



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1272/P4
SWB:skw

DOA:.....Lessner, BB0273 - Crisis urgent care and observation facilities grants

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

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

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

BEHAVIORAL HEALTH AND DEVELOPMENTAL DISABILITIES

Crisis urgent care and observation facilities

This bill requires DHS to award grants to individuals and entities to develop and support crisis urgent care and observation facilities. The bill also requires DHS to create a certification process for crisis urgent care and observation facilities. DHS may limit the number of certifications it grants to operate these facilities, and no person may operate a crisis urgent care and observation facility without a certification from DHS. The bill requires DHS to request any necessary federal approval to add services provided by a crisis urgent care and observation facility as a type of crisis intervention service reimbursable under the Medical Assistance program. Under the bill, if federal approval is either unnecessary or is necessary and is granted, DHS may provide reimbursement for these services. The bill also requires DHS to include a process for crisis urgent care and observation facilities to apply for certification of the facility for the reimbursement of services provided under the Medical Assistance program.

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) (cj) of the statutes is created to read:

20.435 (5) (cj) *Crisis urgent care and observation facilities.* The amounts in the schedule for grants to develop and support crisis urgent care and observation facilities under s. 51.036.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 2. 49.45 (41) (a) of the statutes is renumbered 49.45 (41) (a) (intro.) and amended to read:

49.45 (41) (a) (intro.) In this subsection, “crisis intervention services” means crisis intervention services for the treatment of mental illness, intellectual disability, substance abuse, and dementia that are provided by ~~a~~ any of the following:

2. A crisis intervention program operated by, or under contract with, a county, if the county is certified as a medical assistance provider.

SECTION 3. 49.45 (41) (a) 1. of the statutes is created to read:

49.45 (41) (a) 1. A crisis urgent care and observation facility certified under s. 51.036.

SECTION 4. 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 crisis intervention services under par. (a) 2., the county may provide 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. 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 5. 49.45 (41) (c) (intro.) of the statutes is amended to read:

49.45 (41) (c) (intro.) Notwithstanding par. (b), if a county elects, pursuant to par. (a) 2., to deliver crisis intervention services under the Medical Assistance program on a regional basis according to criteria established by the department, all of the following apply:

SECTION 6. 49.45 (41) (d) of the statutes is created to read:

49.45 (41) (d) The department shall request any necessary federal approval required to provide reimbursement to crisis urgent care and observation facilities certified under s. 51.036 for crisis intervention services under this subsection. If federal approval is granted or no federal approval is required, the department shall provide reimbursement under s. 49.46 (2) (b) 15. If federal approval is necessary but is not granted, the department may not provide reimbursement for crisis intervention services provided by crisis urgent care and observation facilities.

SECTION 7. 51.036 of the statutes is created to read:

51.036 Crisis urgent care and observation facilities. (1) DEFINITIONS. In this section:

(a) “Crisis” means a situation caused by an individual’s apparent mental or substance use disorder that results in a high level of stress or anxiety for the individual, persons providing care for the individual, or the public and that is not resolved by the available coping methods of the individual or by the efforts of those providing ordinary care or support for the individual.

(b) “Crisis urgent care and observation facility” means a treatment facility that admits an individual to prevent, de-escalate, or treat the individual’s mental health or substance use disorder and includes the necessary structure and staff to support the individual’s needs relating to the mental health or substance use disorder.

(2) CERTIFICATION REQUIRED; EXEMPTION. (a) The department shall establish a certification process for crisis urgent care and observation facilities and may establish criteria by rule for the certification of crisis urgent care and observation facilities. The department may limit the number of certifications it grants to operate crisis urgent care and observation facilities. No person may operate a crisis urgent care and observation facility without a certification under this section. The department shall establish by rule a process for crisis urgent care and observation facilities to apply to the department for certification of the facility for the receipt of funds for services provided as a benefit to a recipient under the Medical Assistance program.

(b) A crisis urgent care and observation facility certified under this section is not subject to facility regulation under ch. 50, unless otherwise required due to the facility’s licensure or certification for other services or purposes. A crisis urgent care and observation facility is not a hospital under s. 50.32 and nothing in this paragraph limits services a hospital may provide under s. 50.32.

(c) A crisis urgent care and observation facility certified under this section shall do all of the following:

1. Accept referrals for crisis services for both youths and adults, including involuntary patients under emergency detention, voluntary patients, walk-ins, and individuals brought by law enforcement, emergency medical responders, and other emergency medical services practitioners.

2. Abstain from having a requirement for medical clearance before admission assessment.

3. Provide assessments for physical health, substance use disorder, and mental health.

4. Provide screens for suicide and violence risk.

5. Provide medication management and therapeutic counseling.

6. Provide coordination of services for basic needs.

7. Have adequate staffing 24 hours a day, 7 days a week, with a multidisciplinary team including, as needed, psychiatrists or psychiatric nurse practitioners, nurses, licensed clinicians capable of completing assessments and providing necessary treatment, peers with lived experience, and other appropriate staff.

8. Allow for voluntary and involuntary treatment of individuals in crisis as a means to avoid unnecessary placement of those individuals in hospital inpatient beds and allow for an effective conversion to voluntary stabilization when warranted in the same setting.

(3) ADMISSION. (a) A crisis urgent care and observation facility certified under this section may accept individuals for voluntary stabilization, observation and treatment, including for assessments for mental health or substance use disorder, screening for suicide and violence risk, and medication management and therapeutic counseling.

(b) A crisis urgent care and observation facility certified under this section may accept individuals for emergency detention under s. 51.15 if the facility agrees to accept the individual. A county crisis assessment under s. 51.15 (2) (c) is required prior to acceptance of an individual for purposes of emergency detention at a crisis

urgent care and observation facility certified under this section. Medical clearance is not required before admission, but the facility shall provide necessary medical services on site.

(4) GRANTS. From the appropriation under s. 20.435 (5) (cj), the department shall award grants to individuals and entities to develop and support crisis urgent care and observation facilities under this section.

(5) RULES. The department may promulgate rules to implement this section, including requirements for admitting and holding individuals for purposes of emergency detention. The department may promulgate the rules under this section as emergency rules under s. 227.24. Notwithstanding s. 227.24 (1) (c) and (2), a rule promulgated under this subsection may remain in effect for not more than 24 months. Notwithstanding s. 227.24 (1) (a) and (3), the department is not required to provide evidence that promulgating a rule under this subsection as an emergency rule is necessary for the preservation of the public peace, health, safety, or welfare and is not required to provide a finding of emergency for a rule promulgated under this subsection.

(END)