



**SENATE AMENDMENT 1,  
TO SENATE SUBSTITUTE AMENDMENT 1,  
TO SENATE BILL 565**

March 11, 2014 – Offered by Senators CARPENTER, L. TAYLOR and VUKMIR.

1           At the locations indicated, amend the substitute amendment as follows:

2           **1.** Page 2, line 17: after that line insert:

3           “**SECTION 2d.** 15.07 (1) (b) 24. of the statutes, as created by 2013 Wisconsin Act  
4       .... (this act), is repealed.”.

5           **2.** Page 3, line 8: after that line insert:

6           “**SECTION 3d.** 15.07 (1) (cm) of the statutes, as affected by 2013 Wisconsin Act  
7       .... (this act), is amended to read:

8           15.07 (1) (cm) The term of one member of the government accountability board  
9       shall expire on each May 1. The terms of the 3 members of the land and water  
10      conservation board appointed under s. 15.135 (4) (b) 2. shall expire on January 1.  
11      The term of the member of the land and water conservation board appointed under  
12      s. 15.135 (4) (b) 2m. shall expire on May 1 of an even-numbered year. The terms of

1 the appraiser members of the real estate appraisers board and the terms of the  
2 auctioneer and auction company representative members of the auctioneer board  
3 shall expire on May 1 in an even-numbered year. The terms of the members of the  
4 cemetery board shall expire on July 1 in an even-numbered year. The term of the  
5 student member of the Board of Regents of the University of Wisconsin System who  
6 is at least 24 years old shall expire on May 1 of every even-numbered year. ~~The terms~~  
7 ~~of 6 of the members of the Milwaukee County mental health board appointed under~~  
8 ~~s. 15.195 (9) (b) shall expire on May 1 of an even-numbered year.”.~~

9 **3.** Page 3, line 12: after that line insert:

10 “**SECTION 4d.** 15.07 (3) (bm) 7. of the statutes, as created by 2013 Wisconsin Act  
11 .... (this act), is repealed.”.

12 **4.** Page 4, line 20: delete “prescriber”.

13 **5.** Page 5, line 3: delete “nurse prescribers” and substitute “nurses”.

14 **6.** Page 9, line 12: after that line insert:

15 “**SECTION 5d.** 15.195 (9) of the statutes, as created by 2013 Wisconsin Act ....  
16 (this act), is repealed.”.

17 **7.** Page 10, line 5: after that line insert:

18 “**SECTION 6d.** 17.07 (3r) of the statutes, as created by 2013 Wisconsin Act ....  
19 (this act), is repealed.

20 **SECTION 6j.** 19.42 (7w) (e) of the statutes is created to read:

21 19.42 (7w) (e) The position of member of the Milwaukee County mental health  
22 board as created under s. 51.41 (1d).”.

23 **8.** Page 10, line 10: after that line insert:

1           “**SECTION 7d.** 20.435 (5) (kf) of the statutes, as created by 2013 Wisconsin Act  
2 .... (this act), is repealed.

3           **SECTION 7s.** 46.011 (1s) of the statutes is created to read:

4           46.011 (1s) “Milwaukee County mental health board” means the Milwaukee  
5 County mental health board created under s. 51.41 (1d).”.

6           **9.** Page 26, line 25: after “**board.**” insert “**(1d)** MILWAUKEE COUNTY MENTAL  
7 HEALTH BOARD; APPOINTMENTS; REQUIREMENTS; VACANCIES. (a) Milwaukee County shall  
8 establish the Milwaukee County mental health board.

9           (b) Subject to par. (d), the board shall consist of the following 11 voting members  
10 appointed by the Milwaukee County executive for 4-year terms except for the  
11 members under subds. 10. and 11.:

12           1. A psychiatrist or psychologist who is suggested by the Milwaukee County  
13 board of supervisors. The Milwaukee County board of supervisors shall solicit  
14 suggestions for psychiatrists and psychologists from organizations including the  
15 Wisconsin Medical Society, the Medical Society of Milwaukee, the Wisconsin  
16 Psychological Association, the Wisconsin Psychiatric Association, and the Wisconsin  
17 Association of Family and Children’s Agencies for individuals who specialize in a full  
18 continuum of behavioral health services for children. The Milwaukee County board  
19 of supervisors shall suggest to the Milwaukee County executive 4 psychiatrists and  
20 psychologists for this board membership position.

21           2. A psychiatrist or psychologist who is suggested by the Milwaukee County  
22 board of supervisors. The Milwaukee County board of supervisors shall solicit  
23 suggestions for psychiatrists and psychologists from organizations including the  
24 Wisconsin Medical Society, the Medical Society of Milwaukee, the Wisconsin

1 Psychological Association, the Wisconsin Psychiatric Association, and the  
2 Milwaukee Co-occurring Competency Cadre for individuals who specialize in a full  
3 continuum of behavioral health services for adults. The Milwaukee County board  
4 of supervisors shall suggest to the Milwaukee County executive 4 psychiatrists and  
5 psychologists for this board membership position.

6 3. A representative of the community who is a consumer of mental health  
7 services and who is suggested by the Milwaukee County board of supervisors. The  
8 Milwaukee County board of supervisors shall solicit suggestions for individuals who  
9 have experienced mental illness or substance abuse from organizations including  
10 Warmline, the Milwaukee Mental Health Task Force, and the Milwaukee  
11 Co-occurring Competency Cadre. The Milwaukee County board of supervisors shall  
12 suggest to the Milwaukee County executive 4 representatives of the community for  
13 this board membership position.

14 4. A psychiatric mental health advanced practice nurse who is suggested by the  
15 Milwaukee County board of supervisors. The Milwaukee County board of  
16 supervisors shall solicit suggestions from organizations including the Wisconsin  
17 Nurses Association for individuals who specialize in a full continuum of behavioral  
18 health and medical services including emergency detention, inpatient, residential,  
19 transitional, partial hospitalization, intensive outpatient, and wraparound  
20 community-based services. The Milwaukee County board of supervisors shall  
21 suggest to the Milwaukee County executive 4 psychiatric mental health advanced  
22 practice nurses for this board membership position.

23 5. An individual specializing in finance and administration. The Milwaukee  
24 County executive shall solicit suggestions from organizations including the  
25 Wisconsin Hospital Association, the Wisconsin County Human Services Association,

1 and the Public Policy Forum for at least 4 individuals with experience in analyzing  
2 healthcare operating expenses, revenues, and reimbursement, knowledge of public  
3 and private funding and systems, and expertise in financial restructuring for  
4 sustainability.

5 6. A health care provider with experience in the delivery of substance abuse  
6 services. The Milwaukee County executive shall solicit suggestions from  
7 organizations including the Wisconsin Nurses Association and the Milwaukee  
8 Co-occurring Competency Cadre for at least 4 health care providers specializing in  
9 providing substance abuse services.

10 7. An individual with legal expertise. The Milwaukee County executive shall  
11 solicit suggestions from organizations including the Legal Aid Society of Milwaukee,  
12 Legal Action of Wisconsin, Community Justice Counsel, and Disability Rights  
13 Wisconsin for at least 4 individuals who have legal expertise specializing in  
14 emergency detention regulatory requirements including policies, procedures,  
15 provider responsibilities, and patient rights.

16 8. A health care provider representing community-based mental health  
17 service providers who is suggested by the Milwaukee County board of supervisors.  
18 The Milwaukee County board of supervisors shall solicit suggestions from  
19 organizations including the Wisconsin Nurses Association, the Milwaukee Health  
20 Care Partnership, the Milwaukee Mental Health Task Force, and the Milwaukee  
21 Co-occurring Competency Cadre for health care providers specializing in  
22 community-based, recovery-oriented, mental health systems. The Milwaukee  
23 County board of supervisors shall suggest to the Milwaukee County executive 4  
24 health care providers representing community-based mental health service  
25 providers for this board membership position.

1           9. An individual who is a consumer or family member representing  
2 community-based mental health service providers. The Milwaukee County  
3 executive shall solicit suggestions from organizations including the Milwaukee  
4 Health Care Partnership, the Milwaukee Mental Health Task Force, and the  
5 Milwaukee Co-occurring Competency Cadre for at least 4 consumers and family  
6 members representing community-based mental health service providers.

7           10. The chairperson of the county community programs board in Milwaukee  
8 County under s. 51.42 (4), or his or her designee who is not an elected official as  
9 defined in s. 5.02 (3m). If the chairperson of the county community programs board  
10 in Milwaukee County is an elected official, the chairperson shall designate a member  
11 of the county community programs board who is not an elected official to be a member  
12 under this subdivision.

13           11. The chairperson of the Milwaukee Mental Health Task Force, or his or her  
14 designee.

15           (c) Subject to par. (d), the board shall consist of the following 2 nonvoting  
16 members appointed by the Milwaukee County executive for 4-year terms:

17           1. A health care provider who is an employee of a higher education institution  
18 suggested by the Medical College of Wisconsin. The Milwaukee County executive  
19 shall solicit suggestions from the Medical College of Wisconsin for individuals  
20 specializing in community-based, recovery-oriented mental health systems,  
21 maximizing comprehensive community-based services, prioritizing access to  
22 community-based services and reducing reliance on institutional and inpatient  
23 care, protecting the personal liberty of individuals experiencing mental illness so  
24 that they may be treated in the least restrictive environment to the greatest extent  
25 possible, providing early intervention to minimize the length and depth of psychotic

1 and other mental health episodes, diverting people from the corrections system,  
2 when appropriate, or maximizing the use of mobile crisis units and crisis  
3 intervention training.

4 2. A health care provider who is an employee of a higher education institution  
5 suggested by the University of Wisconsin—Madison. The Milwaukee County  
6 executive shall solicit suggestions from the University of Wisconsin—Madison for  
7 individuals specializing in community-based, recovery-oriented mental health  
8 systems, maximizing comprehensive community-based services, prioritizing access  
9 to community-based services and reducing reliance on institutional and inpatient  
10 care, protecting the personal liberty of individuals experiencing mental illness so  
11 that they may be treated in the least restrictive environment to the greatest extent  
12 possible, providing early intervention to minimize the length and depth of psychotic  
13 and other mental health episodes, diverting people from the corrections system,  
14 when appropriate, or maximizing the use of mobile crisis units and crisis  
15 intervention training.

16 (d) 1. The Milwaukee County executive shall ensure that one of the members  
17 under par. (b) 1. and 2. is a psychologist.

18 2. A person nominating or suggesting individuals for nomination under par. (b)  
19 shall attempt to ensure that individuals suggested are among the most-qualified  
20 and experienced in their field.

21 3. a. In this subdivision, “cultural competency” means the ability to understand  
22 and act respectfully toward, in a cultural context, the beliefs, interpersonal styles,  
23 attitudes, and behaviors of persons and families of various cultures, including  
24 persons and families who receive mental health services in Milwaukee County and  
25 persons and families who provide mental health services in Milwaukee County.

1           b. Members under par. (b) collectively shall possess cultural competency and  
2 shall reflect the population that is serviced by the Milwaukee County mental health  
3 system.

4           4. No member of the board may be an employee of Milwaukee County at the  
5 time of nomination.

6           5. No member of the board may be a lobbyist, as defined in s. 13.62 (11). No  
7 member of the board may directly or indirectly solicit or receive subscriptions or  
8 contributions for any partisan political party or any political purpose while  
9 appointed to the board. No member of the board may engage in any form of political  
10 activity calculated to favor or improve the chances of any political party or any person  
11 seeking or attempting to hold partisan office. No member of the board may hold an  
12 elected office. Any violation of this subdivision is adequate grounds for dismissal.

13           6. No member under par. (b) may serve more than 2 consecutive terms in a  
14 membership position for which suggestions for nomination are made by the same  
15 individual or entity, except that a member may serve 3 consecutive terms in a  
16 membership position for which suggestions for nomination are made by the same  
17 individual or entity if one of those 3 terms is for less than 2 years. An individual who  
18 has served 2 consecutive 4-year terms or 3 consecutive terms totalling less than 10  
19 years is eligible to be suggested for nomination as a member under par. (b) after the  
20 individual has not served on the board for 12 months.

21           7. Notwithstanding par. (b) 1., 2., 3., 4., and 8. and subject to subd. 6., if the  
22 Milwaukee County board of supervisors chooses to suggest a member of the  
23 Milwaukee County mental health board for reappointment to his or her position  
24 under par. (b) 1., 2., 3., 4., or 8., the Milwaukee County board of supervisors is not  
25 required to solicit suggestions from organizations and is not required to submit an

1 additional 3 suggestions to the Milwaukee County executive for that appointment.  
2 Notwithstanding par. (b) 5., 6., 7., and 9. and subject to subd. 6., if the Milwaukee  
3 County executive chooses to suggest a member of the Milwaukee County mental  
4 health board for reappointment to his or her position under par. (b) 5., 6., 7., or 9.,  
5 the Milwaukee County executive is not required to solicit suggestions from  
6 organizations for that appointment.

7 8. Notwithstanding s. 59.17 (2) (c), appointment of members under pars. (b) and  
8 (c) to the Milwaukee County mental health board is not subject to approval of the  
9 Milwaukee County board of supervisors.

10 (f) At its first meeting in each year, the Milwaukee County mental health board  
11 shall elect a chairperson, vice chairperson, and secretary each of whom may be  
12 reelected for successive terms.

13 (g) A majority of the membership of a board constitutes a quorum to do  
14 business, and unless a more restrictive provision is adopted by the board, a majority  
15 of a quorum may act in any matter within the jurisdiction of the board.

16 (h) The members of the Milwaukee County mental health board shall be  
17 reimbursed for their actual and necessary expenses incurred in the performance of  
18 their duties. The members shall receive no compensation for their services.

19 (i) 1. Notwithstanding s. 17.10, a member of the Milwaukee County mental  
20 health board may be removed by all of the following:

21 a. If the Milwaukee County executive solicited suggestions for nomination, the  
22 Milwaukee County executive, for cause.

23 b. If the Milwaukee County board of supervisors suggested the member for  
24 nomination, the Milwaukee County board of supervisors, for cause.

1           2. A member of the Milwaukee County mental health board shall be removed  
2 by the Milwaukee County executive for engaging in an activity that disqualifies an  
3 individual from board membership under this subsection.”.

4           **10.** Page 27, line 1: delete “(1)” and substitute “(1s)”.

5           **11.** Page 27, line 6: before “budget” insert “mental health”.

6           **12.** Page 27, line 6: delete “amount set” and substitute “as defined”.

7           **13.** Page 27, line 6: after “(a)” insert “2”.

8           **14.** Page 28, line 6: delete “(a)”.

9           **15.** Page 28, line 12: delete lines 12 to 19.

10          **16.** Page 34, line 17: after “functions” insert “and to ensure there is no  
11 interruption of mental health services”.

12          **17.** Page 35, line 8: after that line insert:

13          “**SECTION 35m.** 51.41 (3) and (5) (a) and (b) of the statutes, as created by 2013  
14 Wisconsin Act .... (this act), are amended to read:

15           51.41 (3) PUBLIC HEARING; MEETINGS. The Milwaukee County mental health  
16 board shall meet 6 times each year and may meet at other times on the call of the  
17 chairperson or a majority of the board’s members. Annually, the Milwaukee County  
18 mental health board shall hold a public hearing in Milwaukee County as one of its  
19 required meetings.

20          (5) (a) The Milwaukee County board of supervisors has no jurisdiction over any  
21 mental health policy, functions, programs, or services. The Milwaukee County board  
22 of supervisors may not create new mental health functions, programs, or services  
23 that are under the jurisdiction of the board of supervisors. ~~Any dispute between the~~

1 ~~Milwaukee County board of supervisors and the Milwaukee County mental health~~  
2 ~~board over whether a function, program, or service is a mental health function,~~  
3 ~~program, or service under the jurisdiction of the Milwaukee County mental health~~  
4 ~~board shall be resolved by the secretary of health services.~~

5 (b) The Milwaukee County mental health board may transfer jurisdiction over  
6 a Milwaukee County function, service, or program to itself that pertains to mental  
7 health or is highly integrated with mental health services and that is not under its  
8 jurisdiction by statute ~~or by agreement with the Milwaukee County board of~~  
9 ~~supervisors~~, by an affirmative vote of ~~8 of the voting~~ a majority of the Milwaukee  
10 County mental health board and a majority of the Milwaukee County board of  
11 supervisors.

12 **SECTION 35p.** 51.41 (6) of the statutes, as created by 2013 Wisconsin Act ....  
13 (this act), is repealed.”.

14 **18.** Page 44, line 19: after that line insert:

15 “(c) This subsection does not apply after December 31, 2014.

16 (2d) COUNTY-BASED MILWAUKEE COUNTY MENTAL HEALTH BOARD; TRANSFER OF  
17 BOARD MEMBER APPOINTMENTS. Notwithstanding section 51.41 (1d) of the statutes, as  
18 created by this act, on January 1, 2015, the Milwaukee County executive shall  
19 appoint the individuals who are appointed to the state-based Milwaukee County  
20 mental health board under section 15.195 (9) of the statutes, as created by this act,  
21 as of December 31, 2014, to the county-based Milwaukee County mental health  
22 board as created in section 51.41 (1d) of the statutes, as created by this act, to serve  
23 the remainder of their terms as specified under subsection (1). Beginning January  
24 1, 2015, the Milwaukee County executive shall make appointments to the

1 Milwaukee County mental health board in accordance with section 51.41 (1d) of the  
2 statutes, as created by this act, to fill board vacancies and to fill positions when the  
3 term of a board member expires.”.

4 **19.** Page 45, line 6: after “programs.” insert “The audit shall include  
5 recommendations for the state assuming oversight responsibility for emergency  
6 detention services and the psychiatric hospital of the Milwaukee County Mental  
7 Health Complex, developing a plan for closing the Milwaukee County Mental Health  
8 Complex, and developing a plan for state oversight of a regional facility for the  
9 delivery of institutional, inpatient, crisis services, and behavioral health services  
10 using similar state–operated regional facilities as a model. In addition, the audit  
11 shall provide details and specifications on how, after the transitioning of the  
12 county–run institutional model to a state–based regionalized model, the state–based  
13 Milwaukee County mental health board will transition to a county–based board, the  
14 positions on the Milwaukee County mental health board will transition to a  
15 community–based focus, the funding for inpatient services and community–based  
16 services will continue, and mental health services will be delivered in a manner that  
17 reflects all of the following principles:

18 1. Community–based, person–centered, recovery–oriented mental health  
19 systems.

20 2. Maximizing comprehensive community–based services.

21 3. Prioritizing access to community–based services and reducing reliance on  
22 institutional and inpatient care.

