

---

# Wisconsin Legislative Council

## AMENDMENT MEMO

---



**Memo published:** February 19, 2020

**Contact:** Anna Henning, Senior Staff Attorney

**2019 Assembly Bill 443**

**Assembly Amendments 1 and 2**

### BACKGROUND

The enrolled version of the 2019-21 biennial budget bill authorized the State Building Commission to award a \$15 million grant to establish a northern Wisconsin regional crisis center, and to authorize up to that amount in general fund-supported borrowing for the project. Following a gubernatorial veto, that authorization applied instead to an unspecified “center.”

### 2019 ASSEMBLY BILL 443

2019 Assembly Bill 443 requires the State Building Commission to award the \$15 million appropriated in the biennial budget act to HSHS Sacred Heart Hospital in Eau Claire County, if the hospital agrees to expand its psychiatric bed capacity by approximately 22 beds between locations in Eau Claire and Chippewa Counties. The bill also requires the building commission to authorize general fund-supported borrowing for that purpose.

### ASSEMBLY AMENDMENT 1

Assembly Amendment 1 makes the building commission’s authority to award the grant and authorize borrowing permissive rather than mandatory.

In addition, the amendment removes the word “approximately,” with the effect of requiring the hospital to agree to expand capacity by at least 22 beds as a condition of the grant.

### ASSEMBLY AMENDMENT 2

Assembly Amendment 2 adds certain substantive and procedural requirements applicable to the hospital eligible to receive a grant under the bill. Specifically, the bill specifies that the hospital must apply to the State Building Commission for the grant and requires the hospital to do all of the following, in addition to the requirements under the bill:

- Identify measures that it believes will serve the needs of area residents with mental health needs, especially as a critical component of the measures, in reducing the burden on the Winnebago Mental Health Institute.
- Agree to annually report to the Legislature regarding services provided through the grant, including the number of individuals served from the Winnebago Mental Health Institute.
- Recognize that it is liable to repay the grant funds to the state if the hospital fails to continue to maintain the expanded services and number of expanded psychiatric beds available, in an amount proportionately reduced over a 10-year period.

With respect to the third bullet, above, the amendment specifies that the determination regarding whether the hospital has continued to maintain the expanded services must be based on findings that the hospital does both of the following:

- Maintains an agreed upon number of beds for acceptance for admissions for emergency detentions.<sup>1</sup>
- Enters into a contract with at least two-thirds of certain northern counties, in which the hospital agrees to: (1) be the primary receiver for individuals under an emergency detention; (2) accept individuals for admission under an emergency detention regardless of payment source; (3) accept any individual subject to an emergency detention unless all psychiatric beds are filled;<sup>2</sup> and (4) ensure the county department is the secondary payer after any other coverage the individual has is exhausted.

## **BILL HISTORY**

Representative James and others introduced 2019 Assembly Bill 443 on September 13, 2019. Following a public hearing on the bill, Representative James offered Assembly Amendment 1 on January 27, 2019. On January 29, 2020, the Assembly Committee on State Affairs voted to recommend adoption of the amendment on a vote of Ayes, 13; Noes, 0. The committee then voted to recommend passage of the bill, as amended, on a vote of Ayes, 9; Noes, 4. Representative James offered Assembly Amendment 2 on February 14, 2020.

On February 18, 2020, the Assembly voted to adopt Assembly Amendments 1 and 2 on voice votes and passed the bill, as amended, on a vote of Ayes, 97; Noes, 0.

AH:jal

---

<sup>1</sup> A law enforcement officer may take an individual into custody for emergency detention purposes if there is cause to believe that: (a) the person is mentally ill, drug dependent, or developmentally disabled; (b) taking the person into custody is the least restrictive alternative appropriate to the person's needs; and (c) the individual evidences a substantial probability of harm or physical impairment to himself, herself, or others, or is unable to satisfy his or her basic needs for nourishment, medical care, shelter, or safety without prompt and adequate treatment so that a substantial probability exists that death or serious physical injury, rehabilitation, or disease will immediately ensue if there is not proper treatment. [s. 51.15 (1) (ar), Stats.]

<sup>2</sup> The amendment allows the hospital to set its payment rate based on the acuity of the individual being detained.