

State of Wisconsin

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ASSEMBLY CHAIR
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Joint Committee on Finance

MEMORANDUM

To: Members
Joint Committee on Finance

From: Senator Howard Marklein
Representative Mark Born

Date: January 23, 2024

Re: s. 16.515/16.505(2), Stats. Request

Attached is a copy of a request from the Department of Administration, received January 23, 2024, pursuant to s. 16.515/16.505(2), Stats., on behalf of the Department of Health Services.

Please review the material and notify **Senator Marklein** or **Representative Born** no later than **Friday, February 9, 2024**, if you have any concerns about the request or if you would like the Committee to meet formally to consider it.

Also, please contact us if you need further information.

Attachments

HM:MB:jm



STATE OF WISCONSIN DEPARTMENT OF ADMINISTRATION

Tony Evers, Governor
Kathy Blumenfeld, Secretary

Date: January 23, 2024

To: The Honorable Howard Marklein, Co-Chair
Joint Committee on Finance

The Honorable Mark Born, Co-Chair
Joint Committee on Finance

From: Kathy K. Blumenfeld, Secretary ^{DS}
Department of Administration *KB*

Subject: s. 16.515/16.505(2) Request(s)

JAN 23 2024
St. Finance

Enclosed are request(s) that have been approved by this department under the authority granted in s. 16.515 and s. 16.505(2). The explanation for each request is included in the attached materials. Listed below is a summary of each item:

AGENCY	DESCRIPTION	2023-24		2024-25	
		AMOUNT	FTE	AMOUNT	FTE
DHS 20.435(2)(kx)	Interagency and intra- agency programs		123.1		123.1

As provided in s. 16.515, the request(s) will be approved on February 13, 2024, unless we are notified prior to that time that the Joint Committee on Finance wishes to meet in formal session about any of the requests.

Please contact Kirsten Grinde at (608) 266-1353, or the analyst who reviewed the request in the Division of Executive Budget and Finance, if you have any additional questions.

Attachments



STATE OF WISCONSIN DEPARTMENT OF ADMINISTRATION

Tony Evers, Governor
Kathy Blumenfeld, Secretary
Brian Pahnke, Administrator

Date: January 22, 2024

To: Kathy K. Blumenfeld, Secretary
Department of Administration

From: Cory Stinebrink
Executive Policy and Budget Analyst

Subject: Request under s. 16.505(2) from the Department of Health Services for the creation of 123.1 FTE PR-S positions to staff the expansion of the Mendota Juvenile Treatment Center.

Request:

The Department of Health Services requests the creation of 123.1 FTE PR-S permanent positions in the interagency and intra-agency programs appropriation under s. 20.435(2)(kx) to enable the department to expand treatment services at the Mendota Juvenile Treatment Center.

Revenue Sources for Appropriation:

Revenue to support these positions would be program revenue fees paid by the Department of Corrections and counties for juveniles under their supervision placed at Mendota Juvenile Treatment Center, based on a daily rate determined by the Department of Health Services.

Background:

The Mendota Juvenile Treatment Center (MJTC), which is on the campus of the Mendota Mental Health institute in Madison, is a juvenile correctional facility operated by the Department of Health Services. Established in 1995, MJTC provides psychological and psychiatric evaluations and treatment for juveniles whose behavior presents a serious problem to themselves or others in juvenile correctional facilities and whose mental health needs can be met by MJTC.

Currently, MJTC has the capacity to provide psychiatric treatment and assessment to 29 male juveniles transferred from the Department of Corrections Lincoln Hills School. Juveniles transferred to MJTC from the Department of Corrections are identified by corrections staff as those with behavior that is highly disruptive or violent, and have not responded to standard treatment. Programming and treatment at MJTC include therapy for anger management, substance use disorders, mental illness, sexual abuse, and includes academic support. To date, MJTC has served only juvenile male patients.

Beginning with passage of 2017 Wisconsin Act 185, MJTC has been a focal point of reforms targeted at the state's juvenile justice system. Act 185 directed the department to expand MJTC by no fewer than 29 beds. The department's plans for MJTC expansion, as approved

Kathy K. Blumenfeld, Secretary

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by the Legislature and Building Commission, called for new construction of a 50-bed expansion of MJTC, including 20 beds for female juveniles. Construction of the 50-bed expansion, plus renovation of 15 beds of existing space, is expected to be completed in March 2024.

Status of Juvenile Justice Reform

Subject to approval of the Joint Committee on Finance, Act 185 required the Department of Corrections to establish one or more new Type 1 juvenile correctional facilities. These facilities were intended to treat youth convicted and sentenced under the Serious Juvenile Offender disposition, youth waived to adult court, youth convicted as adults, and certain youth with juvenile county commit. In February of 2020, the Joint Committee on Finance rejected the Department of Corrections' proposal to locate two new Type 1 facilities in Milwaukee and Outagamie counties.

During the 2021-23 biennium, 2021 Wisconsin Act 58 (the budget bill) and 2021 Wisconsin Act 252 enumerated approximately \$70,800,000 and authorized \$45,800,000 in bonding authority for the planning, development, site selection, and design of a Type 1 facility. After the Department of Administration and local authorities approved a location in Milwaukee County for a Type 1 facility in August 2022, 2023 Wisconsin Act 19 provided \$78,400,000 (\$32,609,000 SEG and \$45,791,000 in existing general fund supported bonding [GFSB]) for the construction of the new facility. Additionally, Act 19 enumerated \$6,000,000 for the planning of an additional Type 1 facility.

Currently, only two Type 1 facilities are operational: Lincoln Hills School for Boys and Copper Lake School for Girls. As of January 5, 2024, the Department of Corrections has 59 juveniles under its supervision (51 juvenile male clients and eight juvenile female clients).

As modified by 2019 Wisconsin Act 8, 2017 Wisconsin Act 185 allowed the Building Commission to authorize up to \$80,000,000 in GFSB for the Department of Corrections to assist counties in constructing Secure Residential Care Centers for Children and Youth (SRCCCYs). These county facilities were intended to treat youth found delinquent of an act that would be punishable by a sentence of six months or more if committed by an adult. In October of 2019, the Juvenile Corrections Grant Committee recommended awarding SRCCCY funding to Brown, Dane, Milwaukee, and Racine counties. After Brown and Dane counties declined their SRCCCY grant awards, the Department of Corrections modified its request, recommending reallocating Brown and Dane counties' funding to the Milwaukee and Racine county projects. The Joint Committee on Finance approved this request in August of 2022, providing \$13,123,058 GFSB and \$7,975,000 GFSB to Milwaukee and Racine counties, respectively.

Analysis:

Upon completion of the newly constructed expansion of MJTC, there will be 94 beds available to treat youth in the facility. This request for 123.1 FTE PR-S positions includes 70.6 FTE positions dedicated to the 20-bed unit to treat female patients and 52.5 FTE positions dedicated to a new 16-bed unit for male patients in the newly constructed facility.

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Requested clinical staff are necessary to meet the medical and behavioral health treatment needs of the juveniles at the facility. The psychiatrist, psychologist, and clinical management positions are needed to support the mental health treatment needs of the expanded treatment populations. The nurse clinicians, pharmacy technicians, dental hygienist, and laboratory technicians are requested to meet the medical care and treatment needs of MJTC patients. Clinical staff also includes social workers to provide clinical case management, teachers to meet requisite state educational requirements, and specialized rehabilitation therapists.

Ancillary staff includes staff needed for security, maintenance, and operation of the expanded facility that will serve a larger population. Security staff include correctional officers, psychiatric care technicians - advanced, their trainers, and supervisors. To support the increase in the amount of food needed for the expansion, this request includes positions for a cook and a dietitian. Other ancillary staff includes maintenance staff, HVAC specialists, and information technology staff.

As part of its request, the Department of Health Services identified 42.5 FTE vacant positions at MJTC, which were approved in a previous biennial budget. The department has been recruiting for these positions, and at the time of this analysis, 15.0 FTE positions had been filled, with 27.0 FTE positions remaining vacant and under recruitment. The department's intent is to fill all of these positions as soon as is possible.

As of January 11, 2023, across all of the department-run institutions and on an all-funds basis, there exist 583.27 FTE vacant positions with 122.5 FTE filled training positions for a net of 460.77 FTE vacant positions. It could be argued that the department could reallocate some of these vacant positions to MJTC to support its staffing needs. However, it should be noted that the majority of these vacant positions are in various stages of recruitment, and any reduction in position authority at one of the other department institutions would lead to increased overtime costs or a decrease in individuals served at those sites. Further, the recently approved compensation plan makes myriad compensation adjustments to direct care staff in an effort to reduce the turnover in these classifications, and changes to the authorized position count at each institution based solely on vacancy rates could be premature.

The personnel costs of MJTC are supported with a program revenue appropriation. The revenue source of this appropriation is payments made by the Department of Corrections based on a daily rate established by the Department of Health Services. The daily rate would include all expected actual personnel costs. Creation of these positions would not increase the daily rate charged to the Department of Corrections until the positions are filled. The payments are made with a combination GPR and funding in the Department of Corrections general PR appropriation for juvenile corrections.

The juvenile correctional services appropriation under s. 20.410(3)(hm) receives revenue from counties that have juveniles under the Department of Corrections' supervision, including those transferred to MJTC. In fiscal year 2022-23, the Department of Corrections transferred \$4,909,863 (\$1,365,500 GPR and \$3,544,363 PR) to support MJTC's personnel costs. While the Department of Corrections' juvenile correctional services appropriation typically runs a deficit, the pandemic decreased the incarcerated juvenile population,

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resulting in counties paying more per juvenile, and producing a budget surplus in the appropriation in fiscal years 2021-22 and 2022-23. However, as the incarcerated juvenile population has rebounded, expenses have increased, and the appropriation is trending toward another budget deficit in fiscal year 2023-24.

Because MJTC will take time to grow to capacity, as county-run juvenile justice centers are established, and because the time frame for establishing these facilities is uncertain, ensuring sufficient staffing authority at this time would provide the department the ability to meet the treatment needs of patients at MJTC as demand for services increases and will reduce the likelihood of admissions delays and waiting lists for placement.

Lastly, should the requested positions be approved, the department believes it will take up to four months to recruit and train staff, and thus the new space at MJTC will not accept new placements until that time.

No supplemental expenditure authority is identified in this request as the appropriation under s. 20.435(2)(kx) is an all monies received, program revenue continuing appropriation, and any expenditure authority required in this fiscal biennium will be handled administratively. Ongoing costs will be reestimated as part of the 2025-27 biennial budget process.

Recommendation:

Approve the request.

CORRESPONDENCE/MemorandumState of Wisconsin
Department of Administration

Date: January 22, 2024
To: Brian Pahnke
From: Cory Stinebrink
Subject: Section 16.505(2) Request

Attached is a s. 16.505(2) request analysis for your approval and processing. Listed below is a summary of each item:

DOA RECOMMENDATION:

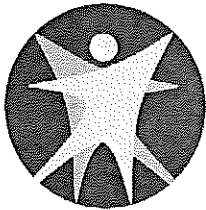
<u>AGENCY</u>	<u>DESCRIPTION</u>	<u>2023-24</u>		<u>2024-25</u>	
		<u>AMOUNT</u>	<u>FTE</u>	<u>AMOUNT</u>	<u>FTE</u>
DHS 20.435(2)(kx)	Interagency and intra- agency programs		123.1		123.1

AGENCY REQUEST:

<u>AGENCY</u>	<u>DESCRIPTION</u>	<u>2023-24</u>		<u>2024-25</u>	
		<u>AMOUNT</u>	<u>FTE</u>	<u>AMOUNT</u>	<u>FTE</u>
DHS 20.435(2)(kx)	Interagency and intra- agency programs		123.1		123.1

BP APPROVAL

A handwritten signature in blue ink, appearing to be 'BP', enclosed within a rectangular box. Above the box, the letters 'DS' are printed.



State of Wisconsin
Department of Health Services

Tony Evers, Governor
Kirsten L. Johnson, Secretary

December 15, 2023

Brian Pahnke
State Budget Director
Wisconsin Department of Administration
101 East Wilson Street, 10th Floor
Madison, WI 53703

Dear Mr. Pahnke:

Under the provisions of s. 16.505(2)(a), the Department requests an increase of 123.1 FTE PR-S permanent positions in the appropriation under s. 20.435 (2)(kx), numeric 267. These positions will enable the Department to expand treatment services at the Mendota Juvenile Treatment Center (MJTC) and provide 20 treatment beds for female juveniles and expand capacity by 16 treatment beds for male juveniles. A table with these positions is included in Appendix A below.

The estimated cost of the positions will total \$335,200 PR-S in FY 24 and \$11,854,600 PR-S in FY 25. These costs would be funded through program revenue fees paid by the Department of Corrections and counties for juveniles under their supervision placed at MJTC, based on a daily rate determined by the Department of Health Services (DHS).

Background

The Mendota Juvenile Treatment Center is a juvenile correctional facility, located on the grounds of the Mendota Mental Health Institute. MJTC was established in 1995 and is operated by the Division of Care and Treatment Services. Per Wisc. Stats. Chapter 46, MJTC provides psychological and psychiatric evaluations and treatment for juveniles whose behavior presents a serious problem to themselves or others in juvenile correctional facilities, and whose mental health needs can be met by MJTC. Currently, MJTC has capacity to provide psychiatric treatment and assessment to 29 male juveniles transferred to the facility from the Department of Corrections (DOC). At this time, MJTC lacks space and staffing to serve female juveniles.

MJTC is recognized nationally and internationally for its evidence-based treatment model that has achieved significant positive outcomes for juveniles with serious behavioral problems. Given these positive outcomes, 2017 Act 185 directed DHS to construct an expansion of the MJTC as part of reforms to the state's juvenile justice system. Act 185 specified that the expansion should accommodate no fewer than 29 additional juveniles and provided the Department with initial capital budget authority.

The 2021-23 biennial budget subsequently provided the Department with capital budget authority to expand MJTC to treat an additional 30 male juveniles and 20 female juveniles. Construction of the 50-bed expansion, plus renovation of 15 beds of existing space, is expected to be completed in March 2024. Once completed, the Department will relocate its current juvenile population into the newly constructed facility while it renovates its two existing MJTC units. The renovation of these spaces is expected to be completed in February 2025 and will provide a total of 94 beds of treatment capacity. The table below summarizes the MJTC physical space capacity once construction is complete. The construction design

will support a state-of-the-art treatment model, to enable juveniles to move into distinct treatment and living spaces as they make progress in the program, while keeping patients and staff safe at all times.

MJTC Physical Space Bed Capacity for Juveniles			
	Current until March 2024	March 2024 to Q1 CY 2025	After Q1 CY 2025
Current Space - 29 Beds	29		29
Renovated Existing Space		15	15
New Construction		50	50
Total	29	65	94

The Governor's 2023-25 biennial budget recommended an additional 174 FTE to fully staff the 94 beds once construction was complete. The Legislature did not adopt the Governor's recommendation. Through this request, the Department seeks 123.1 FTE to staff 36 of the 65 new beds as they become available in the next 15 months. The requested staff will enable MJTC to begin serving 20 girls and expand capacity for boys by 16 beds by October 2024.

The MJTC expansion is a key component of the Act 185 juvenile justice reforms, enabling more juveniles, including girls for the first time, to benefit from MJTC's successful treatment model. Under Act 185, the Department of Corrections may transfer to MJTC, with DHS approval, any juvenile who has been placed under DOC supervision at a juvenile correctional facility or at a county secure residential care center for children and youth. Once available, DHS expects the new beds to be utilized, given the statewide treatment needs of youth, and because MJTC is so highly regarded within the state and county juvenile justice system.

Staffing Assumptions

When the new MJTC building opens in March 2024, juveniles will be treated in both the new space and an existing, renovated MJTC unit. The new construction includes a central security station which is not part of the current MJTC staffing model. The security station will be responsible for controlling entrances into the facility and surveilling all the internal and perimeter sections of MJTC. The station will require correctional officers to monitor cameras and door controls at all times. To meet MJTC's new security and treatment needs starting in March 2024, DCTS will begin filling the 42.5 vacant FTE it received in the 2019-21 biennial budget for MJTC expansion. The Department intends to fill these positions in conjunction with the 123.1 FTE the Department is requesting through this proposal as it works towards opening the full 94-bed expansion. The Department is undertaking recruitment for these positions now.

A table including the requested positions, and those currently in use at MJTC, can be found in Appendix A below.

Because recruiting and training these staff require around three to four months of lead time, the Department would need to begin recruiting for these positions no later than April 2024. DCTS expects individuals who need training to become a certified nursing assistant (CNA), a requirement of the psychiatric care technician – advanced (PCT-A) classification, would need to begin their training in June 2024. All other staff could begin training by August 2024.

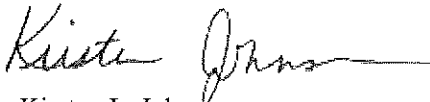
To operate the MJTC expansion, the Department will require both clinical and ancillary staff, which include security positions. The requested clinical staff are necessary to meet the medical and behavioral

health treatment needs of the juveniles at the facility. The psychiatrist, psychologist, and clinical management positions are needed to support the mental health treatment needs of the expanded treatment populations. The nurse clinicians, pharmacy technicians, dental hygienist, and lab technicians are requested to meet the medical care and treatment needs of MJTC's patients. This staff also include social workers to provide clinical case management, teachers to meet requisite state educational requirements, and specialized rehabilitation therapists.

The ancillary staff requested are essential for securing, maintaining, and operating the expanded facility and serving the larger population. The security staff requested includes correctional officers, psychiatric care technicians - advanced, their trainers and supervisors. To support the increase in the amount of food needed for the expansion, a cook and dietitian are requested. The facility also requires maintenance and HVAC specialists to help maintain and operate the facility. The requested information technology staff will help MJTC support its IT infrastructure used to support the computer systems and electronic health record systems at MJTC.

Thank you for considering this request. Please contact me with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Kirsten Johnson", with a long horizontal flourish extending to the right.

Kirsten L. Johnson
Secretary-designee

Appendix A

MJTC Current and Proposed Staff					
Class Title	Current Staffing	Staff for 29 Current Youth in New Space	Staff for 20-bed Female Unit	Staff for 16-bed Male Unit	TOTALS
ADVANCED PRACTICE NURSE-PRESCRIBER			1.0	1.0	2.0
COOK 2			1.0		1.0
CORRECTIONAL OFFICER		10.0	2.0		12.0
OCCUPATIONAL THERAPY ASSISTANT			1.0		1.0
CUSTODIAN	1.0				1.0
DENTAL HYGIENIST			0.6		0.6
DIETITIAN-CLINICAL			1.0		1.0
EDUCATION DIRECTOR		1.0			1.0
FACILITIES MAINTENANCE SPEC-ADV			1.0		1.0
FACILITY REPAIR WORKER - ADV			1.0	1.0	2.0
HUMAN SERVICES CORD-SENIOR		1.0	1.0	1.0	3.0
HVAC/REFRIGERATION SPEC-ADVANCED	1.0		1.0		2.0
INSTITUTION REGISTRAR				1.0	1.0
INSTITUTION TREATMENT DIRECTOR			1.0		1.0
PROGRAM DIRECTOR		1.0			1.0
INVENTORY CONTROL COORDINATOR-ADV			1.0		1.0
IS COMPREHENSIVE SERVICES SENIOR				1.0	1.0
IT ELECTRONIC TECH-AGENCY SENIOR		1.0			1.0
MEDICAL LAB TECHNICIAN-OBJ			1.0		1.0
NURSE CLINICIAN 2	2.5	2.0	7.0	7.5	19.0
NURSE CLINICIAN 3	1.0		1.0	1.0	3.0
NURSING SUPERVISOR	1.0		1.0	1.0	3.0
OCCUPATIONAL THERAPIST			1.0	1.0	2.0
OPERATIONS PROGRAM ASSOCIATE	1.0		1.0	1.0	3.0
PHARMACY TECHNICIAN-OBJ			2.0		2.0
PLUMBER				1.0	1.0
PROGRAM & POLICY ANALYST-ADVANCED		1.0			1.0
PSYCHIATRIC CARE SUPERVISOR	8.0	3.0	4.0	2.0	17.0
PSYCHIATRIC CARE TECH-ADV	23.0	19.5	28.0	21.5	92.0
PSYCHIATRIST	1.0		1.0	1.0	3.0
PSYCHOLOGIST-LICENSED	2.5		2.0	3.0	7.5
SOCIAL WORKER-ADVANCED	2.0				2.0
SOCIAL WORKER-CLINICAL	1.0		2.0	2.0	5.0
SPEECH/LANGUAGE PATHOLOGIST	1.0		1.0		2.0
STAFF DEVELOPMENT PROGRAM SPEC - PCT-A			1.0		1.0
SUPERVISING OFFICER 2		1.0	1.0		2.0
TEACHER	3.5		2.0	2.5	8.0
THERAPIST-SENIOR	1.0	2.0	2.0	1.0	6.0
TREATMENT SPECIALIST 2				2.0	2.0
TOTAL	50.5	42.5	70.6	52.5	216.1