

2019 Assembly Bill 644 (LRB -4309)

An Act to create 20.435 (5) (by) and 51.445 of the statutes; relating to: creating a school-based mental health consultation pilot program and making an appropriation. (FE)

2019

12-03. A. Introduced by Representatives **Steineke, Rohrkaste, Zimmerman, Tittl, Murphy, Dittrich, Krug, Plumer, Tusler, Mursau, Stuck and Skowronski**; cosponsored by Senators **Darling, Roth, Olsen and Carpenter**. 411

12-03. A. Read first time and referred to Committee on Mental Health 411

12-17. A. Public hearing held

12-30. A. Fiscal estimate received

2020

01-07. A. Representative Brostoff added as a coauthor 443

01-08. A. Executive action taken

01-15. A. Report passage recommended by Committee on Mental Health, Ayes 11, Noes 0 458

01-15. A. Referred to joint committee on Finance 458

01-16. A. Executive action taken

01-16. A. Assembly Amendment 1 offered by Joint Committee on Finance (**LRB a0897**) 473

01-16. A. Report Assembly Amendment 1 adoption recommended by Joint Committee on Finance, Ayes 15, Noes 0 476

01-16. A. Report passage as amended recommended by Joint Committee on Finance, Ayes 15, Noes 0 476

01-16. A. Referred to committee on Rules 476

01-16. A. Placed on calendar 1-21-2020 by Committee on Rules

01-21. A. Read a second time 492

01-21. A. Assembly Amendment 1 **adopted** 492

01-21. A. Assembly Amendment 2 offered by Representatives Pope, Considine, Hintz, Hesselbein, Spreitzer, Doyle, Stubbs, Fields, Ohnstad, Billings, Kolste, B. Meyers, Sinicki, Vining, Riemer, Goyke, Neubauer, Cabrera, Emerson, Brostoff, McGuire, Vruwink, Subeck, C. Taylor and Sargent (**LRB a0929**) 492

01-21. A. Assembly Amendment 2 laid on table, Ayes 63, Noes 35 492

01-21. A. Assembly Amendment 3 offered by Representatives Considine, Pope, Hintz, Hesselbein, Spreitzer, Doyle, Stubbs, Vining, Riemer, Goyke, Neubauer, Cabrera, Emerson, Brostoff, McGuire, Vruwink, Subeck, C. Taylor and Sargent (**LRB a0930**) 493

01-21. A. Assembly Amendment 3 laid on table, Ayes 62, Noes 36 493

01-21. A. Ordered to a third reading 493

01-21. A. Rules suspended 493

01-21. A. Read a third time and **passed**, Ayes 98, Noes 0 493

01-21. A. Ordered immediately messaged 493

01-22. S. Received from Assembly 604

02-14. S. Read first time and referred to committee on Senate Organization 680

02-14. S. Available for scheduling

02-14. S. Public hearing requirement waived by committee on Senate Organization, pursuant to Senate Rule 18 (1m), Ayes 5, Noes 0 678

02-14. S. Placed on calendar 2-19-2020 pursuant to Senate Rule 18(1) 679

02-19. S. Read a second time

02-19. S. Ordered to a third reading

02-19. S. Rules suspended

02-19. S. Read a third time and **concurred in**, Ayes 31, Noes 2

02-19. S. Ordered immediately messaged

02-20. A. Received from Senate concurred in

Dw



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ENROLLED BILL

Adopted Documents

Original

Engrossed

Substitute Amdt

19-4309 / 1

Amendments: None or Listed below.

AAA

Corrections: None or Listed by date below.

Topic: Same as relating clause or Indicated below.

2/24/20

Cos. [Signature]

Date

Enrolling Drafter



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-4309/1
KP:kjf&cjs

2019 ASSEMBLY BILL 644

December 3, 2019 - Introduced by Representatives STEINEKE, ROHRKASTE, ZIMMERMAN, TITTL, MURPHY, DITTRICH, KRUG, PLUMER, TUSLER, MURSAU, STUCK and SKOWRONSKI, cosponsored by Senators DARLING, ROTH, OLSEN and CARPENTER. Referred to Committee on Mental Health.

1 **AN ACT to create** 20.435 (5) (by) and 51.445 of the statutes; **relating to:** creating
2 a school-based mental health consultation pilot program and making an
3 appropriation.

Analysis by the Legislative Reference Bureau

This bill requires the Department of Health Services to create and administer a school-based mental health consultation pilot program in Outagamie County to assist participating school-based providers in providing enhanced care to students with mental health care needs, to provide referral support for those students, and to provide additional services. The mental health consultation pilot program is not an emergency referral service. DHS must provide moneys to an organization that as of January 1, 2019, provided consultation services through the child psychiatry consultation program existing under current law, and the organization must meet certain criteria and provide consultation services through the consultation pilot program established by the bill. Under the bill, the consultation provider must have the capability to provide consultation services by telephone, and may also provide services by other means of communication. The consultation provider may also provide certain in-person or Internet site-based educational seminars and refresher courses provided to any participating school-based provider who uses the consultation pilot program, and these services are eligible for funding from DHS.

A consultation provider must report any information requested by DHS. The bill also requires DHS to conduct annual surveys of participating school-based providers who use the consultation pilot program and to submit a report on the program to the appropriate committees of the legislature by August 1, 2022.

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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.** 20.005 (3) (schedule) of the statutes: at the appropriate place, insert
2 the following amounts for the purposes indicated:

2019-20 2020-21

3 **20.435 Health services, department of**

4 (5) **MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES**

5 (by) School-based mental health con-

6 sultation pilot program

GPR C

-0-

(350,000)

175,000

KAI
1.

7 **SECTION 2.** 20.435 (5) (by) of the statutes is created to read:

8 20.435 (5) (by) *School-based mental health consultation pilot program.* As a
9 continuing appropriation, the amounts in the schedule for operating the
10 school-based mental health consultation pilot program under s. 51.445. The
11 department is prohibited from expending more than \$175,000 under this paragraph
12 in a particular fiscal year.

13 **SECTION 3.** 51.445 of the statutes is created to read:

14 **51.445 School-based mental health consultation pilot program.** (1) In
15 this section, "participating school-based providers" includes all of the following:

16 (a) A nurse, counselor, social worker, physical therapist, or occupational
17 therapist employed by a school or school district.

18 (b) A superintendent of a school district, a principal, a district administrator,
19 or a director of special education and pupil services.

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1 (2) The department shall create and administer a school-based mental health
2 consultation pilot program in Outagamie County to assist participating
3 school-based providers in providing enhanced care to students with mental health
4 care needs, to provide referral support for students, and to provide additional
5 services described in this section. The consultation pilot program created under this
6 section is not an emergency referral service.

7 (3) The department shall provide moneys ^{INS} to an organization that provided ^{PAR 2.}
8 consultation services through the child psychiatry consultation program under s.
9 51.442 as of January 1, 2019, and the organization shall provide consultation
10 services through the consultation pilot program under this section in Outagamie
11 County in a manner that maximizes medically appropriate access and services as
12 described under sub. (4).

13 (4) An organization providing consultation services through the consultation
14 pilot program under this section shall make available its own qualified provider or
15 consortium of providers. The organization shall successfully demonstrate that it
16 meets all of the following criteria:

17 (a) The organization has the required infrastructure to provide services within
18 Outagamie County.

19 (b) Any individual who would be providing consulting services through the
20 program is located in this state.

21 (c) The organization enters into a contract with the department agreeing to
22 satisfy all of the following criteria as a condition of providing services through the
23 consultation pilot program:

24 1. The organization has at the time of participation in the program a
25 psychiatrist, who is either eligible for certification or certified by the American Board

ASSEMBLY BILL 644**SECTION 3**

1 of Psychiatry and Neurology, Inc., for either adult psychiatry or child and adolescent
2 psychiatry or both, and has and maintains additional staff as specified by the
3 department.

4 2. The organization operates during the normal business hours of Monday to
5 Friday between 8 a.m. and 5 p.m., excluding weekends and holidays.

6 3. The organization shall be able to provide consultation services as promptly
7 as is practicable.

8 4. The organization shall provide all of the following services:

9 a. Support for participating school-based providers to assist in the
10 management of students with mental health problems and to provide referral
11 support for students.

12 b. A triage-level assessment to determine the most appropriate response to
13 each request, including appropriate referrals to other mental health professionals.

14 c. When medically appropriate, diagnostic and therapeutic feedback.

15 d. Recruitment of other practices in Outagamie County to the provider's
16 services.

17 5. The organization shall have the capability to provide consultation services
18 by telephone, at a minimum.

19 (5) (a) An organization providing consultation services through the
20 consultation pilot program under this section may provide services by
21 teleconference, video conference, voice over Internet protocol, electronic mail, pager,
22 or in-person conference.

23 (b) The organization providing consultation services through the consultation
24 pilot program under this section may provide in-person or Internet site-based
25 educational seminars and refresher courses provided to any participating

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1 school-based provider who uses the consultation pilot program on a medically
2 appropriate topic within child psychiatry. These services are eligible for funding
3 from the department.

4 (6) An organization that provides consultation services through the
5 consultation pilot program under this section shall report to the department any
6 information as requested by the department.

7 (7) The department shall conduct annual surveys of participating
8 school-based providers who use the consultation pilot program under this section to
9 assess the amount of pediatric mental health care provided, self-perceived levels of
10 confidence in providing pediatric mental health services, and the satisfaction with
11 the consultations and the educational opportunities provided.

12 (8) By August 1, 2022, the department shall submit a report on the
13 school-based mental health consultation pilot program under this section to the
14 standing committees of the legislature with jurisdiction over health under s. 13.172
15 (3).

SECTION 4. Nonstatutory provisions.

16 (1) Notwithstanding s. 16.42 (1) (e), in submitting information under s. 16.42
17 for the 2021-23 biennial budget bill, the department of health services shall submit
18 information concerning the appropriation under s. 20.435 (5) (by) as though the total
19 amount appropriated under s. 20.435 (5) (by) for the 2020-21 fiscal year had been
20 \$175,000 instead of \$350,000.
21

SECTION 5. Fiscal changes.

22 (1) Notwithstanding s. 20.001 (3) (c), from the appropriation account under s.
23 20.435 (4) (bk), there is lapsed to the general fund \$350,000 in fiscal year 2020-21.
24

25 (END)

\$175,000

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State of Wisconsin
2019 - 2020 LEGISLATURE

LRBa0897/1
TJD:wlj

ASSEMBLY AMENDMENT 1,
TO ASSEMBLY BILL 644

January 16, 2020 - Offered by JOINT COMMITTEE ON FINANCE.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 2, line 5: delete lines 5 and 6 and substitute:

3 “(by) School-based mental health con-

4 sultation pilot program GPR C -0- 175,000”.

5 **2.** Page 3, line 7: after “moneys” insert “in the amount of \$175,000 in each fiscal
6 year in, at least, fiscal years 2020-21 and 2021-22”.

7 **3.** Page 5, line 16: delete lines 16 to 21.

8 **4.** Page 5, line 24: delete “\$350,000” and substitute “\$175,000”.

9 (END)