



State of Wisconsin
2025 - 2026 LEGISLATURE

LRB-2331/1
SWB:emw

2025 ASSEMBLY BILL 116

March 11, 2025 - Introduced by JOINT LEGISLATIVE COUNCIL. Referred to Committee on Local Government.

AUTHORS SUBJECT TO CHANGE

1 **AN ACT to amend** 49.45 (29x) (a) and 51.15 (2) (e) (intro.); **to create** 20.435 (5)
2 (dm), 49.45 (29x) (c) and (d) and 51.15 (2) (f) of the statutes; **relating to:**
3 transportation of minors for emergency detention.

Analysis by the Legislative Reference Bureau

This bill is explained in the NOTES provided by the Joint Legislative Council in the bill.

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

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This bill was prepared for the Joint Legislative Council Study Committee on Emergency Detention and Civil Commitment of Minors.

The bill specifies that if a minor is approved for emergency detention, the county that approves the detention is responsible for transportation to the emergency detention facility. This includes responsibility for placing the minor in custody and the cost of transportation. The bill provides that a county may contract with a law enforcement agency, ambulance service, or 3rd-party vendor for the transportation. A county may utilize law enforcement to provide the transportation only if that is the least restrictive and most appropriate method, or is the only reasonable available alternative. This restriction only applies, however, if the Department of Health Services (DHS)

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SECTION 1

receives any necessary federal approval for Medical Assistance funding. A law enforcement agency may likewise contract for the transportation.

The bill specifies that the county responsible for transportation of a minor to an emergency detention facility may submit a request for reimbursement to DHS. DHS may establish standards for allowable costs that must be reimbursed for transportation provided for a minor after the bill takes effect. For a minor who is enrolled in the Medical Assistance program, DHS may provide the reimbursement under that program if allowed by the U.S. Department of Health and Human Services.

The bill includes a placeholder to add sum sufficient funding in DHS's schedule under the biennial state budget to provide reimbursement for the cost of transporting a minor to an emergency detention facility.

1 **SECTION 1.** 20.005 (3) (schedule) of the statutes: at the appropriate place,
2 insert the following amounts for the purposes indicated:

| | | |
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| | 2025-26 | 2026-27 |
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4 **20.435 Health services, department of**

5 (5) CARE AND TREATMENT SERVICES

6 (dm) Reimbursement for

7 transportation of minors for

| | | | | |
|---------------------|-----|---|-----|-----|
| emergency detention | GPR | S | -0- | -0- |
|---------------------|-----|---|-----|-----|

9 **SECTION 2.** 20.435 (5) (dm) of the statutes is created to read:

10 20.435 (5) (dm) *Reimbursement for transportation of minors for emergency*
11 *detention.* A sum sufficient for the cost of transportation of minors for purposes of
12 emergency detention under s. 51.15 (2) (f).

13 **SECTION 3.** 49.45 (29x) (a) of the statutes is amended to read:

14 49.45 (29x) (a) Subject Except as otherwise provided under par. (c) and
15 subject to par. (b), the department shall provide reimbursement as provided under
16 s. 49.46 (2) (b) 3. to counties for transport of individuals who are recipients of
17 medical assistance for purposes of emergency detention under s. 51.15 (2) as
18 provided under s. 51.15 (2) (e). The department shall establish criteria that any
19 3rd-party vendor that is not a law enforcement agency or ambulance service

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1 provider must meet in order for the county to obtain reimbursement for transport
2 provided by that 3rd-party vendor under the Medical Assistance program.

3 **SECTION 4.** 49.45 (29x) (c) and (d) of the statutes are created to read:

4 49.45 **(29x)** (c) Notwithstanding pars. (a) and (b), subject to par. (d), the
5 department shall provide reimbursement as provided under s. 49.46 (2) (b) 3. to
6 counties for transport of minors who are recipients of medical assistance for
7 purposes of emergency detention under s. 51.15 (2) as provided under s. 51.15 (2)
8 (f).

9 (d) The department shall submit to the federal department of health and
10 human services any request for a state plan amendment, waiver, or other federal
11 approval necessary to provide reimbursement to counties for the transport of
12 minors for purposes of emergency detention under par. (c). If the federal
13 department of health and human services approves the request or if no federal
14 approval is necessary, the department shall provide reimbursement under par. (c).
15 If the federal department of health and human services disapproves the request,
16 the department may not provide reimbursement for services under par. (c).

17 **SECTION 5.** 51.15 (2) (e) (intro.) of the statutes is amended to read:

18 51.15 **(2)** (e) (intro.) Subject to s. 49.45 (29x) (a) and (b), a county may obtain
19 reimbursement through the Medical Assistance program under subch. IV of ch. 49
20 for transport of an individual for purposes of emergency detention if all of the
21 following are true:

22 **SECTION 6.** 51.15 (2) (f) of the statutes is created to read:

23 51.15 **(2)** (f) 1. If a minor is approved for emergency detention under this
24 section, the county that approves the detention is responsible for transportation of

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1 the minor to the emergency detention facility, including placing the minor in
2 custody and the cost of transportation. A county may contract with a law
3 enforcement agency, an ambulance service, or a 3rd-party vendor for transportation
4 of a minor for detention.

5 2. A law enforcement officer may provide the transportation of a minor under
6 subd. 1. only if that is the least restrictive and most appropriate method of
7 transport of the minor or is the only reasonable available alternative. As provided
8 under par. (a), a law enforcement agency may contract with another law
9 enforcement agency, an ambulance service provider, or a 3rd-party vendor to
10 transport a minor for detention if the agency, provider, or vendor agrees to provide
11 the transport.

12 3. The county responsible for transportation of a minor to an emergency
13 detention facility under this paragraph may submit a request to the department for
14 reimbursement of those costs, and the department shall provide reimbursement to
15 the county for those costs. The department may establish standards for allowable
16 costs that may be reimbursed to a county under this paragraph. Notwithstanding
17 par. (e), subject to s. 49.45 (29x) (c) and (d), the department may provide
18 reimbursement under this paragraph through the Medical Assistance program
19 under subch. IV of ch. 49 for the transport of a minor for purposes of emergency
20 detention who is a medical assistance recipient.

21 4. The limitation under subd. 2. on use of a law enforcement officer to provide
22 the transportation of a minor applies only if the department receives any necessary
23 federal approval as provided under s. 49.45 (29x) (d) to allow reimbursement under
24 the Medical Assistance program under subch. IV of ch. 49.

ASSEMBLY BILL 116**SECTION 7****SECTION 7. Initial applicability.**

(1) The treatment of ss. 49.45 (29x) (a) and (c) and 51.15 (2) (e) (intro.) and (f) first applies to county claims for reimbursement for transportation of a minor for purposes of emergency detention that is provided on the effective date of the federal approval described in s. 49.45 (29x) (d) or, if the department of health services determines that no federal approval is required, on the effective date of this subsection.

SECTION 8. Effective date.

(1) This act takes effect on the first day of the 7th month beginning after publication.

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(END)