



## 2021 SENATE BILL 86

February 11, 2021 - Introduced by Senators BERNIER, FELZKOWSKI, BALLWEG, DARLING, ROTH, STAFSHOLT, STROEBEL and WANGGAARD, cosponsored by Representatives JAMES, SUMMERFIELD, ARMSTRONG, DITTRICH, EDMING, JAGLER, KNODL, MAGNAFICI, MILROY, MOSES, MURPHY, MURSAU, OLDENBURG, PETRYK, PRONSCHINSKE, ROZAR, SCHRAA, SKOWRONSKI, TAUCHEN, TITTL, TRANEL, VANDERMEER and ZIMMERMAN. Referred to Committee on Health.

1 **AN ACT relating to:** grant to a hospital for expanding psychiatric bed capacity.

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### *Analysis by the Legislative Reference Bureau*

This bill allows the Building Commission to award a grant to a hospital in Eau Claire County, as specified in the bill, in the amount of \$15,000,000 for the purpose of expanding capacity by 22 psychiatric beds between the hospital in Eau Claire County and a hospital in Chippewa County. Under 2019 Wisconsin Act 9, which was that session's biennial budget act, the Building Commission was authorized to award moneys for a center and allowed to authorize up to \$15,000,000 in general fund supported borrowing for that purpose. Instead, this bill allows the Building Commission to award a grant in that amount and to authorize general fund supported borrowing, if necessary. If the grant awarded under this bill is not used for the purpose of expanding psychiatric bed capacity, the state retains an ownership interest in the hospital's expansion equal to the amount of the state's grant.

Emergency detention is a current law procedure for temporary involuntary commitment of individuals who are believed to be mentally ill, drug dependent, or developmentally disabled and who demonstrate a substantial probability of causing harm to themselves or others or an inability to satisfy certain basic needs due to a mental illness. The hospital that is awarded the grant under the bill must do all of the following: 1) give preference in admissions for the beds added under the bill to individuals who meet the criteria for emergency detention and who are from one of the counties specified in the bill; 2) identify measures it believes will serve the needs of residents with mental health needs, especially in reducing the burden on the Winnebago Mental Health Institute; 3) report annually to the legislature on the services provided with grant moneys; and 4) recognize that it is liable to repay the

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grant to the state if the hospital fails to maintain continued expanded services and expanded numbers of psychiatric beds. The bill specifies that the determination of whether the hospital is meeting its requirement to provide expanded services must be based on findings that at least half of the expanded psychiatric beds are available for individuals admitted for emergency detention and that the hospital enters agreements containing terms specified in the bill with at least two-thirds of the specified counties.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

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*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

1           **SECTION 1. Nonstatutory provisions.**

2           (1) GRANT FOR PSYCHIATRIC BEDS.

3           (a) The legislature finds and determines that expanding psychiatric bed  
4 capacity as described in par. (b) would greatly benefit state residents by expanding  
5 access to timely inpatient mental health treatment and services and allowing public  
6 financial resources to be better distributed to more effectively improve delivery of  
7 mental health services. It is therefore in the public interest, and it is the public policy  
8 of this state, to assist the hospital described under par. (b) in expanding psychiatric  
9 bed capacity.

10           (b) In fiscal year 2021-22, the building commission may award under s. 13.48  
11 (20s) a grant in the amount of \$15,000,000 and, if the grant is awarded and if  
12 necessary, may authorize general fund supported borrowing as described under s.  
13 13.48 (20s) (b) for the purpose of expanding capacity for psychiatric beds to a hospital  
14 that applies to the building commission and meets all of the following criteria:

15           1. The hospital is located in Eau Claire County, south of the Chippewa River,  
16 and northeast of the intersection of STH 37 and USH 12 and is part of a health system  
17 that has a hospital in Chippewa County.

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1           2. The hospital agrees to expand psychiatric bed capacity by 22 beds between  
2 the Eau Claire County hospital and the Chippewa County hospital. The hospitals  
3 shall give preference in admissions to fill beds added under this subdivision to  
4 individuals who meet the criteria for emergency detention under s. 51.15 and who  
5 are from Ashland, Barron, Bayfield, Buffalo, Burnett, Chippewa, Clark, Douglas,  
6 Dunn, Eau Claire, Iron, Jackson, La Crosse, Lincoln, Marathon, Monroe, Oneida,  
7 Pepin, Pierce, Polk, Price, Rusk, Sawyer, St. Croix, Taylor, Trempealeau, Vilas,  
8 Washburn, or Wood Counties.

9           3. The hospital identifies measures that it believes will serve the needs of area  
10 residents with mental health needs, especially, as a critical component of the  
11 measures, in reducing the burden on the Winnebago Mental Health Institute.

12           4. The hospital agrees to annually report to the legislature, in the manner  
13 described under s. 13.172 (2), the services provided with the resources funded by the  
14 grant awarded under this subsection, including the number of individuals diverted  
15 from the Winnebago Mental Health Institute.

16           5. The hospital recognizes that it is liable to repay the grant funds to the state  
17 if the hospital fails to continue to maintain the expanded services and number of  
18 expanded psychiatric beds available. The amount the hospital is liable for  
19 repayment is reduced proportionately each year for 10 years of continuing expanded  
20 services as described under par. (c).

21           (c) A determination of continued services shall be based on findings that the  
22 hospital does all of the following:

23           1. Maintains an agreed upon number of beds for acceptance of admissions for  
24 emergency detention under s. 51.15. A hospital is considered to be in compliance  
25 with this subdivision if at least half of the expanded psychiatric beds under par. (b)

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1 2. are available for individuals who are initially admitted under an emergency  
2 detention under s. 51.15.

3 2. Enters into a contract with, at minimum, two-thirds of the counties specified  
4 in par. (b) 2. in which the hospital agrees to do all of the following:

5 a. Be the primary receiver for individuals under an emergency detention under  
6 s. 51.15 for the county.

7 b. Accept for admission under an emergency detention individuals regardless  
8 of payment source.

9 c. Accept any individual subject to an emergency detention from the county  
10 unless all psychiatric beds added under par. (b) 2. are filled. The hospital may set  
11 its payment rate based on the acuity of the individual being detained.

12 d. Ensure the county department is the secondary payer after any other  
13 coverage the individual has is exhausted.

14 (d) Notwithstanding s. 150.93, any hospital that expands psychiatric bed  
15 capacity under this subsection may increase its approved bed capacity.

16 (e) If, for any reason, the grant awarded under par. (b) is not used for the  
17 purpose of expanding psychiatric bed capacity, the state shall retain an ownership  
18 interest in the hospital's expansion equal to the amount of the state's grant.

19 (END)