



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-0596/P4
TJD;jld:jf

DOA:.....Hutter, BB0207 – Consolidate community mental health funding in one appropriation

FOR 2015-2017 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES

Under current law, DHS is required to distribute moneys for community aids, which includes community social, mental health, developmental disabilities, and alcohol and other drug abuse services; for the Alzheimer's family and caregiver support program; for the family support program; for the mental health community support program; to county departments of social services, human services, community programs, and developmental disabilities; and to county aging units. The source of these moneys to be distributed is federal revenue and general purpose revenue (GPR). The bill consolidates moneys from other appropriations and allocates moneys for community mental health services to be paid from the GPR appropriation that pays for community aids.

Under current law, if a skilled nursing facility or an intermediate care facility is found to meet the classification of an institution for mental diseases, DHS must pay for care in the community or in that institution for mental diseases for individuals meeting certain criteria. Current law also requires DHS to pay for relocations of certain individuals who have mental illness to the community. The bill eliminates both of these requirements.

For further information see the *state and local* 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:

SECTION 1. 20.435 (5) (be) of the statutes is amended to read:

20.435 (5) (be) *Mental health treatment services.* The amounts in the schedule for mental health treatment services ~~for individuals who are in or are relocated from institutions for mental diseases under ss. 46.266 and 46.268~~ at a county-operated institution for mental disease as selected by the department of health services. Notwithstanding ss. 20.001 (3) (a) and 20.002 (1), the department may transfer funds between fiscal years under this paragraph. All funds allocated but not encumbered by December 31 of each year lapse to the general fund on the next January 1 unless carried forward to the next calendar year by the joint committee on finance.

SECTION 2. 20.435 (5) (bL) of the statutes is repealed.

****NOTE: This SECTION involves a change in an appropriation, but should not be reflected in the revised schedule in s. 20.005, stats., because of a delayed effective date.

SECTION 3. 20.435 (7) (b) of the statutes, as affected by 2015 Wisconsin Act (this act), is amended to read:

20.435 (7) (b) *Community aids and Medical Assistance payments.* The amounts in the schedule for human services and community mental health services under s. 46.40, to fund services provided by resource centers or other entities under s. 46.283 (5), to fund activities in support of resource center operations, for services under the family care program under s. 46.284 (5), for Medical Assistance payment adjustments under s. 49.45 (52) (a) for services described in s. 49.45 (52) (a) 1., for Medical Assistance payments under s. 49.45 (6tw), and for Medical Assistance payments under s. 49.45 (53) for services described in s. 49.45 (53) that are provided

before January 1, 2012. Social services disbursements under s. 46.03 (20) (b) may be made from this appropriation. Refunds received relating to payments made under s. 46.03 (20) (b) for the provision of services for which moneys are appropriated under this paragraph shall be returned to this appropriation. Notwithstanding ss. 20.001 (3) (a) and 20.002 (1), the department of health services may transfer funds between fiscal years under this paragraph. The department shall deposit into this appropriation funds it recovers under ss. 46.495 (2) (b) and 51.423 (15), from prior year audit adjustments including those resulting from audits of services under s. 46.26, 1993 stats., or s. 46.27. Except for amounts authorized to be carried forward under s. 46.45, all funds recovered under ss. 46.495 (2) (b) and 51.423 (15) and all funds allocated under s. 46.40 and not spent or encumbered by December 31 of each year shall lapse to the general fund on the succeeding January 1 unless carried forward to the next calendar year by the joint committee on finance.

****NOTE: This is reconciled s. 20.435 (7) (b). This SECTION has been affected by drafts with the following LRB numbers: -0596/P2 and -1461/P1 (which includes -0972, -1035, and -1130).

SECTION 4. 20.435 (7) (bc) of the statutes is amended to read:

20.435 (7) (bc) *Grants for community programs.* The amounts in the schedule for grants for community programs under s. 46.48. Notwithstanding ss. 20.001 (3) (a) and 20.002 (1), the department may transfer funds between fiscal years under this paragraph. ~~Notwithstanding ss. 20.001 (3) (b) and 20.002 (1), the department of health services may credit or deposit into this appropriation account funds for the purpose specified in s. 46.48 (13) that the department transfers from the appropriation account under sub. (5) (bL) that are allocated by the department under that appropriation account but unexpended or unencumbered on June 30 of each year. Except for amounts authorized to be carried forward under s. 46.48 and as~~

otherwise provided in this paragraph, all funds allocated but not encumbered by December 31 of each year lapse to the general fund on the next January 1 unless carried forward to the next calendar year by the joint committee on finance.

SECTION 5. 46.266 of the statutes is repealed.

SECTION 6. 46.268 of the statutes is repealed.

SECTION 7. 46.27 (6r) (b) 1m. of the statutes is renumbered 46.27 (6r) (b) 1m. (intro.) and amended to read:

46.27 **(6r)** (b) 1m. (intro.) The person meets the requirements under ~~s. 46.266 (1) (a), (b) or (c)~~ any of the following for receipt of care in an institution for mental diseases:

SECTION 8. 46.27 (6r) (b) 1m. a. and b. of the statutes are created to read:

46.27 **(6r)** (b) 1m. a. A person who resided in the facility on the date of the finding that a skilled nursing facility or intermediate care facility that provides care to Medical Assistance recipients to be an institution for mental diseases whose care in the facility is disallowed for federal financial participation under Medical Assistance.

b. A person who is aged 21 to 64, who has a primary diagnosis of mental illness, who would meet the level of care requirements for Medical Assistance reimbursement in a skilled nursing facility or intermediate care facility but for a finding that the facility is an institution for mental diseases, and for whom services would be provided in place of a person specified in subd. 1m. a. who discontinues services.

SECTION 9. 46.277 (5g) (b) of the statutes is renumbered 46.277 (5g) (b) (intro.) and amended to read:

46.277 (5g) (b) (intro.) This section does not apply to the delicensure of a bed of an institution for mental diseases of an individual who is aged 21 to 64, who has a primary diagnosis of mental illness and who otherwise meets any of the following requirements of s. ~~46.266 (1) (a), (b) or (c)~~:

SECTION 10. 46.277 (5g) (b) 1. and 2. of the statutes are created to read:

46.277 (5g) (b) 1. A person who resided in the facility on the date of the finding that a skilled nursing facility or intermediate care facility that provides care to Medical Assistance recipients to be an institution for mental diseases whose care in the facility is disallowed for federal financial participation under Medical Assistance.

2. A person who is aged 21 to 64, who has a primary diagnosis of mental illness, who would meet the level of care requirements for Medical Assistance reimbursement in a skilled nursing facility or intermediate care facility but for a finding that the facility is an institution for mental diseases, and for whom services would be provided in place of a person specified in subd. 1. who discontinues services.

SECTION 11. 46.40 (7m) of the statutes is created to read:

46.40 (7m) STATE COMMUNITY MENTAL HEALTH ALLOCATION. For community mental health services, the department shall distribute not less than \$24,348,700 in each fiscal year.

SECTION 12. 49.45 (41) (b) of the statutes is amended to read:

49.45 (41) (b) If a county elects to become certified as a provider of mental health crisis intervention services, the county may provide mental health crisis intervention services under this subsection in the county to medical assistance recipients through the medical assistance program. A county that elects to provide the services shall pay the amount of the allowable charges for the services under the

medical assistance program that is not provided by the federal government. ~~From the appropriation account under s. 20.435 (5) (bL), the~~ The department shall reimburse the county under this subsection only for the amount of the allowable charges for those services under the medical assistance program that is provided by the federal government.

SECTION 13. 51.42 (5) (a) 13. of the statutes is repealed.

SECTION 14. 51.42 (6m) (o) of the statutes is repealed.

SECTION 15. 51.421 (3) (e) of the statutes is repealed.

SECTION 16. 51.423 (3) of the statutes is repealed.

SECTION 9118. Nonstatutory provisions; Health Services.

(1) COMMUNITY MENTAL HEALTH ALLOCATION. Notwithstanding section 46.40 (7m) of the statutes, as created by this act, the department of health services may distribute one-half of the amount allocated for community mental health services in fiscal year 2015-16 after the effective date of this subsection.

SECTION 9418. Effective dates; Health Services.

(1) COMMUNITY MENTAL HEALTH SERVICES.

(a) *Consolidating appropriations; eliminating certain relocation programs.*

The treatment of sections 20.435 (5) (be) and (7) (b) and (bc), 46.266, 46.268, 46.40 (7m), 49.45 (41) (b), 51.42 (5) (a) 13. and (6m) (o), 51.421 (3) (e), and 51.423 (3) of the statutes, the renumbering and amendment of sections 46.27 (6r) (b) 1m. and 46.277 (5g) (b) of the statutes, the creation of sections 46.27 (6r) (b) 1m. a. and b. and 46.277 (5g) (b) 1. and 2. of the statutes, and SECTION 9118 (1) of this act take effect on January 1, 2016.

(b) *Eliminating community support program appropriation.* The treatment of section 20.435 (5) (bL) of the statutes takes effect on June 30, 2016.

(END)