

2019 DRAFTING REQUEST**Bill**

For: **Mark Born (608) 266-2540** Drafter: **swalkenh**
 By: **Nicole** Secondary Drafters:
 Date: **1/7/2019** May Contact:

Same as LRB:

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

Pre Topic:

No specific pre topic given

Topic:

Transport of individuals for emergency detention

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	swalkenh 1/25/2019	kfollett 1/25/2019			
/P1	swalkenh 9/11/2019		lparisi 1/25/2019		
/P2	swalkenh 10/24/2019	aernstr 9/11/2019	mbarman 9/11/2019		
/P3	swalkenh 10/24/2019	aernstr 10/24/2019	dwalker 10/24/2019		
/P4	swalkenh	aernstr	jmurphy		

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	10/30/2019	10/24/2019	10/24/2019		
/P5		aernsttr 10/30/2019	mbarman 10/30/2019		
/1			dwalker 10/30/2019	mbarman 11/11/2019	

FE Sent For:

Not Needed

<END>



10/29

Per Nicole, as discussed w/ TJD, make the following changes for a / P5

① Add provision to prohibit reimbursement if federal approval needed, but not granted

② Change page 3, lines 8-11 of /P4 to say transport provided by

Ⓐ law enforcement agency OR

Ⓑ an entity with a contract w/ law enforcement agency under (2)(a) - another law enforcement agency, an ambulance service provider, or 3rd party vendor

2019 DRAFTING REQUEST**Bill**

For: **Mark Born (608) 266-2540** Drafter: **swalkenh**
 By: **Nicole** Secondary Drafters:
 Date: **1/7/2019** May Contact:

Same as LRB:

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

Pre Topic:

No specific pre topic given

Topic:

Transport of individuals for emergency detention

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	swalkenh 1/25/2019	kfollett 1/25/2019			
/P1	swalkenh 9/11/2019		lparisi 1/25/2019		
/P2	swalkenh 10/24/2019	aernsttr 9/11/2019	mbarman 9/11/2019		
/P3	swalkenh 10/24/2019	aernsttr 10/24/2019	dwalker 10/24/2019		
/P4		aernsttr	jmurphy		

Vers. Drafted

Reviewed
10/24/2019

Submitted
10/24/2019

Jacketed

Required

FE Sent For:

<END>



Per Nicole

1) Keep in language "cause him or her to be transported"

2) Include language that entity using the transport must agree to do the transport (NOT hospital); see attached notes

3) Modify draft so that law enforcement enters contract for transport, NOT county

DRAFT: Clarify and Specify Options for Emergency Detention Transportation

Section 1. 51.15(2)(a) of the statutes is amended to read:

51.15(2)(a). Subject to par. (b), the law enforcement officer or other person authorized to take a child into custody under ch. 48 or to take a juvenile into custody under ch. 938 shall transport the individual, or cause him or her to be transported as provided in sub (e), for detention, if the county department of community programs in the county in which the individual was taken into custody approves the need for detention, and for evaluation, diagnosis, and treatment if permitted under sub. (8).

Section 2. 51.15(2)(e) of the statutes is created to read:

51.15(2)(e). Transport under sub. (a) may be provided by an entity other than the person described in (a), if:

1. The law enforcement officer or other person authorized to take a child into custody under ch. 48 or to take a juvenile into custody under ch. 938, approves the transport;

2. The entity transporting the individual agrees to provide the transport;

3. The law enforcement agency responsible for transporting or causing the transporting of the individual under sub. (a):

~~a. Agrees to pay for the reasonable cost of transporting the individual if the individual's health plan does not provide reimbursement for the transportation, and~~ [MS - OK to remove so long as the yellow highlighted language is retained.]

b. Has made reasonable arrangements with other law enforcement officers or agencies to ensure the individual safely and securely reaches the detention facility in the event that during transport the entity transporting the individual can no longer safely and securely keep the person in their custody.

Incorporated
← *



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-1247/P2
SWB:ah&kjf

1P3
RMR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

IN 10/24
Requested ASAP
today, PLS

resun

san

- 1 AN ACT *to amend* 51.15 (2) (a) and 51.15 (3); and *to create* 49.45 (29x) and 51.15
- 2 (2) (e) of the statutes; **relating to:** transport for emergency detention.

Analysis by the Legislative Reference Bureau

law enforcement agency

This bill clarifies current law regarding transport of individuals for emergency detention, expressly providing that a county may contract with another law enforcement agency, an ambulance service provider, or a third-party vendor to transport an individual for emergency detention. Under current law, certain individuals including a law enforcement officer or a person authorized to take a child into custody under certain circumstances may transport, or cause an individual to be transported, for emergency detention, if the county department of community programs in the county in which the individual was taken into custody approves the need for detention, and for evaluation, diagnosis, and treatment if permitted.

law enforcement agency

The bill also provides that an individual in custody being transported for emergency detention remains in the custody of the law enforcement officer or other authorized person who placed the individual in custody for purposes of emergency detention, except that if a county contracts with another law enforcement agency to transport an individual for the purposes of emergency detention, custody is transferred to the transporting law enforcement agency. The bill does not change the current law provision that upon arrival at the facility for emergency detention, custody of the individual is then transferred to the facility.

Finally, the bill requires the Department of Health Services to request any federal approval required to provide reimbursement to counties for the costs of transporting for emergency detention recipients under the Medical Assistance

program and to provide that reimbursement to counties if federal approval is granted or not required.

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

1 **SECTION 1.** 49.45 (29x) of the statutes is created to read:

2 49.45 (29x) EMERGENCY DETENTION TRANSPORT REIMBURSEMENT. (a) Subject to
3 par. (b), the department shall provide reimbursement as provided under s. 49.46 (2)
4 (b) 3. to counties for transport of individuals who are recipients of medical assistance
5 for purposes of emergency detention under s. 51.15 (2) as provided under s. 51.15 (2)
6 (e).

7 (b) The department shall request any necessary federal approval required to
8 provide reimbursement under par. (a) and, if approval is granted or if no federal
9 approval is required, the department shall provide reimbursement as provided
10 under par. (a).

11 **SECTION 2.** 51.15 (2) (a) of the statutes is amended to read:

12 51.15 (2) (a) Subject to par. (b), the law enforcement officer or other person
13 authorized to take a child into custody under ch. 48 or to take a juvenile into custody
14 under ch. 938 shall transport the individual, ~~or cause him or her to be transported,~~ <sup>NO
STRIKE</sup>
15 for detention, if the county department of community programs in the county in
16 which the individual was taken into custody approves the need for detention, and for
17 evaluation, diagnosis, and treatment if permitted under sub. (8). A county may also
18 contract with another law enforcement agency, an ambulance service provider, or a
19 3rd-party vendor to transport an individual for detention as set forth in this
20 paragraph. <sup>law enforcement
agency</sup>

21 **SECTION 3.** 51.15 (2) (e) of the statutes is created to read:

→ 3. The entity transporting the individual has agreed to provide the transport.

1 51.15 (2) (e) Subject to s. 49.45 (29x), a county may obtain reimbursement
2 through the Medical Assistance program under subch. IV of ch. 49 for transport of
3 an individual for purposes of emergency detention if all of the following are true:

- 4 1. The individual transported is a medical assistance recipient.
- 5 2. The transport is provided by a specialized ~~motor~~^{medical} vehicle service provider
- 6 certified under the department administrative rules relating to specialized ~~motor~~^{medical}
- 7 vehicle services and who is a transportation provider under contract with the state
- 8 or with an entity who is under contract with the state.

***NOTE: While it is true that services provided by specialized motor vehicle are listed as a current benefit under the Medical Assistance program, you may want to consider whether these vehicles fit the needs for emergency detention transports, as they do not appear to be identical to the "protected transport" vehicles described, for example, for use in Minnesota. I did not specifically tie the transportation with nonemergency medical transport, as Minnesota's program seems to keep separate this type of transport and thus may allow for more flexibility.

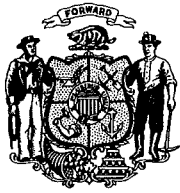
9 SECTION 4. 51.15 (3) of the statutes is amended to read:

10 51.15 (3) CUSTODY. An individual is in custody when the individual is under
11 the physical control of the law enforcement officer, or other person authorized to take
12 a child into custody under ch. 48 or to take a juvenile into custody under ch. 938, for
13 the purposes of emergency detention. The individual remains in the custody of the
14 law enforcement officer or other person authorized to take a child into custody under
15 ch. 48 or to take a juvenile into custody under ch. 938 for transport for the purposes
16 of emergency detention, except that if a ~~county~~^{law enforcement agency} contracts with another law
17 enforcement agency to transport an individual as described under sub. (2) (a) for the
18 purposes of emergency detention, custody is transferred to the transporting law
19 enforcement agency. Upon arrival at the facility under sub. (2), custody of the
20 individual is transferred to the facility.



Redraft 19-0425

Plus add clarification provision that custody
retained by agency that takes individuals
into custody for purpose of emergency detentions



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-124712
SWB:9

[Handwritten initials and marks]
192

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

IN 1/25
Requested today if possible or Monday a.m.

1 **AN ACT ...; relating to: transport for emergency detention.**

Analysis by the Legislative Reference Bureau

This bill clarifies current law regarding transport of individuals for emergency detention, providing that certain listed persons shall transport an individual, or cause the individual to be transported, for detention if the county department of community programs in the county in which the individual was taken into custody approves the need for detention, and for evaluation, diagnosis, and treatment if permitted. The bill specifies that the person transporting the individual, or causing the individual to be transported, be either 1) a law enforcement officer or 2) a person authorized to take a child into custody under ch. 48 or to take a juvenile into custody under ch. 938. The bill further specifies that the person who takes an individual into custody for purposes of emergency detention shall be considered to retain custody of that individual until custody is transferred to the facility.

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

2 **SECTION 1.** 51.15 (2) (a) of the statutes is renumbered 51.15 (2) (a) (intro.) and
3 amended to read:

4 51.15 (2) (a) (intro.) Subject to par. (b), the law enforcement officer or other
5 person authorized to take a child into custody under ch. 48 or to take a juvenile into

SECTION 1

1 eustody under ch. 938 any of the following persons shall transport the individual, or
2 cause him or her to be transported, for detention, if the county department of
3 community programs in the county in which the individual was taken into custody
4 approves the need for detention, and for evaluation, diagnosis, and treatment if
5 permitted under sub. (8):

6 **SECTION 2.** 51.15 (2) (a) 1. of the statutes is created to read:

7 51.15 (2) (a) 1. A law enforcement officer.

8 **SECTION 3.** 51.15 (2) (a) 2. of the statutes is created to read:

9 51.15 (2) (a) 2. Any other person authorized to take a child into custody under
10 ch. 48 or to take a juvenile into custody under ch. 938.

11 **SECTION 4.** 51.15 (3) of the statutes is amended to read:

12 51.15 (3) CUSTODY. An individual is in custody when the individual is under
13 the physical control of the law enforcement officer, or other person authorized to take
14 a child into custody under ch. 48 or to take a juvenile into custody under ch. 938, for
15 the purposes of emergency detention. Upon arrival at the facility under sub. (2),
16 custody of the individual is transferred to the facility. Whether an individual is
17 transported by a person authorized under sub. (2) (a) 1. or 2. or by another person
18 authorized under sub. (2) (a), the person who took the individual into custody shall
19 be considered to retain custody of that individual until custody is transferred to the
20 facility upon arrival under sub. (2).

History: 1975 c. 430; 1977 c. 29, 428; 1979 c. 175, 300, 336, 355; 1985 a. 176; 1987 a. 366, 394; 1989 a. 56 s. 259; 1993 a. 451; 1995 a. 77, 175, 292; 1997 a. 35, 283; 2001 a. 16 ss. 1966d to 1966h, 4034zb to 4034zd, 4041d to 4041g; 2001 a. 109; 2005 a. 264; 2007 a. 20; 2009 a. 28; 2013 a. 158, 235; 2015 a. 55; 2015 a. 195 ss. 11 to 13, 83; 2017 a. 140.

INSERT ANALYSIS

sa ✓
This bill clarifies current law regarding transport of individuals for emergency detention, expressly providing that a county may contract with another law enforcement agency, an ambulance service provider, or a third-party vendor to transport an individual for emergency detention. Under current law, certain individuals including a law enforcement officer or a person authorized to take a child into custody under certain circumstances may transport, or cause an individual to be transported, for emergency detention, if the county department of community programs in the county in which the individual was taken into custody approves the need for detention, and for evaluation, diagnosis, and treatment if permitted.

The bill also provides that an individual in custody being transported for emergency detention remains in the custody of the law enforcement officer or other authorized person who placed the individual in custody for purposes of emergency detention, except that if a county contracts with another law enforcement agency to transport an individual for the purposes of emergency detention, custody is transferred to the transporting law enforcement agency. The bill does not change the current law provision that upon arrival at the facility for emergency detention, custody of the individual is then transferred to the facility.

Finally, the bill requires the Department of Health Services to request any federal approval required to provide reimbursement to counties for the costs of transporting for emergency detention recipients under the Medical Assistance program and to provide that reimbursement to counties if federal approval is granted or not required.

(END INSERT ANALYSIS)

INSERT 1-4

1 **SECTION 1.** 49.45 (29x) of the statutes is created to read:

2 49.45 (29x) EMERGENCY DETENTION TRANSPORT REIMBURSEMENT. (a) Subject to
3 par. paragraph (b), the department shall provide reimbursement as provided under s.
4 49.46 (2) (b) 3. to counties for transport of individuals who are recipients of medical
5 assistance for purposes of emergency detention under s. 51.15 (2) as provided under
6 s. 51.15 (2) (e).

7 (b) The department shall request any necessary federal approval required to
8 provide reimbursement under par. (a) and, if approval is granted or if no federal

1 approval is required, the department shall provide reimbursement as provided
2 under par. (a).

3 **SECTION 2.** 51.15 (2) (a) of the statutes is amended to read:

4 51.15 (2) (a) Subject to par. (b), the law enforcement officer or other person
5 authorized to take a child into custody under ch. 48 or to take a juvenile into custody
6 under ch. 938 shall transport the individual, or cause him or her to be transported,
7 for detention, if the county department of community programs in the county in
8 which the individual was taken into custody approves the need for detention, and for
9 evaluation, diagnosis, and treatment if permitted under sub. (8). A county may also
10 contract with another law enforcement agency, an ambulance service provider, or a
11 third party vendor to transport an individual for detention as set forth in this
12 paragraph.

History: 1975 c. 430; 1977 c. 29, 428; 1979 c. 175, 300, 336, 355; 1985 a. 176; 1987 a. 366, 394; 1989 a. 56 s. 259; 1993 a. 451; 1995 a. 77, 175, 292; 1997 a. 35, 283; 2001 a. 16 ss. 1966d to 1966h, 4034zb to 4034zd, 4041d to 4041g; 2001 a. 109; 2005 a. 264; 2007 a. 20; 2009 a. 28; 2013 a. 158, 235; 2015 a. 55; 2015 a. 195 ss. 11 to 13, 83; 2017 a. 140.

13 **SECTION 3.** 51.15 (2) (e) of the statutes is created to read:

14 51.15 (2) (e) Subject to s. 49.45 (29x), a county may obtain reimbursement
15 through the Medical Assistance program under subch. IV of ch. 49 for transport of
16 an individual for purposes of emergency detention if all of the following are true:

17 1. The individual transported is a medical assistance recipient.

18 2. The transport is provided by a specialized motor vehicle service provider
19 certified under the department administrative rules relating to specialized motor
20 vehicle services and who is a transportation provider under contract with the state
21 or with an entity who is under contract with the state.

****NOTE: While it is true that services provided by specialized motor vehicle are listed as a current benefit under the Medical Assistance program, you may want to consider whether these vehicles fit the needs for emergency detention transports, as they do not appear to be identical to the "protected transport" vehicles described, for example, for use in Minnesota. I did not specifically tie the transportation with nonemergency

medical transport, as Minnesota's program seems to keep separate this type of transport and thus may allow for more flexibility.

1 7 **SECTION 4.** 51.15 (3) of the statutes is amended to read:

2 51.15 (3) CUSTODY. An individual is in custody when the individual is under
3 the physical control of the law enforcement officer, or other person authorized to take
4 a child into custody under ch. 48 or to take a juvenile into custody under ch. 938, for
5 the purposes of emergency detention. The individual remains in the custody of the
6 law enforcement officer or other person authorized to take a child into custody under
7 ch. 48 or to take a juvenile into custody under ch. 938 for transport for the purposes
8 of emergency detention, except that if a county contracts with another law
9 enforcement agency to transport an individual as described under sub. (2) (a) for the
10 purposes of emergency detention, custody is transferred to the transporting law
11 enforcement agency. Upon arrival at the facility under sub. (2), custody of the
12 individual is transferred to the facility.

History: 1975 c. 430; 1977 c. 29, 428; 1979 c. 175, 300, 336, 355; 1985 a. 176; 1987 a. 366, 394; 1989 a. 56 s. 259; 1993 a. 451; 1995 a. 77, 175, 292; 1997 a. 35, 283; 2001 a. 16 ss. 1966d to 1966h, 4034zb to 4034zd, 4041d to 4041g; 2001 a. 109; 2005 a. 264; 2007 a. 20; 2009 a. 28; 2013 a. 158, 235; 2015 a. 55; 2015 a. 195 ss. 11 to 13, 83; 2017 a. 140.

(END INSERT 1-4)



Allow counties to use vendors for transport

- other law enforcement
- ambulance service
- other 3rd party vendors

- custody remains w/ initiating officer/authority unless another law enforcement agency does transport

- Allow transport of MA recipients for emergency detention to be reimbursable under MA

- Use of specialized medical vehicles?
- must be qualified/certified under DOT ch. 301

- Counties to get reimbursement b/c they pay initially



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-1247/P1
SWB:ah&kjf

P2
RMR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

IN 9/11
Requested ASAP
today
INSERT

renew

1 AN ACT to renumber and amend 51.15 (2) (a); to amend 51.15 (3); and to
2 create 51.15 (2) (a) 1. and 51.15 (2) (a) 2. of the statutes; relating to: transport
3 for emergency detention.

Analysis by the Legislative Reference Bureau

INS
ANALYSIS

This bill clarifies current law regarding transport of individuals for emergency detention, providing that certain listed persons shall transport an individual, or cause the individual to be transported, for detention if the county department of community programs in the county in which the individual was taken into custody approves the need for detention, and for evaluation, diagnosis, and treatment if permitted. The bill specifies that the person transporting the individual, or causing the individual to be transported, be either 1) a law enforcement officer or 2) a person authorized to take a child into custody under ch. 48 or to take a juvenile into custody under ch. 938. The bill further specifies that the person who takes an individual into custody for purposes of emergency detention shall be considered to retain custody of that individual until custody is transferred to the facility.

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

INS
1-4

4 SECTION 1. 51.15 (2) (a) of the statutes is renumbered 51.15 (2) (a) (intro.) and
5 amended to read:

SECTION 1

1 51.15 (2) (a) (intro.) Subject to par. (b), ~~the law enforcement officer or other~~
2 ~~person authorized to take a child into custody under ch. 48 or to take a juvenile into~~
3 ~~custody under ch. 938~~ any of the following persons shall transport the individual, or
4 cause him or her to be transported, for detention, if the county department of
5 community programs in the county in which the individual was taken into custody
6 approves the need for detention, and for evaluation, diagnosis, and treatment if
7 permitted under sub. (8);

8 **SECTION 2.** 51.15 (2) (a) 1. of the statutes is created to read:

9 51.15 (2) (a) 1. A law enforcement officer.

10 **SECTION 3.** 51.15 (2) (a) 2. of the statutes is created to read:

11 51.15 (2) (a) 2. Any other person authorized to take a child into custody under
12 ch. 48 or to take a juvenile into custody under ch. 938.

13 **SECTION 4.** 51.15 (3) of the statutes is amended to read:

14 51.15 (3) CUSTODY. An individual is in custody when the individual is under
15 the physical control of the law enforcement officer, or other person authorized to take
16 a child into custody under ch. 48 or to take a juvenile into custody under ch. 938, for
17 the purposes of emergency detention. Upon arrival at the facility under sub. (2),
18 custody of the individual is transferred to the facility. Whether an individual is
19 transported by a person authorized under sub. (2) (a) 1. or 2. or by another person
20 authorized under sub. (2) (a), the person who took the individual into custody shall
21 be considered to retain custody of that individual until custody is transferred to the
22 facility upon arrival under sub. (2).

23 (END)



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-1247/P3
SWB:ah&kjf

1/P4
RMR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

IN 10/24
Requested ASIP
today

5a-

if the agency, provider, or vendor agrees to provide the transport

- 1 **AN ACT to amend** 51.15 (2) (a) and 51.15 (3); and **to create** 49.45 (29x) and 51.15
- 2 (2) (e) of the statutes; **relating to:** transport for emergency detention.

Analysis by the Legislative Reference Bureau

This bill clarifies current law regarding transport of individuals for emergency detention, expressly providing that a law enforcement agency may contract with another law enforcement agency, an ambulance service provider, or a third-party vendor to transport an individual for emergency detention. Under current law, certain individuals including a law enforcement officer or a person authorized to take a child into custody under certain circumstances may transport, or cause an individual to be transported, for emergency detention, if the county department of community programs in the county in which the individual was taken into custody approves the need for detention, and for evaluation, diagnosis, and treatment if permitted.

The bill also provides that an individual in custody being transported for emergency detention remains in the custody of the law enforcement officer or other authorized person who placed the individual in custody for purposes of emergency detention, except that if a law enforcement agency contracts with another law enforcement agency to transport an individual for the purposes of emergency detention, custody is transferred to the transporting law enforcement agency. The bill does not change the current law provision that upon arrival at the facility for emergency detention, custody of the individual is then transferred to the facility.

Finally, the bill requires the Department of Health Services to request any federal approval required to provide reimbursement to counties for the costs of

transporting for emergency detention recipients under the Medical Assistance program and to provide that reimbursement to counties if federal approval is granted or not required.

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

SECTION 1. 49.45 (29x) of the statutes is created to read:

49.45 (29x) EMERGENCY DETENTION TRANSPORT REIMBURSEMENT. (a) Subject to par. (b), the department shall provide reimbursement as provided under s. 49.46 (2) (b) 3. to counties for transport of individuals who are recipients of medical assistance for purposes of emergency detention under s. 51.15 (2) as provided under s. 51.15 (2) (e).

(b) The department shall request any necessary federal approval required to provide reimbursement under par. (a) and, if approval is granted or if no federal approval is required, the department shall provide reimbursement as provided under par. (a).

SECTION 2. 51.15 (2) (a) of the statutes is amended to read:

51.15 (2) (a) Subject to par. (b), the law enforcement officer or other person authorized to take a child into custody under ch. 48 or to take a juvenile into custody under ch. 938 shall transport the individual, or cause him or her to be transported, for detention, if the county department of community programs in the county in which the individual was taken into custody approves the need for detention, and for evaluation, diagnosis, and treatment if permitted under sub. (8). A law enforcement agency may also contract with another law enforcement agency, an ambulance service provider, or a 3rd-party vendor to transport an individual for detention as set forth in this paragraph. *if the agency, provider, or vendor agrees to provide the transport*

1 **SECTION 3.** 51.15 (2) (e) of the statutes is created to read:

2 51.15 (2) (e) Subject to s. 49.45 (29x), a county may obtain reimbursement
3 through the Medical Assistance program under subch. IV of ch. 49 for transport of
4 an individual for purposes of emergency detention if all of the following are true:

5 1. The individual transported is a medical assistance recipient.

6 2. The transport is provided by a specialized medical vehicle service provider
7 certified under the department administrative rules relating to specialized medical
8 vehicle services and who is a transportation provider under contract with the state
9 or with an entity who is under contract with the state.

10 3. The entity transporting the individual has agreed to provide the transport.

11 **SECTION 4.** 51.15 (3) of the statutes is amended to read:

12 51.15 (3) CUSTODY. An individual is in custody when the individual is under
13 the physical control of the law enforcement officer, or other person authorized to take
14 a child into custody under ch. 48 or to take a juvenile into custody under ch. 938, for
15 the purposes of emergency detention. The individual remains in the custody of the
16 law enforcement officer or other person authorized to take a child into custody under
17 ch. 48 or to take a juvenile into custody under ch. 938 for transport for the purposes
18 of emergency detention, except that if a law enforcement agency contracts with
19 another law enforcement agency to transport an individual as described under sub.
20 (2) (a) for the purposes of emergency detention, custody is transferred to the
21 transporting law enforcement agency. Upon arrival at the facility under sub. (2),
22 custody of the individual is transferred to the facility.

23

(END)



Per Nicole:

* Make requirement for transporting entity to agree to provide transport to general requirement, not just MA transports



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-1247/P4

SWB:ahe&kjf

PS
RMR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

IN 10/29
Requested ASAP A.M.
10/30

sa ✓

- 1 AN ACT *to amend* 51.15 (2) (a) and 51.15 (3); and *to create* 49.45 (29x) and 51.15
2 (2) (e) of the statutes; **relating to:** transport for emergency detention.

Analysis by the Legislative Reference Bureau

This bill clarifies current law regarding transport of individuals for emergency detention, expressly providing that a law enforcement agency may contract with another law enforcement agency, an ambulance service provider, or a third-party vendor to transport an individual for emergency detention if the agency, provider, or vendor agrees to provide the transport. Under current law, certain individuals including a law enforcement officer or a person authorized to take a child into custody under certain circumstances may transport, or cause an individual to be transported, for emergency detention, if the county department of community programs in the county in which the individual was taken into custody approves the need for detention, and for evaluation, diagnosis, and treatment if permitted.

The bill also provides that an individual in custody being transported for emergency detention remains in the custody of the law enforcement officer or other authorized person who placed the individual in custody for purposes of emergency detention, except that if a law enforcement agency contracts with another law enforcement agency to transport an individual for the purposes of emergency detention, custody is transferred to the transporting law enforcement agency. The bill does not change the current law provision that upon arrival at the facility for emergency detention, custody of the individual is then transferred to the facility.

Finally, the bill requires the Department of Health Services to request any federal approval required to provide reimbursement to counties for the costs of

transporting for emergency detention recipients under the Medical Assistance program and to provide that reimbursement to counties if federal approval is granted or not required.

If federal approval is necessary but not granted, DHS may not provide reimbursement under the medical assistance program. Under the bill, if DHS may provide reimbursement, a county may obtain reimbursement if the individual transported is a medical assistance recipient and if the transport is provided

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

by a law enforcement agency or an entity that contracts with a law enforcement

1 SECTION 1. 49.45 (29x) of the statutes is created to read:

2 49.45 (29x) EMERGENCY DETENTION TRANSPORT REIMBURSEMENT. (a) Subject to

3 par. (b), the department shall provide reimbursement as provided under s. 49.46 (2)

4 (b) 3. to counties for transport of individuals who are recipients of medical assistance

5 for purposes of emergency detention under s. 51.15 (2) as provided under s. 51.15 (2)

6 (e).

7 (b) The department shall request any necessary federal approval required to

8 provide reimbursement under par. (a) and, if approval is granted or if no federal

9 approval is required, the department shall provide reimbursement as provided

under par. (a). If federal approval is necessary but not granted, the department may not provide reimbursement under par. (a).

10 SECTION 2. 51.15 (2) (a) of the statutes is amended to read:

11 51.15 (2) (a) Subject to par. (b), the law enforcement officer or other person

12 authorized to take a child into custody under ch. 48 or to take a juvenile into custody

13 under ch. 938 shall transport the individual, or cause him or her to be transported,

14 for detention, if the county department of community programs in the county in

15 which the individual was taken into custody approves the need for detention, and for

16 evaluation, diagnosis, and treatment if permitted under sub. (8). A law enforcement

17 agency may also contract with another law enforcement agency, an ambulance

18 service provider, or a 3rd-party vendor to transport an individual for detention as

19

law enforcement agency or an entity that contracts with a law enforcement agency under sub. (2)(a)

1 set forth in this paragraph if the agency, provider, or vendor agrees to provide the
2 transport.

3 SECTION 3. 51.15 (2) (e) of the statutes is created to read:

4 51.15 (2) (e) Subject to s. 49.45 (29x), a county may obtain reimbursement
5 through the Medical Assistance program under subch. IV of ch. 49 for transport of
6 an individual for purposes of emergency detention if all of the following are true:

7 1. The individual transported is a medical assistance recipient.

8 2. The transport is provided by a specialized medical vehicle service provider
9 certified under the department administrative rules relating to specialized medical
10 vehicle services and who is a transportation provider under contract with the state
11 or with an entity who is under contract with the state

12 SECTION 4. 51.15 (3) of the statutes is amended to read:

13 51.15 (3) CUSTODY. An individual is in custody when the individual is under
14 the physical control of the law enforcement officer, or other person authorized to take
15 a child into custody under ch. 48 or to take a juvenile into custody under ch. 938, for
16 the purposes of emergency detention. The individual remains in the custody of the
17 law enforcement officer or other person authorized to take a child into custody under
18 ch. 48 or to take a juvenile into custody under ch. 938 for transport for the purposes
19 of emergency detention, except that if a law enforcement agency contracts with
20 another law enforcement agency to transport an individual as described under sub.
21 (2) (a) for the purposes of emergency detention, custody is transferred to the
22 transporting law enforcement agency. Upon arrival at the facility under sub. (2),
23 custody of the individual is transferred to the facility.

24 (END)

Dodge, Tamara

From: Borgerding, Nicole
Sent: Wednesday, October 30, 2019 8:22 AM
To: Dodge, Tamara
Cc: Walkenhorst Barber, Sarah
Subject: RE: Draft review: LRB -1247/P5

I think this looks great. We're ready for the /1.

Thanks!

*Nicole Borgerding
Office of State Representative Mark Born
39th Assembly District
(608) 266-2540*

From: Dodge, Tamara <Tamara.Dodge@legis.wisconsin.gov>
Sent: Wednesday, October 30, 2019 8:11 AM
To: Borgerding, Nicole <Nicole.Borgerding@legis.wisconsin.gov>
Cc: Walkenhorst Barber, Sarah <Sarah.WalkenhorstBarber@legis.wisconsin.gov>
Subject: FW: Draft review: LRB -1247/P5

Nicole,

Attached is the latest preliminary draft on transport for emergency detention. Let Sarah or me know when you're ready for the /1 or feel free to give us a call with any questions.

Tami

Tamara J. Dodge
Senior Legislative Attorney
Wisconsin Legislative Reference Bureau
P.O. Box 2037
Madison, WI 53701-2037
(608) 504 - 5808
tamara.dodge@legis.wisconsin.gov

Please note my new direct phone number (as of June 13, 2018).

From: LRB.Legal <lrblegal@legis.wisconsin.gov>
Sent: Wednesday, October 30, 2019 8:07 AM
To: Dodge, Tamara <Tamara.Dodge@legis.wisconsin.gov>
Subject: Draft review: LRB -1247/P5

Draft Requester: Rep. Mark Born

Following is the PDF version of draft LRB -1247/P5.



1

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

- 1 **AN ACT** *to amend* 51.15 (2) (a) and 51.15 (3); and *to create* 49.45 (29x) and 51.15
2 (2) (e) of the statutes; **relating to:** transport for emergency detention.

Analysis by the Legislative Reference Bureau

This bill clarifies current law regarding transport of individuals for emergency detention, expressly providing that a law enforcement agency may contract with another law enforcement agency, an ambulance service provider, or a third-party vendor to transport an individual for emergency detention if the agency, provider, or vendor agrees to provide the transport. Under current law, certain individuals including a law enforcement officer or a person authorized to take a child into custody under certain circumstances may transport, or cause an individual to be transported, for emergency detention, if the county department of community programs in the county in which the individual was taken into custody approves the need for detention, and for evaluation, diagnosis, and treatment if permitted.

The bill also provides that an individual in custody being transported for emergency detention remains in the custody of the law enforcement officer or other authorized person who placed the individual in custody for purposes of emergency detention, except that if a law enforcement agency contracts with another law enforcement agency to transport an individual for the purposes of emergency detention, custody is transferred to the transporting law enforcement agency. The bill does not change the current law provision that upon arrival at the facility for emergency detention, custody of the individual is then transferred to the facility.

Finally, the bill requires the Department of Health Services to request any federal approval required to provide reimbursement to counties for the costs of

1 agency may also contract with another law enforcement agency, an ambulance
2 service provider, or a 3rd-party vendor to transport an individual for detention as
3 set forth in this paragraph if the agency, provider, or vendor agrees to provide the
4 transport.

5 **SECTION 3.** 51.15 (2) (e) of the statutes is created to read:

6 51.15 (2) (e) Subject to s. 49.45 (29x), a county may obtain reimbursement
7 through the Medical Assistance program under subch. IV of ch. 49 for transport of
8 an individual for purposes of emergency detention if all of the following are true:

- 9 1. The individual transported is a medical assistance recipient.
- 10 2. The transport is provided by a law enforcement agency or an entity that
11 contracts with a law enforcement agency under sub. (2) (a).

12 **SECTION 4.** 51.15 (3) of the statutes is amended to read:

13 51.15 (3) CUSTODY. An individual is in custody when the individual is under
14 the physical control of the law enforcement officer, or other person authorized to take
15 a child into custody under ch. 48 or to take a juvenile into custody under ch. 938, for
16 the purposes of emergency detention. The individual remains in the custody of the
17 law enforcement officer or other person authorized to take a child into custody under
18 ch. 48 or to take a juvenile into custody under ch. 938 for transport for the purposes
19 of emergency detention, except that if a law enforcement agency contracts with
20 another law enforcement agency to transport an individual as described under sub.
21 (2) (a) for the purposes of emergency detention, custody is transferred to the
22 transporting law enforcement agency. Upon arrival at the facility under sub. (2),
23 custody of the individual is transferred to the facility.

24 (END)

Barman, Mike

From: Borgerding, Nicole
Sent: Monday, November 11, 2019 12:47 PM
To: LRB.Legal
Subject: Draft Review: LRB -1247/1

Please Jacket LRB -1247/1 for the ASSEMBLY.

Rep Born
SWB