WISCONSIN COUNTIES ASSOCIATION

WCHSA
Wisconsin County Human Services Association

MEMORANDUM

TO: Honorable Members of the Special Committee on Review of Emergency Detention and Admission of Minors Under Chapter 51

FROM: Sarah Diedrick-Kasdorf, Senior Legislative Associate, Wisconsin Counties Association
Bill Orth, President, Wisconsin County Human Services Association

DATE: November 15, 2010

SUBJECT: Comments on Potential Recommendations for the Committee's Consideration

Our counties have had the opportunity to briefly review the recommendations before the Special Committee on Review of Emergency Detention and Admission of Minors Under Chapter 51. In your discussions today, we ask that you consider the following.

Who May Detain

The largest concern of counties with regard to the recommendations before the Special Committee on Review of Emergency Detention and Admission of Minors Under Chapter 51 is centered around the authority to detain individuals on an emergency basis. The question of "who may detain" has long been a focus of county government. Due to county concerns regarding the appropriateness of emergency detentions and their related costs, the Wisconsin Counties Association, in conjunction with the Wisconsin County Human Services Association, supported an amendment to the 2009-11 state biennial budget requiring the approval of the county department of community programs prior to detention by a law enforcement officer.

The committee currently has before it a recommendation to expand the list of individuals who may initiate an emergency detention to include physicians in

hospital emergency rooms and other medical settings and trained mental health professionals. Our counties have expressed significant concern with this recommendation.

Counties across the state have undertaken tremendous effort to create crisis diversion services to avoid unnecessary emergency detentions. Since the statutory change in 51.15(2) requiring approval prior to an emergency detention by the county, the number of emergency detentions statewide has decreased significantly. Any expansion in the list of individuals "who may detain" will certainly increase the number of emergency detentions statewide (physicians have cited liability concerns). Coupled with the increase in the number of detentions will be increased costs to counties. If this committee expands the list of individuals with the authority to initiate emergency detentions, then this committee must also recommend a state funding source for the cost of emergency detentions.

Uniformity and Quality Standards for Emergency Detention

The committee also has before it a recommendation to create a "statewide ombudsman for emergency detention." Our counties fail to see the benefit of such a position.

It has also been suggested that the committee recommend the adoption of a regional mental health system for emergency detention. We request that the committee not take action on a regional model at this time. The state of Wisconsin recently conducted a study of the state's mental health system that discussed a regional approach to the provision of mental health services. While not currently in place, we believe the provision of services on a regional basis will develop over time and should encompass all aspects of the state's mental health system, not just emergency detention.

While our counties may support the development of best practice guidelines for emergency detention, we oppose the promulgation of rules. Any best practice guidelines should be developed in collaboration with counties.

Transportation of Detainees

While our counties understand the reasons for the recommendations under this section, we have concerns regarding the ability of law enforcement or other parties to safely transport individuals in crisis. Counties want to ensure the

safety of the individual involved, as well as law enforcement and other support personnel.

Places Where Detention May Occur

Counties support the expansion of the types of facilities in which a person may be detained on a emergency basis.

Medical Assistance Eligibility for Inmates

Counties support the suspension, rather than termination, of MA eligibility for individuals who enter a correctional facility.

County Community Programs Board Representation

Counties oppose the recommendation to require hospital representation on county community programs boards. It is a conflict of interest for a contractor/ service provider to serve. Many of our counties have strict prohibitions against vendors serving on their boards.

Involuntary Commitment

Counties have expressed concern regarding the elimination of the requirement that commitments of persons in state prisons may not extend beyond the inmate's date of release on parole or extended supervision. Does the cost/ responsibility fall to the county to provide services?

Other Emergency Detention Issues

Counties support the recommendation that requires insurance companies to cover the cost of emergency detention.

Thank you for your consideration of our comments. As the work of the committee continues, we appreciate the opportunity to provide insight to the committee regarding the impact of the committee's work on counties and the individuals we serve.