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# Wisconsin Legislative Council

## AMENDMENT MEMO

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### 2025 Senate Bill 106

### Senate Amendment 1

## 2025 SENATE BILL 106

2025 Senate Bill 106 was recommended for introduction by the Joint Legislative Council Study Committee on Emergency Detention and Civil Commitment of Minors. The bill specifies that the Department of Health Services (DHS) may establish a certification process for and certify psychiatric residential treatment facilities (PRTFs) to provide inpatient psychiatric services for individuals under age 21, under the direction of a physician, with services provided by a facility that meets PRTF standards under federal regulations. The bill also specifies that PRTF services are a reimbursable Medical Assistance (MA) benefit, subject to any necessary federal approval.

In addition to various certification requirements, the bill grants rulemaking authority to DHS to promulgate administrative rules, including emergency rules, to implement the bill. Specifically, DHS may promulgate rules to establish any of the following: (1) minimum security requirements for PRTFs; (2) a target range for the number of beds in a PRTF; (3) policies for coordination between PRTFs and certain other facilities; (4) appropriate staffing level requirements, including policies to ensure the availability of adequate in-person and on-site care; (5) requirements to define the population to be served at a given PRTF, including establishment of any minimum age requirements; (6) rules and standards for PRTF operations as the department determines are necessary to provide safe and adequate care and treatment of patients and to protect the health and safety of patients and employees of a PRTF; and (7) a requirement that all PRTFs adopt a policy for the use of locked units for safety. The bill also requires DHS to promulgate rules requiring that all PRTFs adopt a policy for monitoring safety, which may include the use of video surveillance in common areas.

## SENATE AMENDMENT 1

Senate Amendment 1 removes the references to rulemaking authority, including emergency rules, in 2025 Senate Bill 106. Specifically, under the amendment, DHS may establish any of the following: (1) minimum security requirements for PRTFs; (2) a target range for the number of beds in a PRTF; (3) policies for coordination between PRTFs and certain other facilities; (4) appropriate staffing level requirements, including policies to ensure the availability of adequate in-person and on-site care; (5) requirements to define the population to be served at a given PRTF, including establishment of any minimum age requirements; (6) rules and standards for PRTF operations as the department determines are necessary to provide safe and adequate care and treatment of patients and to protect the health and safety of patients and employees of a PRTF; and (7) a requirement that all PRTFs adopt a policy for the use of locked units for safety. Additionally, DHS must require that all PRTFs adopt a policy for monitoring safety.<sup>1</sup>

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<sup>1</sup> Although the amendment removes the references to rulemaking authority on the specifically enumerated topics, current law provides DHS with general authority to promulgate permanent or emergency rules interpreting the provisions of statutes enforced or administered by the agency, if the agency considers it necessary to effectuate the purpose of the statute. [ss. 227.10, 227.11 (2), and 227.24, Stats.] DHS may alternatively address the topics through

## BILL HISTORY

The Joint Legislative Council introduced 2025 Senate Bill 106 on March 7, 2025. Senator James introduced Senate Amendment 1 on May 27, 2025. On June 11, 2025, the Senate Committee on Mental Health, Substance Abuse Prevention, Children and Families voted to recommend adoption of Senate Amendment 1 on a vote of Ayes, 5; Noes, 0. The committee then voted to recommend passage of the bill, as amended, on a vote of Ayes, 5; Noes, 0.

For a full history of the bill, visit the Legislature's [bill history page](#).

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individual PRTF grants or contracts. In circumstances limited to individual grant and contract administration, it may be possible for DHS to impose requirements without rulemaking. [s. 227.01(13)(k), Stats.]