following:
1. Emotionally disturbed or who have a mental illness as defined in s. 51.01 (13) (a).
2. Pregnant and in need of counseling services.
3. Under the legal custody of a government correctional agency or under the legal jurisdiction of a criminal court.
4. Diagnosed as terminally ill.

SECTION 2. 50.03 (2) (f) 6. of the statutes is created to read:

50.03 (2) (f) 6. The department shall establish and maintain, on an appropriate section of its Internet site related to the unit within the department that licenses
community-based residential facilities, a searchable database of formal complaints
against community-based residential facilities. The department shall provide
information including the number of formal complaints, the reasons for the formal
complaints, and the action taken as a result of the formal complaint, if any. The
department shall use information collected under subd. 2. and sub. (4) (c) 1. to create
the database. The department shall make information available to the public on the
database only in a manner which ensures the anonymity of patients and other
persons identified in complaints or as part of an investigation, except that the
department shall include the name of the community-based residential facility
about which a complaint is made and the person who owns or manages that
community-based residential facility.

SECTION 3. 50.03 (4) (a) 4. of the statutes is created to read:

50.03 (4) (a) 4. The department shall establish and maintain on an appropriate
section of its Internet site information relating to applicants for a community-based
residential facility license. The department shall make available electronically
information from an applicant required by the department for the application,
including information about past violations of applicable laws and regulations as
required under subd. 2. and the status of a community-based residential facility
applicant’s license application.

SECTION 4. 50.03 (4) (g) of the statutes is renumbered 50.03 (4) (g) 1. and
amended to read:

50.03 (4) (g) 1. Prior to the department may approve an initial licensure
of a community-based residential facility, the applicant for licensure shall make a
good faith effort to establish a community advisory committee consisting of
representatives from the proposed community-based residential facility, the
neighborhood in which the proposed community-based residential facility will be located and a local unit of government. The community advisory committee shall provide a forum for communication for those persons interested in the proposed community-based residential facility. Any committee established under this paragraph subdivision shall continue in existence after licensure to make recommendations to the licensee regarding the impact of the community-based residential facility on the neighborhood. The department shall determine compliance with this paragraph subdivision both prior to before and after initial licensure.

SECTION 5. 50.03 (4) (g) 2. of the statutes is created to read:

50.03 (4) (g) 2. If a county health department seeks to enter into or enters into a contract with a community-based residential facility to provide services to client groups that include individuals with serious and persistent mental illness, as defined in s. 51.01 (14t), individuals under the legal custody of a government correctional agency or under the legal jurisdiction of a criminal court, or individuals on supervised release under s. 980.08, the county shall do all of the following before the department may approve the license application for the community-based residential facility:

a. Hold one or more public listening sessions and informational hearings describing the function and structure of community-based residential facilities and providing public safety information, including responses to emergencies concerning a community-based residential facility and the procedures for filing complaints against a community-based residential facility.

b. At least 2 weeks before any scheduled listening session or informational hearing, send, by U.S. mail, public notice about the community-based residential
facility and scheduled listening sessions and informational hearings to residents living within a one-half mile radius of the community-based residential facility.

c. At least 2 weeks before any scheduled listening session or informational hearing, send, by U.S. mail, public notice about the community-based residential facility and scheduled listening sessions and informational hearings to state, county, and city elected officials representing the area in which the community-based residential facility is or will be located.

SECTION 6. 50.035 (7m) of the statutes is created to read:

50.035 (7m) COUNTY RESPONSIBILITY FOR LAW ENFORCEMENT RESPONSE COSTS. A county that holds a contract with a community-based residential facility shall do one of the following if the community-based residential facility requires a law enforcement response:

(a) Provide the law enforcement response.

(b) Reimburse the municipal police department for the cost to administer the law enforcement response.

(END)