

State of Wisconsin



2013 Assembly Bill 500

Date of enactment: April 8, 2014
Date of publication*: April 9, 2014

2013 WISCONSIN ACT 235

AN ACT to create 51.15 (4m) of the statutes; relating to: emergency detention pilot program in Milwaukee County.

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

SECTION 1. 51.15 (4m) of the statutes is created to read:

51.15 (4m) DETENTION PILOT PROGRAM; MILWAUKEE COUNTY. (a) *Definitions.* In this subsection:

1. "Treatment director" includes a fully licensed physician or licensed psychologist who is a full-time or part-time employee of, or on contract with, the Milwaukee County Behavioral Health Division and who actively assumes clinical responsibility for the provision of emergency service care.

2. "Treatment director designee" means an individual who is any of the following licensed mental health professionals, who is a full-time or part-time employee of, or on contract with, the Milwaukee County Behavioral Health Division, and who may provide care to individuals in accordance with, and as permitted by, state licensure laws, in collaboration with a treatment director who is assigned to the same service or program:

a. Licensed clinical social worker as described in s. 457.01 (1r).

b. Advanced practice social worker as defined in s. 457.01 (1c).

c. Licensed professional counselor as described in s. 457.01 (7).

d. Licensed marriage and family therapist as described in s. 457.01 (3).

e. Psychiatric nurse.

(b) *Basis for detention.* In Milwaukee County, a treatment director or treatment director designee may take an individual into custody if the treatment director or treatment director designee has cause to believe that the individual is mentally ill, is drug dependent, or is developmentally disabled, and that the individual evidences any of the criteria under sub. (1) (a) 1. to 4. The treatment director's belief or the treatment director designee's belief shall be based on any of the criteria under sub. (1) (b).

(c) *Facilities for detention.* The treatment director or treatment director designee shall transport the individual, or cause him or her to be transported, for detention to any of the facilities described in sub. (2) (a) to (d) and shall approve evaluation, diagnosis, and treatment if permitted under sub. (8).

(d) *Procedure.* 1. In Milwaukee County, a treatment director or treatment director designee who takes an individual, or causes an individual to be taken, into custody under par. (b) shall sign a statement of emergency detention which shall provide detailed specific information concerning the recent overt act, attempt, or threat to act or omission on which the belief under par. (b) is based and the names of the persons observing or reporting the recent overt act, attempt, or threat to act or omission. The

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

treatment director or treatment director designee shall designate in the statement whether the subject individual is mentally ill, developmentally disabled, or drug dependent and provide any information concerning his or her belief that the individual meets the standard for commitment.

2. If evaluation, diagnosis, and treatment are permitted under sub. (8), the treatment director or treatment director designee shall detain the individual for a period not to exceed 72 hours after delivery of the individual to the detention facility, exclusive of Saturdays, Sundays and legal holidays. The treatment director or treatment director designee shall promptly file the original statement of emergency detention together with any supplemental statement and notification of detention with the court having probate jurisdiction in the county in which the individual was taken into custody. The filing of the statement and notification has the same effect as a petition for commitment under s. 51.20.

(e) *Termination of pilot program.* Paragraphs (a) to (d) do not apply after the first day of the 25th month following the effective date of this paragraph [LRB inserts date].

SECTION 2. Nonstatutory provisions.

(1) MILWAUKEE COUNTY PILOT PROGRAM AUDIT. (a) Notwithstanding section 13.94 (1) (m) of the statutes, before the date on which authority under the emergency detention pilot program in Milwaukee County terminates under section 51.15 (4m) (e) of the statutes, as created by this act, the legislative audit bureau shall begin a perfor-

mance evaluation audit of that pilot program under section 51.15 (4m) of the statutes, as created by this act, that shall include all of the following:

1. A survey of emergency detention procedures and outcomes of emergency detentions in Milwaukee County under the pilot program as compared with the procedures and outcomes before the pilot program.

2. The effectiveness of the emergency detention procedure under the pilot program.

3. An evaluation of the feasibility and likely outcomes of continuing the pilot program in Milwaukee County, making the program permanent in Milwaukee County, or expanding the program to counties other than Milwaukee County or statewide.

(b) The department of community programs in Milwaukee County, the Milwaukee Mental Health Complex, and any other department or division of Milwaukee County government that has information relevant to the audit under paragraph (a) shall provide access to that information to the legislative audit bureau and shall cooperate with the audit.

(c) Within 30 days after completion of the audit under paragraph (a), the legislative audit bureau shall file with the chief clerk of each house of the legislature and the department of health services a detailed report of the audit. The chief clerks shall distribute the report to the appropriate standing committees of the legislature.

(d) The legislative audit bureau may charge the department of health services for the cost of the audit required to be performed under paragraph (a).