
Wisconsin Legislative Council

ACT MEMO



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2019 Wisconsin Act 120 [2019 Assembly Bill 646]

State Employee Discipline and Recovery Residences

2019 Wisconsin Act 120 relates to disciplinary action against a state employee who is receiving medication-assisted treatment (MAT) and the registration of recovery residences.

STATE EMPLOYEE DISCIPLINE

Under Wisconsin law, a state employee may be removed, suspended without pay, discharged, demoted, or receive a reduction in pay without receiving prior progressive discipline for being under the influence of a controlled substance or in possession of a controlled substance while on duty.

Under the act, a state employee is not subject to certain discipline without prior progressive discipline in these circumstances if the employee is using a controlled substance as directed as part of MAT.

REGISTRATION OF RECOVERY RESIDENCES

The act requires the Department of Health Services (DHS) to establish and maintain a registry of approved recovery residences. Under the act, a recovery residence is a home-like residential environment that promotes healthy recovery from a substance use disorder and supports persons recovering from a substance use disorder through the use of peer recovery support.

The act also does the following:

- Requires DHS to approve¹ a recovery residence for registration if the recovery residence agrees to do or does all of the following:
 - Operate with integrity, uphold residents' rights, create a culture of empowerment where residents engage in governance and leadership, and develop abilities to apply the social model form of recovery that focuses on learning from the experiences of peers who are also in recovery.
 - Provide a home-like, safe, and healthy environment.
 - Facilitate active recovery and recovery community engagement, model positive social behaviors and relationship enhancement skills, and cultivate residents' senses of belonging and responsibility toward community.
 - Maintain an environment in the residence free from alcohol and illicit drugs.
 - Have courtesy rules for residents and be responsive to concerns of neighbors to the residence.
 - Display in the residence the code of ethics, grievance procedure, and grievance contact information.

¹ The act requires DHS to revoke the registration of a recovery residence that ceases to meet the listed requirements.

- Prohibits DHS from including a recovery residence in the registry if the recovery residence excludes any resident solely on the basis that the resident participates in MAT. This prohibition begins approximately two years after the act's effective date.
- Provides that a recovery residence is not required to register unless it seeks referrals or funds from the state or federal funds passing through the state treasury.
- Upon request for referrals to recovery residences, requires DHS to provide a list of registered recovery residences. DHS may limit the list of registered recovery residences it provides based on the geographical and other preferences specified by the person requesting referrals.
- Prohibits a recovery residence from using the designation of or holding itself out as "registered" or "state approved" unless the recovery residence is included in the registry under this act.

Effective date: March 5, 2020

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