



**ASSEMBLY AMENDMENT 3,
TO 1995 SENATE BILL 270**

February 27, 1996 – Offered by COMMITTEE ON HEALTH.

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

2 **1.** Page 1, line 13: delete “an appropriation”, as inserted by senate amendment
3 1, and substitute “appropriations”.

4 **2.** Page 4, line 1: before that line insert:

5 “**SECTION 1g.** 20.435 (2) (c) of the statutes is created to read:

6 20.435 **(2)** (c) *Treatment facility charges for certain detained or committed*
7 *persons.* 1. A sum sufficient to pay the costs of mental health treatment for persons
8 who are detained on an emergency basis under the standard under s. 51.15 (1) (a)
9 5. or involuntarily committed under the standard under s. 51.20 (1) (a) 2. e. and who
10 are not eligible for services under s. 49.46, 49.465, 49.468 or 49.47.

11 2. This paragraph does not apply after the last day of the 59th month
12 commencing after the effective date of this subdivision [revisor inserts date].

13 **SECTION 1h.** 20.435 (7) (gg) of the statutes is amended to read:

14 20.435 **(7)** (gg) *Collection remittances to local units of government.* All moneys
15 received under ss. 46.03 (18) and 46.10 for the purposes of remitting departmental
16 collections under s. 46.03 (18) (g) or 46.10 (8m) (a) 3. ~~and~~, 4. and 5.

1 **SECTION 1hm.** 20.435 (7) (gg) of the statutes, as affected by 1995 Wisconsin Act
2 (this act), is repealed and recreated to read:

3 20.435 (7) (gg) *Collection remittances to local units of government.* All moneys
4 received under ss. 46.03 (18) and 46.10 for the purposes of remitting departmental
5 collections under s. 46.03 (18) (g) or 46.10 (8m) (a) 3. and 4.

6 **SECTION 1i.** 46.10 (8m) (a) 4. of the statutes is amended to read:

7 46.10 (8m) (a) 4. Return to boards 50% of collections made by the department
8 for services other than those specified under par. (a) 1., 2. ~~or~~ 3. or 5.

9 **SECTION 1im.** 46.10 (8m) (a) 4. of the statutes, as affected by 1995 Wisconsin
10 Act (this act), is repealed and recreated to read:

11 46.10 (8m) (a) 4. Return to boards 50% of collections made by the department
12 for services other than those specified under par. (a) 1., 2. or 3.

13 **SECTION 1j.** 46.10 (8m) (a) 5. of the statutes is created to read:

14 46.10 (8m) (a) 5. a. Return to boards 100% of collections made by the
15 department for services for persons who are detained under the standard under s.
16 51.15 (1) (a) 5. or involuntarily committed under the standard under s. 51.20 (1) (a)
17 2. e.

18 b. This subdivision does not apply after the last day of the 59th month
19 commencing after the effective date of this subd. 5. b. [revisor inserts date].

20 **SECTION 1k.** 46.40 (1) (a) of the statutes, as affected by 1995 Wisconsin Act 27,
21 is amended to read:

22 46.40 (1) (a) Within the limits of available federal funds and of the
23 appropriations under s. 20.435 (7) (b) and (o), the department shall distribute funds
24 for community social, mental health, developmental disabilities and alcohol and
25 other drug abuse services and for services under ss. 46.51, 46.87, 46.98 (2m), (3) and

(4g), 46.985 and 51.421 to county departments under ss. 46.215, 46.22, 46.23, 51.42 and 51.437, except services for persons who are detained under the standard under s. 51.15 (1) (a) 5. or involuntarily committed under the standard under s. 51.20 (1) (a) 2. e., to county aging units and to private nonprofit organizations as authorized under s. 46.98 (2) (a), as provided in subs. (2) to (8).

SECTION 1km. 46.40 (1) (a) of the statutes, as affected by 1995 Wisconsin Act (this act), is repealed and recreated to read:

46.40 (1) (a) Within the limits of available federal funds and of the appropriations under s. 20.435 (7) (b) and (o), the department shall distribute funds for community social, mental health, developmental disabilities and alcohol and other drug abuse services and for services under ss. 46.51, 46.87, 46.98 (2m), (3) and (4g), 46.985 and 51.421 to county departments under ss. 46.215, 46.22, 46.23, 51.42 and 51.437, to county aging units and to private nonprofit organizations as authorized under s. 46.98 (2) (a), as provided in subs. (2) to (8).".

3. Page 4, line 1: delete "**SECTION 1**" and substitute "**SECTION 1r**".

4. Page 5, line 12: after that line insert:

"**SECTION 1t.** 51.05 (3m) of the statutes is amended to read:

51.05 (3m) Notwithstanding s. 20.903 (1), the department shall implement a plan that is approved by the department of administration to assure that, before July 1, 1997, there are sufficient revenues, as projected by the department of health and family services, to cover anticipated expenditures by that date under the ~~appropriation~~ appropriations under s. 20.435 (2) (c) and (gk) for the purpose of reimbursing the provision of care to patients of the Mendota mental health institute or the Winnebago mental health institute. The department of health and family

1 services shall make reports to the department of administration every 3 months,
2 beginning on October 1, 1993, and ending on July 1, 1997, concerning the
3 implementation of this plan.

4 **SECTION 1u.** 51.05 (3m) of the statutes, as affected by 1995 Wisconsin Act
5 (this act), is repealed and recreated to read:

6 51.05 **(3m)** Notwithstanding s. 20.903 (1), the department shall implement a
7 plan that is approved by the department of administration to assure that, before July
8 1, 1997, there are sufficient revenues, as projected by the department of health and
9 family services, to cover anticipated expenditures by that date under the
10 appropriation under s. 20.435 (2) (gk) for the purpose of reimbursing the provision
11 of care to patients of the Mendota mental health institute or the Winnebago mental
12 health institute. The department of health and family services shall make reports
13 to the department of administration every 3 months, beginning on October 1, 1993,
14 and ending on July 1, 1997, concerning the implementation of this plan.”.

15 **5.** Page 25, line 9: after that line, and before the material inserted by senate
16 amendment 1, insert:

17 **“SECTION 30c.** 51.42 (3) (as) 1. of the statutes, as affected by 1995 Wisconsin
18 Act 77, is amended to read:

19 51.42 **(3)** (as) 1. A county department of community programs shall authorize
20 all care of any patient in a state, local or private facility under a contractual
21 agreement between the county department of community programs and the facility,
22 unless the county department of community programs governs the facility. The need
23 for inpatient care shall be determined by the program director or designee in
24 consultation with and upon the recommendation of a licensed physician trained in

1 psychiatry and employed by the county department of community programs or its
2 contract agency. In cases of emergency, a facility under contract with any county
3 department of community programs shall charge the county department of
4 community programs having jurisdiction in the county where the patient is found.
5 The county department of community programs shall reimburse the facility for the
6 actual cost of all authorized care and services less applicable collections under s.
7 46.036, unless the department of health and family services determines that a
8 charge is administratively infeasible, or unless the department of health and family
9 services, after individual review, determines that the charge is not attributable to the
10 cost of basic care and services. A county department of community programs may
11 not reimburse any state institution or receive credit for collections for care received
12 therein by nonresidents of this state, interstate compact clients, transfers under s.
13 51.35 (3), and transfers from Wisconsin state prisons under s. 51.37 (5) (a),
14 emergency detentions under the standard under s. 51.15 (1) (a) 5., involuntary
15 commitments under the standard under s. 51.20 (1) (a) 2. e., commitments under s.
16 975.01, 1977 stats., or s. 975.02, 1977 stats. or s. 971.14, 971.17 or 975.06 or
17 admissions under s. 975.17, 1977 stats., or children placed in the guardianship of the
18 department of health and family services under s. 48.427 or 48.43 or under the
19 supervision of the department of corrections under s. 938.183 or 938.355. The
20 exclusionary provisions of s. 46.03 (18) do not apply to direct and indirect costs which
21 are attributable to care and treatment of the client.

22 **SECTION 30cm.** 51.42 (3) (as) 1. of the statutes, as affected by 1995 Wisconsin
23 Act (this act), is repealed and recreated to read:

24 51.42 (3) (as) 1. A county department of community programs shall authorize
25 all care of any patient in a state, local or private facility under a contractual

1 agreement between the county department of community programs and the facility,
2 unless the county department of community programs governs the facility. The need
3 for inpatient care shall be determined by the program director or designee in
4 consultation with and upon the recommendation of a licensed physician trained in
5 psychiatry and employed by the county department of community programs or its
6 contract agency. In cases of emergency, a facility under contract with any county
7 department of community programs shall charge the county department of
8 community programs having jurisdiction in the county where the patient is found.
9 The county department of community programs shall reimburse the facility for the
10 actual cost of all authorized care and services less applicable collections under s.
11 46.036, unless the department of health and family services determines that a
12 charge is administratively infeasible, or unless the department of health and family
13 services, after individual review, determines that the charge is not attributable to the
14 cost of basic care and services. A county department of community programs may
15 not reimburse any state institution or receive credit for collections for care received
16 therein by nonresidents of this state, interstate compact clients, transfers under s.
17 51.35 (3), and transfers from Wisconsin state prisons under s. 51.37 (5) (a),
18 commitments under s. 975.01, 1977 stats., or s. 975.02, 1977 stats. or s. 971.14,
19 971.17 or 975.06 or admissions under s. 975.17, 1977 stats., or children placed in the
20 guardianship of the department of health and family services under s. 48.427 or
21 48.43 or under the supervision of the department of corrections under s. 938.183 or
22 938.355. The exclusionary provisions of s. 46.03 (18) do not apply to direct and
23 indirect costs which are attributable to care and treatment of the client.

24 **SECTION 30d.** 51.42 (3) (as) 2. of the statutes is amended to read:

1 51.42 (3) (as) 2. If a mental health institute has provided a county department
2 of community programs with service, the department of health and family services
3 shall regularly bill the county department of community programs, except as
4 provided under subd. 2m. and par. (aw) 1. e. If collections for care exceed current
5 billings, the difference shall be remitted to the county department of community
6 programs through the appropriation under s. 20.435 (2) (gk). For care provided on
7 and after February 1, 1979, the department of health and family services shall adjust
8 collections from medical assistance to compensate for differences between specific
9 rate scales for care charged to the county department of community programs and
10 the average daily medical assistance reimbursement rate. Payment shall be due
11 from the county department of community programs within 60 days of the billing
12 date subject to provisions of the contract. If any payment has not been received
13 within 60 days, the department of health and family services shall deduct all or part
14 of the amount from any payment due from the department of health and family
15 services to the county department of community programs.

16 **SECTION 30dm.** 51.42 (3) (as) 2. of the statutes, as affected by 1995 Wisconsin
17 Act (this act), is repealed and recreated to read:

18 51.42 (3) (as) 2. If a mental health institute has provided a county department
19 of community programs with service, the department of health and family services
20 shall regularly bill the county department of community programs, except as
21 provided under subd. 2m. If collections for care exceed current billings, the
22 difference shall be remitted to the county department of community programs
23 through the appropriation under s. 20.435 (2) (gk). For care provided on and after
24 February 1, 1979, the department of health and family services shall adjust
25 collections from medical assistance to compensate for differences between specific

1 rate scales for care charged to the county department of community programs and
2 the average daily medical assistance reimbursement rate. Payment shall be due
3 from the county department of community programs within 60 days of the billing
4 date subject to provisions of the contract. If any payment has not been received
5 within 60 days, the department of health and family services shall deduct all or part
6 of the amount from any payment due from the department of health and family
7 services to the county department of community programs.

8 **SECTION 30e.** 51.42 (3) (aw) 1. e. of the statutes is created to read:

9 51.42 (3) (aw) 1. e. Treatment and services for a person who is a county resident
10 and is detained on an emergency basis under the standard under s. 51.15 (1) (a) 5.
11 or involuntarily committed under the standard under s. 51.20 (1) (a) 2. e. If the
12 county department provides treatment and services under this subdivision, the
13 department of health and family services shall, from the appropriation under s.
14 20.435 (2) (c), pay the county department for the cost of the treatment and services.
15 This subd. 1. e. does not apply after the last day of the 59th month commencing after
16 the effective date of this subd. 1. e. [revisor inserts date].”.

17 **6.** Page 28, line 15: after “sections” insert: “20.435 (7) (gg), 46.10 (8m) (a) 4.,
18 46.40 (1) (a), 51.05 (3m),”.

19 **7.** Page 28, line 16: after “51.37 (5) (b)” insert “, 51.42 (3) (as) 1. and 2.”.

20 (END)