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# Wisconsin Legislative Council

## AMENDMENT MEMO

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**Memo published:** November 13, 2023

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**2023 Senate Bill 462**

**Senate  
Amendment 1**

### 2023 SENATE BILL 462

2023 Senate Bill 462 requires the Department of Health Services (DHS) to establish a certification process for crisis urgent care and observation facilities and a grant program to award grants to develop and support these facilities. Under the bill, a crisis urgent care and observation facility is a treatment facility that admits an individual to prevent, de-escalate, or treat the individual's mental health or substance use disorder, and includes the necessary structure and staff to support the individual's needs relating to the mental health or substance use disorder. The bill provides that no person may operate a crisis urgent care and observation facility without a certification from DHS. Under the bill, a certified crisis urgent care and observation facility is not regulated as a hospital, except to the extent the facility is otherwise required due to the facility's licensure or certification for other services or purposes. The bill provides that the provisions of the bill may not be construed to prohibit, limit, or otherwise interfere with services provided by a county or a hospital or other facility that are provided consistent with the facility's existing licensure or certification, whether the facility is publicly or privately funded.

The bill provides that DHS may certify crisis urgent care and observation facilities that demonstrate the ability to do certain things. The bill requires that DHS must provide the Joint Committee on Finance (JCF) with certain information and obtain approval of that committee before granting certification to a crisis urgent care and observation facility. The bill also requires DHS to provide an annual report to JCF regarding the facilities.

Under the bill, a certified crisis urgent care and observation facility must accept adult individuals for emergency detention, and may accept youths for emergency detention. The bill provides that a certified crisis urgent care and observation facility may accept individuals for services including voluntary stabilization; observation and treatment, including for assessments for mental health or substance use disorder; screening for suicide and violence risk; and medication management and therapeutic counseling.

The bill requires DHS, in accordance with existing requirements to obtain approval from JCF, to request any necessary federal approval by seeking either a waiver, specifically, what is known as a 1115 waiver, or a Medical Assistance state plan amendment to add services provided by a crisis urgent care and observation facility as a type of crisis intervention service reimbursable under the Medical Assistance program. If DHS determines a state plan amendment is appropriate, DHS must follow the procedures for review by JCF, regardless of whether the amendment is expected to have a fiscal effect of \$7.5 million or more. Under the bill, if federal approval is either unnecessary or is necessary and is granted, DHS may provide reimbursement for these services.

## **SENATE AMENDMENT 1**

Together with some more minor changes, Senate Amendment 1 makes the following modifications to 2023 Senate Bill 462:

- Permits DHS to make announced and unannounced inspections and complaint investigations of crisis urgent care and observation facilities as it deems necessary, at reasonable times and in a reasonable manner.
- Adds physician assistants to the list of provider types that may comprise a multidisciplinary team for adequate staffing.
- Requires DHS to submit to the chief clerk of each house of the Legislature, for distribution to the appropriate standing committees in addition to JCF, a report regarding crisis urgent care and observation facilities.
- Adds certain information requirements that DHS must provide JCF when submitting a proposal regarding certification of a crisis urgent care and observation facility.
- Allows any facility that currently is providing crisis intervention services that would otherwise require certification as a crisis urgent care and observation facility continue to provide these services without obtaining certification from DHS as a crisis urgent care and observation facility.

## **BILL HISTORY**

Senator Marklein offered Senate Amendment 1 on October 30, 2023. On November 8, 2023, the Committee on Mental Health, Substance Abuse Prevention, Children and Families, voted to recommend adoption of the amendment and passage of the bill, as amended, both on votes of Ayes, 5; Noes, 0.

For a full history of the bill, visit the Legislature's [bill history page](#).

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