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# Wisconsin Legislative Council

## ACT MEMO

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**Prepared by:** Steve McCarthy, Staff Attorney

March 3, 2020

**2019 Wisconsin Act 105**  
[2019 Assembly Bill 633]

**Emergency Detention Transport**

## 2019 WISCONSIN ACT 105

### Emergency Detention Transport Agreements

The act clarifies prior law regarding the transport of individuals for emergency detention by expressly providing that a law enforcement agency may contract with another law enforcement agency, an ambulance service provider, or a third-party vendor to transport an individual for emergency detention if the agency, provider, or vendor agrees to provide the transport. The act also requires that the Department of Health Services (DHS) establish criteria that any third-party vendor that is not a law enforcement agency or ambulance service provider must meet in order for the county to obtain reimbursement for transport provided by that third-party vendor under the Medical Assistance (MA) program as described below.

With one exception, the act also provides that an individual in custody being transported for emergency detention remains in the custody of the law enforcement officer or other authorized person who placed the individual in custody for purposes of emergency detention. However, if a law enforcement agency contracts with another law enforcement agency to transport an individual for the purposes of emergency detention, then custody is transferred to the transporting law enforcement agency.

### Medical Assistance Reimbursement for Emergency Detention Transport

The act also requires DHS to request any federal approval required to provide reimbursement to counties for the costs of transporting MA recipients for emergency detention and to provide that reimbursement to counties if federal approval is granted or not required. If federal approval is necessary but not granted, DHS may not provide reimbursement under the MA program.

**Effective date:** March 1, 2020

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