

2019 DRAFTING REQUEST

Bill

For: **Administration-Budget** Drafter: **tdodge**
 By: **Bollhorst** Secondary Drafters:
 Date: **2/13/2019** May Contact:

Same as LRB:

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

Pre Topic:

DOA:.....Bollhorst, BB0358 -

Topic:

Crisis intervention

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	tdodge 2/13/2019	wjackson 2/14/2019			
/P1	tdodge 2/16/2019	wjackson 2/18/2019	mbarman 2/15/2019		State
/P2			dwalker 2/18/2019		State

FE Sent For: **<END>**

Walkenhorst Barber, Sarah

From: Hanaman, Cathlene
Sent: Wednesday, February 13, 2019 8:55 AM
To: Dodge, Tamara; Walkenhorst Barber, Sarah; Paczuski, Konrad
Subject: FW: Statutory Language Drafting Request - 2019-21
Attachments: Language.docx

From: Bollhorst, Nathan - DOA <Nathan.Bollhorst@wisconsin.gov>
Sent: Tuesday, February 12, 2019 6:51 PM
To: Hanaman, Cathlene <Cathlene.Hanaman@legis.wisconsin.gov>
Cc: Dombrowski, Cynthia A - DOA <Cynthia.Dombrowski@wisconsin.gov>; Bollhorst, Nathan - DOA <Nathan.Bollhorst@wisconsin.gov>
Subject: Statutory Language Drafting Request - 2019-21

Biennial Budget: 2019-21

Topic: Crisis Intervention

Tracking Code: BB0358

SBO Team: HSI

SBO Analyst: Bollhorst, Nathan
Phone: 608-267-7980
E-mail: Nathan.Bollhorst@wisconsin.gov

Agency Acronym: 435

Agency Number: 435

Priority: High

Intent:

Please amend 49.45(41) and 49.46(2)(b)(15) to reflect the attached example:

Attachments: True

Please send completed drafts to SBOSatlanguage@spmail.enterprise.wistate.us

Crisis Intervention

1. Wis. Stat. 49.45(41) should be amended to read:

(41) ~~Mental health~~ CRISIS INTERVENTION SERVICES.

(a) In this subsection, "~~mental health~~ crisis intervention services" means services that are provided by a ~~mental health~~ crisis intervention program operated by, or under contract with, a county, if the county is certified as a medical assistance provider. These services shall include crisis intervention services for the treatment of mental illness, intellectual disability, substance abuse and dementia.

(b) If a county elects to become certified as a provider of ~~mental health~~ crisis intervention services, the county may provide ~~mental health~~ crisis intervention services under this subsection in the county to medical assistance recipients through the medical assistance program. A county that elects to provide the services shall pay the amount of the allowable charges for the services under the medical assistance program that is not provided by the federal government. The department shall reimburse the county under this subsection only for the amount of the allowable charges for those services under the medical assistance program that is provided by the federal government.

(c) Provision of services on regional basis. Notwithstanding par. (b), in counties that elect to deliver the services under s. 49.46(2)(b)(15) through the Medical Assistance program on a regional basis according to criteria established by the department, the department shall reimburse a provider of the services for the amount of the allowable charges for those services under the Medical Assistance program that is provided by the federal government and for the amount of the allowable charges that is not provided by the federal government.

2. Wis. Stat. §49.46(2)(b)(15) should be amended to read:

~~Mental health~~ Crisis intervention services under s. 49.45 (41)



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-2002?
TJD:...
WLJ
De PI

In: 2113

DOA:.....Bollhorst, BB0358 - Crisis intervention

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

Crisis intervention services.

1

AN ACT ...; relating to: the budget

MEDICAL ASSISTANCE

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

MENTAL ILLNESS AND DEVELOPMENTAL DISABILITIES

Reimburses

Currently, mental health crisis intervention services are a benefit provided by the Medical Assistance program. Current law specifies that for a county that becomes certified as a Medical Assistance provider, the county pays the nonfederal share of the Medical Assistance reimbursement and DHS will reimburse the county for the federal share of the Medical Assistance reimbursement. This bill changes the name of the services to "crisis intervention services" and specifies that those services are for the treatment of mental illness, intellectual disability, substance abuse, and dementia. The bill also specifies that for a county that elects to deliver crisis intervention services under the Medical Assistance program on a regional basis, DHS reimburses the service provider both the federal and nonfederal share of the allowable charges.

For further information see the *state* 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. 49.45 (41) of the statutes is amended to read:

2 49.45 (41) ~~MENTAL HEALTH CRISIS~~ [↓] CRISIS INTERVENTION SERVICES. (a) In this subsection,
 3 “~~mental health crisis intervention services~~” means crisis intervention services for
 4 the treatment of mental illness, intellectual disability, substance abuse, and
 5 dementia that are provided by a ~~mental health~~ crisis intervention program operated
 6 by, or under contract with, a county, if the county is certified as a medical assistance
 7 provider.

8 (b) If a county elects to become certified as a provider of ~~mental health~~ crisis
 9 intervention services, the county may provide ~~mental health~~ crisis intervention
 10 services under this subsection in the county to medical assistance recipients through
 11 the medical assistance program. A county that elects to provide the services shall
 12 pay the amount of the allowable charges for the services under the medical
 13 assistance program that is not provided by the federal government. The department
 14 shall reimburse the county under this subsection only for the amount of the allowable
 15 charges for those services under the medical assistance program that is provided by
 16 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, 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; 2015 a. 55, 152, 153, 172, 294; 2017 a. 34, 59, 138, 185, 262, 268, 271, 279, 306, 344, 370; s. 13.92 (1) (bm) 2.

Cross-reference: See also chs. HA 3 and DHS 35, 101, 102, 103, 104, 105, 106, 107, and 108, Wis. adm. code.

17 SECTION 2. 49.45 (41) (c) of the statutes is created to read:

18 49.45 (41) (c) Notwithstanding par. (b), if a county elects to deliver crisis
 19 intervention services under the Medical Assistance program on a regional basis
 20 according to criteria established by the department, the department shall reimburse
 21 a provider of crisis intervention services in the county for the amount of the allowable

1 charges for those services under the Medical Assistance program that is provided by
2 the federal government and for the amount of the allowable charges that is not
3 provided by the federal government.

4 **SECTION 3.** 49.46 (2) (b) 15^v of the statutes is amended to read:

5 49.46 (2) (b) 15. ~~Mental health crisis~~ Crisis intervention services under s. 49.45
6 (41).

History: 1971 c. 125, 211, 215; 1973 c. 90, 147; 1975 c. 39; 1977 c. 29 ss. 592m, 1656 (18); 1977 c. 389, 418; 1979 c. 34, 221; 1981 c. 20, 93, 317; 1983 a. 27; 1983 a. 189 s. 329 (5); 1983 a. 245 ss. 10, 15; 1983 a. 538; 1985 a. 29, 120, 176, 253; 1987 a. 27, 307, 339, 399, 413; 1989 a. 9; 1989 a. 31 ss. 1454d to 1460 and 2909g, 2909i; 1989 a. 122, 173, 333, 336, 351; 1991 a. 39, 178, 269, 316; 1993 a. 16, 99, 269, 277, 446, 450, 491; 1995 a. 27, 77, 164, 289, 303, 457; 1997 a. 27, 35, 105, 237; 1999 a. 9; 2001 a. 16; 2003 a. 33; 2005 a. 25, 253; 2007 a. 20, 91; 2009 a. 28, 221; 2011 a. 10, 32; 2013 a. 20; 2013 a. 116 s. 29; 2013 a. 117 s. 2, 3; 2015 a. 55; 2017 a. 59, 119, 306.

Cross-reference: See also chs. DHS 102, 103, and 107, Wis. adm. code.

7

(END)



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-2002/P1
TJD:wlj *ep2*

In: 2/16

DOA:.....Bollhorst, BB0358 - Crisis intervention

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 **AN ACT ...; relating to:** the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

MEDICAL ASSISTANCE

1. *Crisis intervention services*

Currently, mental health crisis intervention services are a benefit provided by the Medical Assistance program. Current law specifies that for a county that becomes certified as a Medical Assistance provider, the county pays the nonfederal share of the Medical Assistance reimbursement and DHS reimburses the county for the federal share of the Medical Assistance reimbursement. This bill changes the name of the services to "crisis intervention services" and specifies that those services are for the treatment of mental illness, intellectual disability, substance abuse, and dementia. The bill also specifies that for a county that elects to deliver crisis intervention services under the Medical Assistance program on a regional basis, DHS reimburses the service provider both the federal and nonfederal share of the allowable charges. *Insert analysis*

For further information see the **state** 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.** 49.45 (41) of the statutes is amended to read:

2 **49.45 (41)** ~~MENTAL HEALTH-CRISIS~~ CRISIS INTERVENTION SERVICES. (a) In this
3 subsection, “~~mental health crisis intervention services~~” means crisis intervention
4 services for the treatment of mental illness, intellectual disability, substance abuse,
5 and dementia that are provided by a ~~mental health crisis intervention~~ program
6 operated by, or under contract with, a county, if the county is certified as a medical
7 assistance provider.

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

17 **SECTION 2.** 49.45 (41) (c) of the statutes is created to read:

18 **49.45 (41)** (c) Notwithstanding par. (b), if a county elects to deliver crisis
19 intervention services under the Medical Assistance program on a regional basis
20 according to criteria established by the department, the department shall reimburse
21 a provider of crisis intervention services in the county for the amount of the allowable
22 charges for those services under the Medical Assistance program that is provided by
23 the federal government and for the amount of the allowable charges that is not
24 provided by the federal government.

25 **SECTION 3.** 49.46 (2) (b) 15. of the statutes is amended to read:

all of the following apply:

Insert
2-20

1 49.46 (2) (b) 15. ~~Mental health crisis~~ Crisis intervention services under s. 49.45
2 (41).
3 **(END)**

**2019-2020 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2002/P2ins
TJD:...

1 INSERT ANALYSIS

for the amount that exceeds a required annual county contribution. After January 1, 2020, the required annual county contribution is equal to 75 percent of the county's expenditures for crisis intervention services in calendar year 2017, as determined DHS.

2 END INSERT ANALYSIS

3 INSERT 2-20

4 1. After January 1, 2020, the department shall require the county to annually
5 contribute for the crisis intervention services an amount equal to 75 percent of the
6 county's expenditures for crisis intervention services under this subsection in
7 calendar year 2017, as determined by the department.

8 2. The department shall reimburse the provider of crisis intervention services
9 in the county the amount of allowable charges for those services under the Medical
10 Assistance program, including both the federal share and non-federal share of those
11 charges, that exceeds the amount of ^{the} county contribution required under subd. 1.

12 3. If a county submits a certified cost report under s. 49.45 (52) (b) to claim
13 federal medical assistance funds, the claim based on certified costs made by a county
14 for amounts under subd. 2. may not include any part of the non-federal share of the
15 amount under subd. 2.

16 END INSERT 2-20

Dodge, Tamara

From: Bollhorst, Nathan - DOA
Sent: Friday, February 15, 2019 5:07 PM
To: Dodge, Tamara
Cc: Dombrowski, Cynthia A - DOA
Subject: 2002/P1

Tami,

Please update draft 2002/P1 to reflect a 75 percent maintenance of effort requirement. Example language is included below:

SECTION 2. 49.45 (41) (c) of the statutes is created to read:

49.45 (41) (c) Notwithstanding par. (b), if a county elects to deliver crisis intervention services under the Medical Assistance program on a regional basis

according to criteria established by the department, the department shall reimburse a provider of crisis intervention services in the county for the amount of the allowable charges for those services under the Medical Assistance program that is provided by the federal government and for the amount of the allowable charges that is not provided by the federal government that exceeds the maintenance of effort amount defined in par. (d).

(d) The department shall require a county to maintain a contribution for the crisis intervention services provided under 49.45(41) after January 1, 2020 equal to 75 percent of the counties' expenditures for crisis intervention services under 49.45(41) in calendar year 2017, as determined by the Department.

(e) Claims under s. 49.45(52) based on certified costs in excess of the Medical Assistance Allowable Charge shall not include any part of the non-federal share of those excess costs.

Thank you,



Nathan Bollhorst | Executive Policy & Budget Analyst
Department of Administration
Division of Executive Budget and Finance
Nathan.Bollhorst@wisconsin.gov
Main: (608) 267-7980



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-2002/P2
TJD:wlj

DOA:.....Bollhorst, BB0358 - Crisis intervention

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 **AN ACT ...; relating to:** the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

MEDICAL ASSISTANCE

1. *Crisis intervention services*

Currently, mental health crisis intervention services are a benefit provided by the Medical Assistance program. Current law specifies that for a county that becomes certified as a Medical Assistance provider, the county pays the nonfederal share of the Medical Assistance reimbursement and DHS reimburses the county for the federal share of the Medical Assistance reimbursement. This bill changes the name of the services to "crisis intervention services" and specifies that those services are for the treatment of mental illness, intellectual disability, substance abuse, and dementia. The bill also specifies that for a county that elects to deliver crisis intervention services under the Medical Assistance program on a regional basis, DHS reimburses the service provider both the federal and nonfederal share of the allowable charges for the amount that exceeds a required annual county contribution. After January 1, 2020, the required annual county contribution is equal to 75 percent of the county's expenditures for crisis intervention services in calendar year 2017, as determined DHS.

For further information see the *state* 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.** 49.45 (41) of the statutes is amended to read:

2 **49.45 (41)** ~~MENTAL HEALTH CRISIS~~ CRISIS INTERVENTION SERVICES. (a) In this
3 subsection, “~~mental health crisis intervention services~~” means crisis intervention
4 services for the treatment of mental illness, intellectual disability, substance abuse,
5 and dementia that are provided by a ~~mental health~~ crisis intervention program
6 operated by, or under contract with, a county, if the county is certified as a medical
7 assistance provider.

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

17 **SECTION 2.** 49.45 (41) (c) of the statutes is created to read:

18 **49.45 (41) (c)** Notwithstanding par. (b), if a county elects to deliver crisis
19 intervention services under the Medical Assistance program on a regional basis
20 according to criteria established by the department, all of the following apply:

1 1. After January 1, 2020, the department shall require the county to annually
2 contribute for the crisis intervention services an amount equal to 75 percent of the
3 county's expenditures for crisis intervention services under this subsection in
4 calendar year 2017, as determined by the department.

5 2. The department shall reimburse the provider of crisis intervention services
6 in the county the amount of allowable charges for those services under the Medical
7 Assistance program, including both the federal share and nonfederal share of those
8 charges, that exceeds the amount of the county contribution required under subd. 1.

9 3. If a county submits a certified cost report under s. 49.45 (52) (b) to claim
10 federal medical assistance funds, the claim based on certified costs made by a county
11 for amounts under subd. 2. may not include any part of the nonfederal share of the
12 amount under subd. 2.

13 **SECTION 3.** 49.46 (2) (b) 15. of the statutes is amended to read:

14 49.46 (2) (b) 15. ~~Mental health crisis~~ Crisis intervention services under s. 49.45
15 (41).

16

(END)