



State of Wisconsin
2013 - 2014 LEGISLATURE



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**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO ASSEMBLY BILL 718**

March 4, 2014 – Offered by Representative SANFELIPPO.

1 **AN ACT to amend** 15.07 (1) (cm), 46.031 (2), 46.031 (2g) (a), 46.031 (2g) (b), 46.031
2 (2r) (b), 46.031 (3) (a), 46.031 (3) (b), 46.031 (3) (c), 46.034 (3), 46.175, 46.18 (1),
3 46.18 (3), 46.18 (4), 46.18 (11), 46.18 (12), 46.18 (13), 46.18 (14), 46.18 (15), 46.19
4 (4), 46.21 (2) (a), (j), (k), (m) and (q), (2m) (a) and (b) 1. (intro.), (3), (3g), (3r), (4),
5 (4m) (a) and (b) and (6), 46.56 (1) (a), 46.56 (2) (a), 46.56 (2) (b), 46.56 (3) (b) 11.,
6 46.56 (4) (d), 46.56 (15) (b) (intro.), 51.08, 51.20 (18) (a), 51.42 (1) (b), 51.42 (3)
7 (a), 51.42 (3) (ar) 8., 51.42 (3) (ar) 14., 51.42 (3) (b), 51.42 (4) (a) 2. (intro.), 51.42
8 (6m) (intro.), 51.42 (6m) (c), 51.42 (6m) (i), 51.42 (6m) (m) 3., 51.423 (11), 51.44
9 (4), 51.61 (1) (e), 51.61 (1) (f), 55.001 and 59.53 (7); and **to create** 13.94 (1) (mg),
10 15.07 (1) (b) 24., 15.07 (3) (bm) 7., 15.195 (9), 17.07 (3r), 20.435 (5) (kf), 51.41
11 and 59.53 (25) of the statutes; **relating to:** Milwaukee County mental health
12 functions, programs, and services, creation of the Milwaukee County Mental
13 Health Board, and making an appropriation.

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

1 **SECTION 1.** 13.94 (1) (mg) of the statutes is created to read:

2 13.94 (1) (mg) No later than January 1, 2017, and biennially thereafter,
3 perform a financial and performance evaluation audit of the Milwaukee County
4 mental health board and of mental health functions, programs, and services in
5 Milwaukee County including a review of the effectiveness of the Milwaukee County
6 mental health board and new policies implemented under that board in providing
7 mental health services, a review of the expenditures of the Milwaukee County
8 mental health board, a review of Milwaukee County's expenditures for mental health
9 functions, programs, and services and the outcomes of those programs and services
10 in the period after the formation of the Milwaukee County mental health board. The
11 legislative audit bureau shall file a copy of the audit report under this paragraph
12 with the distributees specified in par. (b) and the Milwaukee County executive and
13 the Milwaukee County board of supervisors. The audit under this paragraph does
14 not count toward the limit of audits of a county in a calendar year in par. (m).

15 **SECTION 2.** 15.07 (1) (b) 24. of the statutes is created to read:

16 15.07 (1) (b) 24. The Milwaukee County mental health board, subject to s.
17 15.195 (9).

18 **SECTION 3.** 15.07 (1) (cm) of the statutes is amended to read:

19 15.07 (1) (cm) The term of one member of the government accountability board
20 shall expire on each May 1. The terms of the 3 members of the land and water
21 conservation board appointed under s. 15.135 (4) (b) 2. shall expire on January 1.
22 The term of the member of the land and water conservation board appointed under
23 s. 15.135 (4) (b) 2m. shall expire on May 1 of an even-numbered year. The terms of

1 the appraiser members of the real estate appraisers board and the terms of the
2 auctioneer and auction company representative members of the auctioneer board
3 shall expire on May 1 in an even-numbered year. The terms of the members of the
4 cemetery board shall expire on July 1 in an even-numbered year. The term of the
5 student member of the Board of Regents of the University of Wisconsin System who
6 is at least 24 years old shall expire on May 1 of every even-numbered year. The terms
7 of 6 of the members of the Milwaukee County mental health board appointed under
8 s. 15.195 (9) (b) shall expire on May 1 of an even-numbered year.

9 **SECTION 4.** 15.07 (3) (bm) 7. of the statutes is created to read:

10 15.07 (3) (bm) 7. The Milwaukee County mental health board shall meet 6
11 times each year and may meet at other times on the call of the chairperson or a
12 majority of the board's members.

13 **SECTION 5.** 15.195 (9) of the statutes is created to read:

14 15.195 (9) MILWAUKEE COUNTY MENTAL HEALTH BOARD. (a) There is created a
15 Milwaukee County mental health board, which is attached to the department of
16 health services under s. 15.03.

17 (b) Subject to par. (d), the board shall consist of the following 11 voting members
18 appointed for 4-year terms except for the members under subs. 10. and 11.:

19 1. A psychiatrist or psychologist who is suggested by the Milwaukee County
20 board of supervisors. The Milwaukee County board of supervisors shall solicit
21 suggestions for psychiatrists and psychologists from organizations including the
22 Wisconsin Medical Society, the Medical Society of Milwaukee, the Wisconsin
23 Psychological Association, the Wisconsin Psychiatric Association, and the Wisconsin
24 Association of Family and Children's Agencies for individuals who specialize in a full
25 continuum of behavioral health services for children. The Milwaukee County board

1 of supervisors shall suggest to the governor 4 psychiatrists and psychologists for this
2 board membership position.

3 2. A psychiatrist or psychologist who is suggested by the Milwaukee County
4 board of supervisors. The Milwaukee County board of supervisors shall solicit
5 suggestions for psychiatrists and psychologists from organizations including the
6 Wisconsin Medical Society, the Medical Society of Milwaukee, the Wisconsin
7 Psychological Association, the Wisconsin Psychiatric Association, and the
8 Milwaukee Co-occurring Competency Cadre for individuals who specialize in a full
9 continuum of behavioral health services for adults. The Milwaukee County board
10 of supervisors shall suggest to the governor 4 psychiatrists and psychologists for this
11 board membership position.

12 3. A representative of the community who is a consumer of mental health
13 services and who is suggested by the Milwaukee County board of supervisors. The
14 Milwaukee County board of supervisors shall solicit suggestions for individuals who
15 have experienced mental illness or substance abuse from organizations including
16 Warmline, the Milwaukee Mental Health Task Force, and the Milwaukee
17 Co-occurring Competency Cadre. The Milwaukee County board of supervisors shall
18 suggest to the governor 4 representatives of the community for this board
19 membership position.

20 4. A psychiatric mental health advanced practice nurse prescriber who is
21 suggested by the Milwaukee County board of supervisors. The Milwaukee County
22 board of supervisors shall solicit suggestions from organizations including the
23 Wisconsin Nurses Association for individuals who specialize in a full continuum of
24 behavioral health and medical services including emergency detention, inpatient,
25 residential, transitional, partial hospitalization, intensive outpatient, and

1 wraparound community-based services. The Milwaukee County board of
2 supervisors shall suggest to the governor 4 psychiatric mental health advanced
3 practice nurse prescribers for this board membership position.

4 5. An individual specializing in finance and administration who is suggested
5 by the Milwaukee County executive. The Milwaukee County executive shall solicit
6 suggestions from organizations including the Wisconsin Hospital Association, the
7 Wisconsin County Human Services Association, and the Public Policy Forum for
8 individuals with experience in analyzing healthcare operating expenses, revenues,
9 and reimbursement, knowledge of public and private funding and systems, and
10 expertise in financial restructuring for sustainability. The Milwaukee County
11 executive shall suggest to the governor 4 individuals specializing in finance and
12 administration for this board membership position.

13 6. A health care provider with experience in the delivery of substance abuse
14 services who is suggested by the Milwaukee County executive. The Milwaukee
15 County executive shall solicit suggestions from organizations including the
16 Wisconsin Nurses Association and the Milwaukee Co-occurring Competency Cadre
17 for health care providers specializing in providing substance abuse services. The
18 Milwaukee County executive shall suggest to the governor 4 health care providers
19 with experience in the delivery of substance abuse services for this board
20 membership position.

21 7. An individual with legal expertise who is suggested by the Milwaukee
22 County executive. The Milwaukee County executive shall solicit suggestions from
23 organizations including the Legal Aid Society of Milwaukee, Legal Action of
24 Wisconsin, Community Justice Counsel, and Disability Rights Wisconsin for
25 individuals who have legal expertise specializing in emergency detention regulatory

1 requirements including policies, procedures, provider responsibilities, and patient
2 rights. The Milwaukee County executive shall suggest to the governor 4 individuals
3 with legal expertise for this board membership position.

4 8. A health care provider representing community-based mental health
5 service providers who is suggested by the Milwaukee County board of supervisors.
6 The Milwaukee County board of supervisors shall solicit suggestions from
7 organizations including the Wisconsin Nurses Association, the Milwaukee Health
8 Care Partnership, the Milwaukee Mental Health Task Force, and the Milwaukee
9 Co-occurring Competency Cadre for health care providers specializing in
10 community-based, recovery-oriented, mental health systems. The Milwaukee
11 County board of supervisors shall suggest to the governor 4 health care providers
12 representing community-based mental health service providers for this board
13 membership position.

14 9. An individual who is a consumer or family member representing
15 community-based mental health service providers and who is suggested by the
16 Milwaukee County executive. The Milwaukee County executive shall solicit
17 suggestions from organizations including the Milwaukee Health Care Partnership,
18 the Milwaukee Mental Health Task Force, and the Milwaukee Co-occurring
19 Competency Cadre for consumers and family members representing
20 community-based mental health service providers. The Milwaukee County
21 executive shall suggest to the governor 4 consumers or family members representing
22 community-based mental health service providers for this board membership
23 position.

24 10. The chairperson of the county community programs board in Milwaukee
25 County under s. 51.42 (4), or his or her designee who is not an elected official as

1 defined in s. 5.02 (3m). If the chairperson of the county community programs board
2 in Milwaukee County is an elected official, the chairperson shall designate a member
3 of the county community programs board who is not an elected official to be a member
4 under this subdivision.

5 11. The chairperson of the Milwaukee Mental Health Task Force, or his or her
6 designee.

7 (c) Subject to par. (d), the board shall consist of the following 2 nonvoting
8 members appointed for 4-year terms:

9 1. A health care provider who is an employee of a higher education institution
10 suggested by the Medical College of Wisconsin. The governor shall solicit
11 suggestions from the Medical College of Wisconsin for individuals specializing in
12 community-based, recovery-oriented mental health systems, maximizing
13 comprehensive community-based services, prioritizing access to community-based
14 services and reducing reliance on institutional and inpatient care, protecting the
15 personal liberty of individuals experiencing mental illness so that they may be
16 treated in the least restrictive environment to the greatest extent possible, providing
17 early intervention to minimize the length and depth of psychotic and other mental
18 health episodes, diverting people from the corrections system, when appropriate, or
19 maximizing the use of mobile crisis units and crisis intervention training.

20 2. A health care provider who is an employee of a higher education institution
21 suggested by the University of Wisconsin—Madison. The governor shall solicit
22 suggestions from the University of Wisconsin—Madison for individuals specializing
23 in community-based, recovery-oriented mental health systems, maximizing
24 comprehensive community-based services, prioritizing access to community-based
25 services and reducing reliance on institutional and inpatient care, protecting the

1 personal liberty of individuals experiencing mental illness so that they may be
2 treated in the least restrictive environment to the greatest extent possible, providing
3 early intervention to minimize the length and depth of psychotic and other mental
4 health episodes, diverting people from the corrections system, when appropriate, or
5 maximizing the use of mobile crisis units and crisis intervention training.

6 (d) 1. The governor shall nominate individuals for appointment under par. (b)
7 1. to 9. in consultation with the Milwaukee County executive.

8 2. The governor shall ensure that one of the members under par. (b) 1. and 2.
9 is a psychologist.

10 3. A person nominating or suggesting individuals for nomination under par. (b)
11 shall attempt to ensure that individuals suggested are among the most-qualified
12 and experienced in their field.

13 4. a. In this subdivision, “cultural competency” means the ability to understand
14 and act respectfully toward, in a cultural context, the beliefs, interpersonal styles,
15 attitudes, and behaviors of persons and families of various cultures, including
16 persons and families who receive mental health services in Milwaukee County and
17 persons and families who provide mental health services in Milwaukee County.

18 b. Members under par. (b) collectively shall possess cultural competency and
19 shall reflect the population that is serviced by the Milwaukee County mental health
20 system.

21 5. No member of the board may be an employee of Milwaukee County at the
22 time of nomination.

23 6. No member of the board may be a lobbyist, as defined in s. 13.62 (11). No
24 member of the board may directly or indirectly solicit or receive subscriptions or
25 contributions for any partisan political party or any political purpose while

1 appointed to the board. No member of the board may engage in any form of political
2 activity calculated to favor or improve the chances of any political party or any person
3 seeking or attempting to hold partisan office. No member of the board may hold an
4 elected office. Any violation of this subdivision is adequate grounds for dismissal.

5 7. No member under par. (b) may serve more than 2 consecutive terms in a
6 membership position for which suggestions for nomination are made by the same
7 individual or entity, except that a member may serve 3 consecutive terms in a
8 membership position for which suggestions for nomination are made by the same
9 individual or entity if one of those 3 terms is for less than 2 years. An individual who
10 has served 2 consecutive 4-year terms or 3 consecutive terms totalling less than 10
11 years is eligible to be suggested for nomination as a member under par. (b) after the
12 individual has not served on the board for 12 months.

13 **SECTION 6.** 17.07 (3r) of the statutes is created to read:

14 17.07 (3r) (a) Notwithstanding sub. (3), a member of the Milwaukee County
15 mental health board may be removed by any of the following:

- 16 1. The governor, for cause.
- 17 2. If the Milwaukee County executive suggested the member for nomination,
18 the Milwaukee County executive, for neglect of duty, misconduct, malfeasance in
19 office, failure to attend 4 board meetings in one year, or failure to attend 2 board
20 meetings within one year without providing advance notice to the chairperson of the
21 board.
- 22 3. If the Milwaukee County board of supervisors suggested the member for
23 nomination, the Milwaukee County board of supervisors, for neglect of duty,
24 misconduct, malfeasance in office, failure to attend 4 board meetings in one year, or

1 failure to attend 2 board meetings within one year without providing advance notice
2 to the chairperson of the board.

3 (b) Notwithstanding sub. (3), a member of the Milwaukee County mental
4 health board shall be removed by the governor for engaging in an activity under s.
5 15.195 (9) (d) that disqualifies an individual from board membership.

6 **SECTION 7.** 20.435 (5) (kf) of the statutes is created to read:

7 20.435 (5) (kf) *Milwaukee County mental health board; audit.* All moneys
8 received under s. 51.41 (6) (b) for the general program operations of the Milwaukee
9 County mental health board and for the performance of the audit and the completion
10 of the report under 2013 Wisconsin Act (this act), section 53 (4).

11 **SECTION 8.** 46.031 (2) of the statutes is amended to read:

12 46.031 (2) ASSESSMENT OF NEEDS. Before developing and submitting a proposed
13 budget to the county executive or county administrator or the county board or the
14 Milwaukee County mental health board, the county departments listed in sub. (1)
15 shall assess needs and inventory resources and services, using an open public
16 participation process.

17 **SECTION 9.** 46.031 (2g) (a) of the statutes is amended to read:

18 46.031 (2g) (a) The department shall annually submit to the county board of
19 supervisors in a county with a single-county department, the Milwaukee County
20 mental health board in Milwaukee County for matters related to mental health, or
21 the county boards of supervisors in counties with a multicounty department a
22 proposed written contract containing the allocation of funds and such administrative
23 requirements as necessary. The contract as approved may contain conditions of
24 participation consistent with federal and state law. The contract may also include
25 provisions necessary to ensure uniform cost accounting of services. Any changes to

1 the proposed contract shall be mutually agreed upon. The county board of
2 supervisors in a county with a single-county department, the Milwaukee County
3 mental health board in Milwaukee County for matters related to mental health, or
4 the county boards of supervisors in counties with a multicounty department shall
5 approve the contract before January 1 of the year in which it takes effect unless the
6 department grants an extension. The county board of supervisors in a county with
7 a single-county department, the Milwaukee County mental health board in
8 Milwaukee County, or the county boards of supervisors in counties with a
9 multicounty department may designate an agent to approve addenda to any contract
10 after the contract has been approved.

11 **SECTION 10.** 46.031 (2g) (b) of the statutes is amended to read:

12 46.031 **(2g)** (b) The department may not approve contracts for amounts in
13 excess of available revenues. The county board of supervisors in a county with a
14 single-county department, the Milwaukee County mental health board in
15 Milwaukee County for matters related to mental health, or the county boards of
16 supervisors in counties with a multicounty department may appropriate funds not
17 used to match state funds under ss. 46.495 (1) (d) and 51.423. Actual expenditure
18 of county funds shall be reported in compliance with procedures developed by the
19 department, and shall comply with standards guaranteeing quality of care
20 comparable to similar facilities.

21 **SECTION 11.** 46.031 (2r) (b) of the statutes is amended to read:

22 46.031 **(2r)** (b) If the department withholds a portion of the allocable
23 appropriation under par. (a), the county department affected by the action of the
24 department may submit to the county board of supervisors in a county with a
25 single-county department or to its designated agent, to the Milwaukee County

1 mental health board if related to mental health in Milwaukee County, or to the
2 county boards of supervisors in counties with a multicounty department or their
3 designated agents a plan to rectify the deficiency found by the department. The
4 county board of supervisors or its designated agent in a county with a single-county
5 department, the Milwaukee County mental health board if related to mental health,
6 or the county boards of supervisors in counties with a multicounty department or
7 their designated agents may approve or amend the plan and may submit for
8 departmental approval the plan as adopted. If a multicounty department is
9 administering a program, the plan may not be submitted unless each county board
10 of supervisors which participated in the establishment of the multicounty
11 department, or its designated agent, adopts it.

12 **SECTION 12.** 46.031 (3) (a) of the statutes is amended to read:

13 46.031 (3) (a) *Citizen advisory committee.* Except as provided in par. (b), the
14 county board of supervisors of each county, the Milwaukee County mental health
15 board, as applicable, or the county boards of supervisors of 2 or more counties jointly
16 shall establish a citizen advisory committee to the county departments under ss.
17 46.215, 46.22, 46.23, 51.42, and 51.437. The citizen advisory committee shall advise
18 in the formulation of the budget under sub. (1). Membership on the committee shall
19 be determined by the county board of supervisors in a county with a single-county
20 committee, the Milwaukee County mental health board, as applicable, or by the
21 county boards of supervisors in counties with a multicounty committee and shall
22 include representatives of those persons receiving services, providers of service and
23 citizens. A majority of the members of the committee shall be citizen and service
24 consumers. The committee's membership may not consist of more than 25% county
25 supervisors, nor of more than 20% service providers. The chairperson of the

1 committee shall be appointed by the county board of supervisors establishing it or
2 by the Milwaukee County mental health board, if it establishes the committee. In
3 the case of a multicounty committee, the chairperson shall be nominated by the
4 committee and approved by the county boards of supervisors establishing it. The
5 county board of supervisors in a county with a single-county committee or the county
6 boards of supervisors in counties with a multicounty committee may designate an
7 agent to determine the membership of the committee and to appoint the committee
8 chairperson or approve the nominee.

9 **SECTION 13.** 46.031 (3) (b) of the statutes is amended to read:

10 46.031 (3) (b) *Alternate process.* The county board of supervisors, the
11 Milwaukee County mental health board, as applicable, or the boards of 2 or more
12 counties acting jointly may submit a report to the department on the open public
13 participation process used under sub. (2). The county board of supervisors or the
14 Milwaukee County mental health board may designate an agent, or the boards of 2
15 or more counties acting jointly may designate an agent, to submit the report. If the
16 department approves the report, establishment of a citizen advisory committee
17 under par. (a) is not required.

18 **SECTION 14.** 46.031 (3) (c) of the statutes is amended to read:

19 46.031 (3) (c) *Yearly report.* The county board of supervisors or its designated
20 agent, the Milwaukee County mental health board, as applicable, or the boards of 2
21 or more counties acting jointly or their designated agent, shall submit to the
22 department a list of members of the citizen advisory committee under par. (a) or a
23 report on the open public participation process under par. (b) on or before July 1 of
24 each year.

25 **SECTION 15.** 46.034 (3) of the statutes is amended to read:

1 46.034 (3) With the agreement of the affected county board of supervisors in
2 a county with a single-county department, the Milwaukee County mental health
3 board, as applicable, or boards of supervisors in counties with a multicounty
4 department, effective for the contract period beginning January 1, 1980, the
5 department may approve a county with a single-county department or counties
6 participating in a multicounty department to administer a single consolidated aid
7 consisting of the state and federal financial aid available to that county or those
8 counties from appropriations under s. 20.435 (7) (b) and (o) for services provided and
9 purchased by county departments under ss. 46.215, 46.22, 46.23, 51.42, and 51.437.
10 Under such an agreement, in the interest of improved service coordination and
11 effectiveness, the county board of supervisors in a county with a single-county
12 department, the Milwaukee County mental health board, as applicable, or county
13 boards of supervisors in counties with a multicounty department may reallocate
14 among county departments under ss. 46.215, 46.22, 46.23, 51.42, and 51.437 funds
15 that otherwise would be specified for use by a single county department. The budget
16 under s. 46.031 (1) shall be the vehicle for expressing the proposed use of the single
17 consolidated fund by the county board of supervisors in a county with a single-county
18 department, the Milwaukee County mental health board, as applicable, or county
19 boards of supervisors in counties with a multicounty department. Approval by the
20 department of this use of the fund shall be in the contract under s. 46.031 (2g).
21 Counties that were selected by the department to pilot test consolidated aids for
22 contract periods beginning January 1, 1978, may continue or terminate
23 consolidation with the agreement of the affected county board of supervisors in a
24 county with a single-county department, the Milwaukee County mental health
25 board, or county boards of supervisors in counties with a multicounty department.

1 **SECTION 16.** 46.175 of the statutes is amended to read:

2 **46.175 County institutions: minimum standards.** Notwithstanding any
3 other provision of law, any county currently operating an institution established
4 under s. 49.70, 49.71, 49.72, 51.08, or 51.09 may, by resolution of the county board
5 or, in Milwaukee County for institutions providing mental health treatment, the
6 Milwaukee County mental health board, designate such institution or distinct part
7 of such institution as a facility to be operated under s. 50.02, 50.03 or 50.33. Any
8 county institution or part thereof, where so designated, shall be required to meet
9 those licensure standards established by the department for the type of facility
10 designated by the county. Any designation under this section may be made only if
11 such designation will not result in any additional cost to the state.

12 **SECTION 17.** 46.18 (1) of the statutes is amended to read:

13 **46.18 (1) TRUSTEES.** Every county home, infirmary, hospital, or similar
14 institution, shall, subject to regulations approved by the county board except in
15 Milwaukee County for county homes, infirmaries, hospitals, or institutions
16 providing mental health treatment, be managed by a board of trustees, electors of the
17 county, chosen by ballot by the county board. In Milwaukee County, every county
18 home, infirmary, hospital, or similar institution that provides mental health
19 treatment shall, subject to standards and procedures adopted by the Milwaukee
20 County mental health board, be managed by a board of trustees, electors of the
21 county, chosen by ballot by the Milwaukee County mental health board. At its
22 annual meeting, the county board or the Milwaukee County mental health board, if
23 applicable, shall appoint an uneven number of trustees, from 3 to 9 at the option of
24 the board, for staggered 3-year terms ending the first Monday in January. Any
25 vacancy shall be filled for the unexpired term by the county board or the Milwaukee

1 County mental health board, as applicable; but the chairperson of the county board
2 may appoint a trustee to fill the vacancy until the county board acts except for boards
3 of trustees appointed by the Milwaukee County mental health board for which the
4 chairperson of the Milwaukee County mental health board may appoint a trustee to
5 fill the vacancy until the entire Milwaukee County mental health board acts.

6 **SECTION 18.** 46.18 (3) of the statutes is amended to read:

7 46.18 (3) REMOVAL OF TRUSTEE. Any trustee may be removed from office for
8 misconduct or neglect, by a two-thirds vote of the county board or of the Milwaukee
9 County mental health board, as applicable, on due notice in writing and hearing of
10 the charges against the trustee.

11 **SECTION 19.** 46.18 (4) of the statutes is amended to read:

12 46.18 (4) OATH OF OFFICE, BOND, EXPENSES, PAY. Each trustee shall take and file
13 the official oath and execute and file an official bond to the county, in the amount
14 determined by the county board, or the Milwaukee County mental health board, as
15 applicable, and the sufficiency of the sureties shall be approved by the chairperson
16 of the board. Each trustee shall be reimbursed for traveling expenses necessarily
17 incurred in the discharge of the duties, and shall receive the compensation fixed by
18 the county board or the Milwaukee County mental health board, as applicable,
19 unless otherwise provided by law.

20 **SECTION 20.** 46.18 (11) of the statutes is amended to read:

21 46.18 (11) COUNTY APPROPRIATION. The county board or, in Milwaukee County,
22 the Milwaukee County mental health board, as applicable, shall annually
23 appropriate for operation and maintenance of each such institution not less than the
24 amount of state aid estimated by the trustees to accrue to said institution; or such

1 lesser sum as may be estimated by the trustees to be necessary for operation and
2 maintenance.

3 **SECTION 21.** 46.18 (12) of the statutes is amended to read:

4 46.18 (12) ADDITIONAL DUTIES. The county board or the Milwaukee County
5 mental health board, as applicable, may provide that the trustees and
6 superintendent of any institution shall be the trustees and superintendent of any
7 other institution.

8 **SECTION 22.** 46.18 (13) of the statutes is amended to read:

9 46.18 (13) BUILDING RESERVE FUND. The Except in Milwaukee County, the
10 county board shall maintain as a segregated cash reserve an annual charge of 2% of
11 the original cost of new construction or purchase or of the appraised value of existing
12 infirmary structures and equipment. In Milwaukee County, the Milwaukee County
13 mental health board, for mental health infirmary structures and equipment, shall
14 ensure the maintenance, as a segregated cash reserve, of an annual charge of 2
15 percent of the original cost of new construction or purchase or of the appraised value
16 of existing mental health infirmary structures and equipment. If the infirmary or
17 any of its equipment is replaced, any net cost of replacement in excess of the original
18 cost is subject to an annual charge of 2%. No contributions to the cash reserve in
19 excess of the amount required under this subsection may be included in the
20 calculation under s. 49.726 (1). The county board, except the Milwaukee County
21 board, may from time to time appropriate from such reserve sums to be expended
22 solely for the enlargement, modernization or replacement of such infirmary and its
23 equipment. In Milwaukee County, the Milwaukee County mental health board may
24 require to be appropriated from reserve sums for mental health infirmaries to be

1 expended for the enlargement, modernization, or replacement of a mental health
2 infirmary and its equipment.

3 **SECTION 23.** 46.18 (14) of the statutes is amended to read:

4 46.18 (14) INCENTIVE PAYMENTS TO PATIENTS IN MENTAL HOSPITALS. The county
5 board or, in Milwaukee County, the Milwaukee County mental health board may
6 authorize the board of trustees of any county mental hospital to establish a program
7 of incentive payments so as to provide incentive and encouragement to patients by
8 the disbursement of small weekly payments but not restricted to work allowances.
9 Incentive payments paid to inmates shall not be included as costs in arriving at the
10 per capita rate for state aids or charges to other counties and the state for care of
11 inmates. ~~In counties having a population of 500,000 or more the county board of~~
12 ~~supervisors may establish a similar program.~~

13 **SECTION 24.** 46.18 (15) of the statutes is amended to read:

14 46.18 (15) JOINT OPERATION OF HEALTH-RELATED SERVICE. If the county board of
15 supervisors, or the Milwaukee County mental health board, as applicable, so
16 authorizes, the trustees of the county hospital may, together with a private or public
17 organization or affiliation, organize, establish and participate in the governance and
18 operation of an entity to operate, wholly or in part, any health-related service, may
19 participate in the financing of the entity and may provide administrative and
20 financial services or resources for its operation on terms prescribed by the county
21 board of supervisors or the Milwaukee County mental health board, as applicable.

22 **SECTION 25.** 46.19 (4) of the statutes is amended to read:

23 46.19 (4) The salaries of the superintendent, visiting physician and all
24 necessary additional officers and employees shall be fixed by the county board. In
25 Milwaukee County, the salaries of any superintendent of a mental health institution

1 and the salaries of any visiting physician and necessary additional officers and
2 employees whose duties are related to mental health shall be fixed by the county
3 executive.

4 **SECTION 26.** 46.21 (2) (a), (j), (k), (m) and (q), (2m) (a) and (b) 1. (intro.), (3), (3g),
5 (3r), (4), (4m) (a) and (b) and (6) of the statutes are amended to read:

6 46.21 (2) (a) Shall adopt policies for the management, operation, maintenance
7 and improvement of the county hospital; the detention center; the probation section
8 of the children's court center; the provision and maintenance of the physical facilities
9 for the children's court and its intake section under the supervision and operation
10 of the judges assigned to exercise jurisdiction under chs. 48 and 938 and as provided
11 in s. 938.06 (1); ~~the mental health complex~~; the county department of human
12 services; the central service departments; and all buildings and land used in
13 connection with any institution under this section except a mental health
14 institution. The powers and duties of the county board of supervisors are policy
15 forming only, and not administrative or executive. The county board of supervisors
16 may not form policies regarding mental health or mental health institutions,
17 programs, or services. The Milwaukee County mental health board shall adopt the
18 policies under this paragraph regarding mental health and mental health
19 institutions, programs, and services.

20 (j) May exercise approval or disapproval power over contracts and purchases
21 of the director that are for \$50,000 or more, except that the county board of
22 supervisors may not exercise approval or disapproval power over any personal
23 service contract or over any contract or purchase of the director that relates to
24 community living arrangements, adult family homes, or foster homes and that was
25 entered into pursuant to a contract under s. 46.031 (2g) or 301.031 (2g), regardless

1 of whether the contract mentions the provider, except as provided in par. (m). The
2 county board of supervisors may not exercise approval or disapproval power over any
3 contract relating to mental health or mental health institutions, programs, or
4 services. This paragraph does not preclude the county board of supervisors from
5 creating a central purchasing department for all county purchases that are not
6 related to mental health.

7 (k) Shall make sufficient appropriation annually for the support, maintenance,
8 salaries, repairs and improvements to the county department of human services and
9 the institutions, except for mental health institutions. The appropriations shall be
10 used subject to the order of the director or administrator and as the policies adopted
11 by the county board of supervisors provide. The director or administrator may not
12 incur any expense or contract for new buildings, additions to present buildings or the
13 purchase of land until the county board of supervisors, or the Milwaukee County
14 mental health board, as applicable, has appropriated or provided for the money to
15 defray such expense.

16 (m) May establish and maintain in connection with such county hospital, an
17 emergency unit or department for the treatment, subject to such rules as may be
18 prescribed by the county board of supervisors, of persons in the county who may meet
19 with accidents or be suddenly afflicted with illness not contagious; provided that
20 medical care and treatment shall only be furnished in such unit or department until
21 such time as the patient may be safely removed to another hospital or to his or her
22 place of abode, or regularly admitted to the county hospital. The county board of
23 supervisors may also contract with any private hospital or nonprofit hospital within
24 the county for the use of its facilities and for medical service to be furnished by a
25 licensed physician or physicians to patients who require emergency medical

1 treatment or first aid as a result of any accident, injury or sudden affliction of illness
2 occurring within the county, except that reasonable compensation may only be
3 authorized until the patient is regularly admitted as an inpatient or safely removed
4 to another hospital or to his place of abode. In this paragraph, "hospital" includes,
5 without limitation due to enumeration, public health centers, medical facilities and
6 general, tuberculosis, ~~mental~~, chronic disease and other types of hospitals and
7 related facilities, such as laboratories, outpatient departments, nurses' home and
8 training facilities, and central service facilities operated in connection with
9 hospitals. In this paragraph, "hospital" does not include any hospital furnishing
10 primarily domiciliary care. In this paragraph "nonprofit hospital" means any
11 hospital owned and operated by a corporation or association, no part of the net
12 earnings of which inures, or may lawfully inure, to the benefit of any private
13 shareholder or individual.

14 (q) May, together with a private or public organization or affiliation, organize,
15 establish and participate in the governance and operation of an entity to operate,
16 wholly or in part, any health-related service except a mental health-related service,
17 may participate in the financing of the entity and may provide administrative and
18 financial services or resources for its operation on terms prescribed by the county
19 board of supervisors. The Milwaukee County mental health board may, together
20 with a private or public organization or affiliation, organize, establish, and
21 participate in the governance and operation of an entity to operate, wholly or in part,
22 any mental health-related service, may participate in the financing of the entity, and
23 may provide administrative and financial services or resources for its operation.

24 **(2m)** (a) *Creation.* The management, operation, maintenance and
25 improvement of human services in a county with a population of 500,000 750,000 or

1 more is vested in a county department of human services under the jurisdiction, as
2 to policy, of the county board of supervisors or, as to mental health policy, the
3 Milwaukee County mental health board. The county department of human services
4 shall consist of the director appointed under sub. (1m), any division administrator
5 appointed under sub. (4) or s. 51.41 (9), and necessary personnel appointed by the
6 director or appointed by a division administrator and approved by the director.

7 (b) 1. (intro.) The county board of supervisors or, in matters related to mental
8 health, the Milwaukee County mental health board may transfer the powers and
9 duties of any human services program under the control of the county and shall
10 transfer all of the following to the county department of human services:

11 (3) POWERS AND DUTIES OF THE DIRECTOR. All of the administrative and executive
12 powers and duties of managing, operating, maintaining and improving the county
13 department of human services and other institutions and departments that the
14 county board of supervisors or, in matters of mental health, the Milwaukee County
15 mental health board may place under the jurisdiction of the director are vested in the
16 director, subject to the policies and in accordance with the principles adopted by the
17 county board of supervisors or, in matters of mental health, the Milwaukee County
18 health board.

19 (3g) POWERS AND DUTIES OF THE ADMINISTRATOR. All of the administrative and
20 executive powers and duties of managing, operating, maintaining and improving the
21 county hospital and other institutions and departments that the county board of
22 supervisors or, in matters of mental health, the Milwaukee County mental health
23 board may place under the jurisdiction of the administrator are vested in the
24 administrator, subject to the policies and in accordance with the principles adopted

1 by the county board of supervisors or, in matters of mental health, the Milwaukee
2 County mental health board.

3 **(3r)** OTHER POWERS AND DUTIES. The county board of supervisors or, in matters
4 of mental health, the Milwaukee County mental health board may place under the
5 jurisdiction of county entities not specified under this section the administrative and
6 executive powers and duties of managing, operating, maintaining and improving
7 institutions and departments or other responsibilities that are specified in sub. (2),
8 including functions related to the central service departments and buildings and
9 land used in connection with any institution under sub. (2).

10 **(4)** MANAGEMENT PERSONNEL. ~~The~~ Except as provided in s. 51.41 (9), the director
11 may appoint personnel to manage the county department of human services and the
12 administrator may appoint personnel to manage the county hospital, in accordance
13 with ordinances of the county board of supervisors.

14 **(4m)** (a) The county hospitals and county sanatoriums of a county with a
15 population of 500,000 750,000 or more shall be devoted to hospital service and the
16 treatment of patients upon such terms and conditions as the county board of
17 supervisors or, in matters of mental health, the Milwaukee County mental health
18 board establishes. The hospitals and sanatoriums may be utilized for instruction of
19 medical students, physicians and nurses and for scientific and clinical research that
20 will promote the welfare of the patients and assist the application of science to the
21 alleviation of human suffering.

22 (b) Professional staff responsible for the care of patients under this subsection
23 may submit bills for professional services under policies adopted by the county board
24 of supervisors or under mental health policies adopted by the Milwaukee County
25 mental health board.

1 **(6) REPORTS; EXPENDITURES.** The director and the administrator shall submit
2 annually to the county board of supervisors, or to the Milwaukee County mental
3 health board in matters of mental health, reports, including itemized statements of
4 receipts and disbursements, at the times and in the manner that the county board
5 of supervisors or Milwaukee County mental health board specifies and as are
6 required to comply with applicable federal statutes and regulations and state
7 statutes and rules. Disbursements shall be made in the manner that the county
8 board of supervisors or Milwaukee County mental health board, as applicable,
9 adopts, consistent with sound accounting and auditing procedure and with
10 applicable federal statutes and regulations, state statutes and rules and
11 requirements of the county auditor and county department of administration.

12 **SECTION 27.** 46.56 (1) (a) of the statutes is amended to read:

13 46.56 (1) (a) “Administering agency” means a department designated by a
14 county board of supervisors, by the Milwaukee County mental health board in
15 Milwaukee County, or by a tribe to administer an initiative.

16 **SECTION 28.** 46.56 (2) (a) of the statutes, as affected by 2013 Wisconsin Act 20,
17 is amended to read:

18 46.56 (2) (a) Except as provided in par. (b), if a county board of supervisors or
19 the Milwaukee County mental health board establishes an initiative under s. 59.53
20 (7) or if a tribe establishes an initiative, the county board, Milwaukee County mental
21 health board, or tribe shall appoint a coordinating committee and designate an
22 administering agency. The initiative may be funded by the county or tribe or the
23 county board of supervisors, Milwaukee County mental health board, or tribe may
24 apply for funding by the state in accordance with sub. (15).

1 **SECTION 29.** 46.56 (2) (b) of the statutes, as created by 2013 Wisconsin Act 20,
2 is amended to read:

3 46.56 (2) (b) A county may enter into an agreement with one or more other
4 counties or tribes to establish an initiative and a tribe may enter into an agreement
5 with one or more counties or tribes to establish an initiative. The parties to the
6 agreement shall designate in the agreement a single lead administrative county or
7 lead administrative tribe. The county board of the lead administrative county, the
8 Milwaukee County mental health board, if Milwaukee County is the lead
9 administrative county, or the lead administrative tribe shall appoint a coordinating
10 committee and designate an administering agency. The initiative may be funded by
11 the participating entities, or the county board of supervisors of the lead
12 administrative county, the Milwaukee County mental health board, if Milwaukee
13 County is the lead administrative county, or the lead administrative tribe may apply
14 for funding by the state in accordance with sub. (15).

15 **SECTION 30.** 46.56 (3) (b) 11. of the statutes is amended to read:

16 46.56 (3) (b) 11. Representatives of the county board or, in Milwaukee County,
17 the Milwaukee County mental health board or, for an initiative established by a
18 tribe, representatives of the elected governing body of the tribe.

19 **SECTION 31.** 46.56 (4) (d) of the statutes, as affected by 2013 Wisconsin Act 20,
20 is amended to read:

21 46.56 (4) (d) If the county board of supervisors, Milwaukee County mental
22 health board, or tribe or a multi-entity initiative decides to seek state funding under
23 sub. (15), develop the application in cooperation with the coordinating committee.

24 **SECTION 32.** 46.56 (15) (b) (intro.) of the statutes, as affected by 2013 Wisconsin
25 Act 20, is amended to read:

1 46.56 (15) (b) (intro.) In order to apply for funds under this subsection, the
2 county board of supervisors, Milwaukee County mental health board, or tribe or, for
3 a multi-entity initiative, the county board of the lead administrative county, the
4 Milwaukee County mental health board, if Milwaukee County is the lead
5 administrative county, or the lead administrative tribe shall do all of the following:

6 **SECTION 33.** 51.08 of the statutes is amended to read:

7 **51.08 Milwaukee County Mental Health Complex.** Any county having a
8 population of 500,000 or more may, pursuant to s. 46.17, establish and maintain a
9 county mental health complex. The county mental health complex shall be a hospital
10 devoted to the detention and care of drug addicts, alcoholics, chronic patients and
11 mentally ill persons whose mental illness is acute. Such hospital shall be governed
12 pursuant to s. 46.21. Treatment of alcoholics at the county mental health complex
13 is subject to approval by the department under s. 51.45 (8). The county mental health
14 complex established pursuant to this section is subject to rules promulgated by the
15 department concerning hospital standards. The county board may not sell the
16 county mental health complex under this section without approval of the Milwaukee
17 County mental health board.

18 **SECTION 34.** 51.20 (18) (a) of the statutes is amended to read:

19 51.20 (18) (a) Unless previously fixed by the county board of supervisors or the
20 Milwaukee County mental health board in the county in which the examination is
21 held, the examiners shall receive a fee as fixed by the court for participation in
22 commitment proceedings, and reasonable reimbursement for travel expenses.

23 **SECTION 35.** 51.41 of the statutes is created to read:

24 **51.41 Milwaukee County mental health; Milwaukee County mental**
25 **health board.**

1 **(1) DUTIES OF THE BOARD.** The Milwaukee County mental health board shall do
2 all of the following:

3 (a) Oversee the provision of mental health programs and services in Milwaukee
4 County.

5 (b) Allocate moneys for mental health functions, programs, and services in
6 Milwaukee County within the budget amount set in sub. (4) (a).

7 (c) Make the final determination on mental health policy in Milwaukee County.

8 (d) Replace the Milwaukee County board of supervisors in all mental health
9 functions that are typically performed by a county board of supervisors.

10 (e) Facilitate delivery of mental health services in an efficient and effective
11 manner by making a commitment to all of the following:

12 1. Community-based, person-centered, recovery-oriented, mental health
13 systems.

14 2. Maximizing comprehensive community-based services.

15 3. Prioritizing access to community-based services and reducing reliance on
16 institutional and inpatient care.

17 4. Protecting the personal liberty of individuals experiencing mental illness so
18 that they may be treated in the least restrictive environment to the greatest extent
19 possible.

20 5. Providing early intervention to minimize the length and depth of psychotic
21 and other mental health episodes.

22 6. Diverting people experiencing mental illness from the corrections system
23 when appropriate.

24 7. Maximizing use of mobile crisis units and crisis intervention training.

1 (f) Attempt to achieve costs savings in the provision of mental health programs
2 and services in Milwaukee County.

3 (g) Cooperate and consult with the department on recommendations for and
4 establishing policy for inpatient mental health treatment facilities and related
5 programs in Milwaukee County.

6 **(2) POWERS OF THE BOARD; LIMITATIONS.** (a) The Milwaukee County mental
7 health board may request information from the Milwaukee Mental Health Complex,
8 a county department under s. 46.21 or 51.42 or any other Milwaukee County
9 governmental unit that possesses mental health information in order to fulfill its
10 duties of overseeing mental health functions, programs, and services in Milwaukee
11 County.

12 (b) The Milwaukee County mental health board may not establish policies that
13 change general audit, bill paying, payroll, and human resource procedures for
14 Milwaukee County government or for the county department under s. 46.21 for
15 divisions, branches, or functions other than those related to mental health. The
16 Milwaukee County mental health board may change payroll and human resource
17 procedures for the divisions, branches, and functions of the county department under
18 s. 46.21 that relate to mental health only as authorized in this section and ss. 46.18,
19 46.21, and 51.42.

20 **(3) PUBLIC HEARING.** Annually, the Milwaukee County mental health board
21 shall hold a public hearing in Milwaukee County as one of its required meetings.

22 **(4) MILWAUKEE COUNTY MENTAL HEALTH BUDGET.** (a) In this subsection:

23 1. "Community aids amount" means the amount of the mental health budget
24 that is funded from the community aids allocation received under s. 46.40.

1 2. “Mental health budget” means the part of the budget for Milwaukee County
2 for a fiscal year that covers mental health functions, programs, and services in
3 Milwaukee County.

4 3. “Tax levy amount” means the amount of the mental health budget that is
5 funded from revenues from the tax levy.

6 (b) 1. The Milwaukee County mental health board shall propose to the
7 Milwaukee County executive the total amount of the mental health budget, the
8 community aids amount, and the tax levy amount. The Milwaukee County mental
9 health board may not propose a tax levy amount that is less than \$53,000,000 or more
10 than \$65,000,000, except as provided in subds. 5. and 6.

11 2. The county executive, in his or her proposed budget for Milwaukee County
12 for a fiscal year, may include a tax levy amount that is different than the tax levy
13 amount proposed under subd. 1., but the county executive may not include a tax levy
14 amount that is less than \$53,000,000 or more than \$65,000,000, except as provided
15 in subds. 5. and 6.

16 3. The county board of supervisors shall allocate to mental health functions,
17 programs, and services an amount from the county’s community aids allocation
18 received under s. 46.40 that maintains or increases the expenditures for mental
19 health functions, programs, and services paid from the county’s community aids
20 allocation in the previous fiscal year to the extent of the availability of community
21 aids funds from the state.

22 4. Except as provided in subds. 5. and 6., the county board of supervisors shall
23 incorporate into the budget for Milwaukee County for a fiscal year all of the
24 following:

1 a. The tax levy amount as proposed by the county executive under subd. 2. and
2 the amount of the community aids allocation determined under subd. 3.

3 b. An amount equal to the total amount of the mental health budget proposed
4 under subd. 1., less the community aids amount proposed under subd. 1 and the tax
5 levy amount proposed under subd. 1.

6 5. If the Milwaukee County mental health board transfers to itself jurisdiction
7 of a function, service, or program under sub. (5) (b) that it did not have jurisdiction
8 over on the effective date of this subdivision [LRB inserts date], the tax levy
9 amount proposed under subd. 2. is increased by an amount equal to the amount
10 derived from revenue from the tax levy that was expended by Milwaukee County for
11 the transferred function, service, or program in the fiscal year before the fiscal year
12 in which the function, program, or service is transferred. The \$65,000,000 limit
13 imposed under subds. 1. and 2. upon the tax levy amount may be exceeded by the
14 amount of the increase under this subdivision in any fiscal year in which the
15 Milwaukee County mental health board has jurisdiction over the transferred
16 function, service or program.

17 6. If a majority of the Milwaukee County mental health board and a majority
18 of the Milwaukee County board of supervisors approves and the Milwaukee County
19 executive agrees the tax levy amount may be less than \$53,000,000 or more than
20 \$65,000,000 for a fiscal year.

21 (c) Except as allowed under pars. (b) 2., 3., 4., 5., and 6. and (d), the Milwaukee
22 County board of supervisors may not in a fiscal year provide funding, and the
23 Milwaukee County executive may not in a fiscal year approve funding, for mental
24 health functions, services, and programs that is less than or more than the total

1 amount of the mental health budget proposed under par. (b) 1. for that fiscal year for
2 those mental health functions, services, and programs.

3 (d) The treasurer in Milwaukee County shall hold any moneys that at the end
4 of a fiscal year have not been expended or encumbered from the amount budgeted
5 for mental health functions, programs, and services in a mental health reserve fund.
6 Moneys in the reserve fund may be used at any time to cover deficits in the
7 Milwaukee County mental health budget. If the amount in the reserve fund exceeds
8 \$10,000,000, the amount exceeding \$10,000,000 may be used at any time for any
9 mental health function, program, or service in Milwaukee County. Moneys in the
10 reserve fund may be used only for the purposes described in this paragraph.

11 **(5) JURISDICTION OF MILWAUKEE COUNTY BOARD.** (a) The Milwaukee County
12 board of supervisors has no jurisdiction over any mental health policy, functions,
13 programs, or services. The Milwaukee County board of supervisors may not create
14 new mental health functions, programs, or services that are under the jurisdiction
15 of the board of supervisors. Any dispute between the Milwaukee County board of
16 supervisors and the Milwaukee County mental health board over whether a
17 function, program, or service is a mental health function, program, or service under
18 the jurisdiction of the Milwaukee County mental health board shall be resolved by
19 the secretary of health services.

20 (b) The Milwaukee County mental health board may transfer jurisdiction over
21 a Milwaukee County function, service, or program to itself that pertains to mental
22 health or is highly integrated with mental health services and that is not under its
23 jurisdiction by statute or by agreement with the Milwaukee County board of
24 supervisors, by an affirmative vote of 8 of the voting Milwaukee County mental
25 health board members if the secretary of health services approves the transfer.

1 **(6) PAYMENT OF BOARD EXPENDITURES.** (a) The Milwaukee County board of
2 supervisors and the department shall enter an agreement for the payment of
3 expenses of the Milwaukee County mental health board and for the performance of
4 the audit and the completion of the report under 2013 Wisconsin Act (this act),
5 section 53 (4).

6 (b) The Milwaukee County board of supervisors shall arrange for the payment
7 of expenses from the mental health budget, as defined in sub. (4) (a) 2., according to
8 the agreement under par. (a). All payments shall be credited to the appropriation
9 account under s. 20.435 (5) (kf).

10 **(7) COUNTY DEPARTMENT REQUIREMENTS.** (a) A county department under s. 46.21
11 or 51.42 in Milwaukee County may not impede the Milwaukee County mental health
12 board in performing its duties under this section or exercising its powers under this
13 section.

14 (b) A county department under s. 46.21 or 51.42 in Milwaukee County shall
15 respond to any requests for information from the Milwaukee County mental health
16 board.

17 **(8) REPORTS; STUDIES.** (a) By March 1, 2015, and annually by March 1
18 thereafter, the Milwaukee County mental health board shall submit to the
19 Milwaukee County executive, the Milwaukee County board of supervisors, and the
20 department a report including a description of the funding allocations for Milwaukee
21 County's mental health functions, services, and programs and a description of any
22 improvements and efficiencies in those mental health functions, programs, and
23 services. The department shall provide access to the report under this subsection to
24 the public including posting the report on the department's Internet site.

1 (b) The Milwaukee County mental health board shall arrange for a study to be
2 conducted on alternate funding sources for mental health services and programs
3 including fee-for-service models, managed care models that integrate mental
4 health services into the contracts with an increased offset through basic county
5 allocation reduction, and other funding models. By March 1, 2016, the Milwaukee
6 County mental health board shall submit to the Milwaukee County board of
7 supervisors, the Milwaukee County executive, and the department a report of the
8 results of the study.

9 **(9) ADMINISTRATOR.** (a) The Milwaukee County executive shall nominate an
10 individual to be the administrator of any division or branch of the department under
11 s. 46.21 that administers behavioral health for Milwaukee County. The nominated
12 individual may be hired as the administrator only upon approval of the Milwaukee
13 County mental health board. If the county executive does not nominate an
14 individual by June 1, 2015, the Milwaukee County mental health board may hire an
15 individual to be the administrator. Upon a vacancy in the position of administrator,
16 if the county executive does not nominate an individual within 12 months of the date
17 the position becomes vacant, the Milwaukee County mental health board may hire
18 an individual to be the administrator.

19 (b) The Milwaukee County executive shall determine the salary and benefits
20 and the job duties of the administrator. The county executive may not assign the
21 administrator any duties that are not related to mental health functions, programs,
22 and services in Milwaukee County.

23 (c) 1. The administrator under this subsection may be removed by the
24 Milwaukee County mental health board by a vote of 8 members of that board.

1 2. The Milwaukee County executive may recommend removal of the
2 administrator under this subsection to the Milwaukee County mental health board.
3 If the county executive recommends removal under this subdivision, the Milwaukee
4 County mental health board may remove the administrator upon a vote of 6 members
5 of that board.

6 (d) The Milwaukee County board of supervisors may not hire, remove, or
7 discipline; set the salary or benefits of, or assign or remove any job duties of the
8 administrator under this subsection.

9 **(10) MENTAL HEALTH CONTRACTS.** Any contract related to mental health with a
10 value of at least \$100,000, to which Milwaukee County is a party may take effect only
11 if the Milwaukee County mental health board votes to approve, or does not vote to
12 reject, the contract within 28 days after the contract is signed or countersigned by
13 the county executive.

14 **(11) TRANSITION LIAISON POSITION.** (a) The Milwaukee County executive shall
15 nominate an individual who has knowledge of the services provided by and the
16 mental health systems of Milwaukee County to be a transition liaison to assist the
17 Milwaukee County mental health board in the transition of oversight functions. The
18 transition liaison shall be assigned or hired to that position only upon approval of the
19 Milwaukee County mental health board. The transition liaison shall be assigned to
20 or employed in that position for no longer than 12 months, except that the county
21 executive may grant extensions to the term of that position.

22 (b) 1. The Milwaukee County executive shall determine the salary and benefits
23 and the job duties of the transition liaison assigned or hired under par. (a).

24 2. The Milwaukee County executive may remove the transition liaison
25 assigned or hired under par. (a). If the Milwaukee County executive removes the

1 transition liaison assigned or hired under par. (a) before the 12 months following the
2 date of the assignment or hiring of the initial transition liaison have expired, the
3 Milwaukee County executive shall nominate another transition liaison to serve for
4 at least the remainder of the 12 months following the date of the assignment or hiring
5 of the initial transition liaison.

6 (c) The Milwaukee County board of supervisors may not hire, remove, or
7 discipline; set the salary or benefits of; or assign or remove any job duties of the
8 transition liaison assigned or hired under this subsection.

9 **SECTION 36.** 51.42 (1) (b) of the statutes is amended to read:

10 51.42 (1) (b) *County liability.* The county board of supervisors except in
11 Milwaukee County, has the primary responsibility for the well-being, treatment and
12 care of the mentally ill, developmentally disabled, alcoholic and other drug
13 dependent citizens residing within its county and for ensuring that those individuals
14 in need of such emergency services found within its county receive immediate
15 emergency services. In Milwaukee County, the Milwaukee County mental health
16 board has the primary responsibility for the well-being, treatment and care of the
17 mentally ill, alcoholic, and other drug dependent citizens residing within Milwaukee
18 County and for ensuring that those individuals in need of such emergency services
19 found within Milwaukee County receive immediate emergency services. The county
20 board of supervisors of Milwaukee County has the primary responsibility for the
21 well-being, treatment, and care of the developmentally disabled citizens residing
22 within Milwaukee County, except where the responsibility is delegated explicitly
23 under this section to the Milwaukee County mental health board, and for ensuring
24 that developmentally disabled individuals in need of such emergency services found
25 within Milwaukee County receive immediate emergency services. This primary

1 responsibility is limited to the programs, services and resources that the county
2 board of supervisors, or, as applicable, the Milwaukee County mental health board,
3 is reasonably able to provide within the limits of available state and federal funds
4 and of county funds required to be appropriated to match state funds. County
5 liability for care and services purchased through or provided by a county department
6 of community programs established under this section shall be based upon the
7 client's county of residence except for emergency services for which liability shall be
8 placed with the county in which the individual is found. For the purpose of
9 establishing county liability, "emergency services" includes those services provided
10 under the authority of s. 55.05 (4), 2003 stats., or s. 55.06 (11) (a), 2003 stats., or s.
11 51.15, 51.45 (11) (a) or (b) or (12), 55.13, or 55.135 for not more than 72 hours.
12 Nothing in this paragraph prevents recovery of liability under s. 46.10 or any other
13 statute creating liability upon the individual receiving a service or any other
14 designated responsible party, or prevents reimbursement by the department of
15 health services for the actual cost of all care and services from the appropriation
16 under s. 20.435 (7) (da), as provided in s. 51.22 (3).

17 **SECTION 37.** 51.42 (3) (a) of the statutes is amended to read:

18 51.42 (3) (a) *Creation.* Except as provided under s. 46.23 (3) (b), the county
19 board of supervisors of any county except Milwaukee County, the Milwaukee County
20 mental health board, or the county boards of supervisors of 2 or more counties, shall
21 establish a county department of community programs on a single-county or
22 multicounty basis to administer a community mental health, developmental
23 disabilities, alcoholism and drug abuse program, make appropriations to operate the
24 program and authorize the county department of community programs to apply for
25 grants-in-aid under s. 51.423. The county department of community programs shall

1 consist of a county community programs board, a county community programs
2 director and necessary personnel.

3 **SECTION 38.** 51.42 (3) (ar) 8. of the statutes is amended to read:

4 51.42 (3) (ar) 8. By September 30, submit for inclusion as part of the proposed
5 county budget to the Milwaukee County mental health board in Milwaukee County,
6 to the county executive or county administrator, or, in those counties without a
7 county executive or county administrator, directly to the county board of supervisors
8 in a county with a single-county department of community programs or the county
9 boards of supervisors in counties with a multicounty department of community
10 programs a proposed budget for the succeeding calendar year covering services,
11 including active treatment community mental health center services, based on the
12 plan required under subd. 5. The final budget shall be submitted to the department
13 of health services.

14 **SECTION 39.** 51.42 (3) (ar) 14. of the statutes is amended to read:

15 51.42 (3) (ar) 14. If the county board of supervisors or, as applicable, the
16 Milwaukee County mental health board establishes an initiative to provide
17 coordinated services under s. 59.53 (7), participate in and may administer the
18 initiative, including entering into any written interagency agreements or contracts.

19 **SECTION 40.** 51.42 (3) (b) of the statutes is amended to read:

20 51.42 (3) (b) *Other powers and duties.* The county board of supervisors of any
21 county with a single-county department of community programs, the Milwaukee
22 County mental health board, and the county boards of supervisors of counties with
23 a multicounty department of community programs may designate the county
24 department of community programs as the administrator of any other county health

1 care program or institution, but the operation of such program or institution is not
2 reimbursable under s. 51.423.

3 **SECTION 41.** 51.42 (4) (a) 2. (intro.) of the statutes is amended to read:

4 51.42 (4) (a) 2. (intro.) In any county with a county executive or county
5 administrator and which has established a single-county department of community
6 programs, the county executive or county administrator shall appoint, subject to
7 confirmation by the Milwaukee County mental health board in Milwaukee County
8 or the county board of supervisors, the county community programs board, which
9 shall be only a policy-making body determining the broad outlines and principles
10 governing the administration of programs under this section. A member of a county
11 community programs board appointed under this subdivision may be removed by the
12 county executive or county administrator under the following circumstances:

13 **SECTION 42.** 51.42 (6m) (intro.) of the statutes is amended to read:

14 51.42 (6m) COUNTY COMMUNITY PROGRAMS DIRECTOR IN CERTAIN COUNTIES WITH A
15 COUNTY EXECUTIVE OR COUNTY ADMINISTRATOR. (intro.) In any county with a county
16 executive or county administrator in which the county board of supervisors or the
17 Milwaukee County mental health board has established a single-county department
18 of community programs, the county executive or county administrator shall appoint
19 and supervise the county community programs director. In any county with a
20 population of ~~500,000~~ 750,000 or more, the county executive or county administrator
21 shall appoint the director of the county department of human services under s. 46.21
22 as the county community programs director. The appointment of a county
23 community programs director under this subsection shall be on the basis of
24 recognized and demonstrated interest in and knowledge of the problems of mental
25 health, intellectual disability, alcoholism and drug addiction, with due regard to

1 training, experience, executive and administrative ability, and general qualification
2 and fitness for the performance of the duties of the director. The appointment of a
3 county community programs director under this subsection is subject to
4 confirmation by the county board of supervisors, except in Milwaukee County, unless
5 the county board of supervisors, by ordinance, elects to waive confirmation or unless
6 the appointment is made under a civil service system competitive examination
7 procedure established under s. 59.52 (8) or ch. 63. The county community programs
8 director, subject only to the supervision of the county executive or county
9 administrator, shall:

10 **SECTION 43.** 51.42 (6m) (c) of the statutes is amended to read:

11 51.42 (6m) (c) Determine, subject to the approval of the county board of
12 supervisors or the Milwaukee County mental health board, as applicable, and with
13 the advice of the county community programs board, whether services are to be
14 provided directly by the county department of community programs or contracted for
15 with other providers and make such contracts. The county board of supervisors,
16 except in Milwaukee County, or the Milwaukee County mental health board in
17 Milwaukee County may elect to require the approval of any such contract by the
18 county board of supervisors or the Milwaukee County mental health board.

19 **SECTION 44.** 51.42 (6m) (i) of the statutes is amended to read:

20 51.42 (6m) (i) Establish salaries and personnel policies of the programs of the
21 county department of community programs subject to approval of the county
22 executive or county administrator and county board of supervisors, except in
23 Milwaukee County, or the Milwaukee County mental health board in Milwaukee
24 County unless the county board of supervisors or the Milwaukee County mental
25 health board elects not to review the salaries and personnel policies.

1 **SECTION 45.** 51.42 (6m) (m) 3. of the statutes is amended to read:

2 51.42 (**6m**) (m) 3. Such other reports as are required by the secretary and the
3 county board of supervisors or, as applicable, the Milwaukee County mental health
4 board.

5 **SECTION 46.** 51.423 (11) of the statutes is amended to read:

6 51.423 (**11**) Each county department under s. 51.42 or 51.437, or both, shall
7 apply all funds it receives under subs. (1) to (7) to provide the services required under
8 ss. 51.42, 51.437 and 51.45 (2) (g) to meet the needs for service quality and
9 accessibility of the persons in its jurisdiction, except that the county department may
10 pay for inpatient treatment only with funds designated by the department for
11 inpatient treatment. The county department may expand programs and services
12 with county funds not used to match state funds under this section subject to the
13 approval of the county board of supervisors in a county with a single-county
14 department, except in Milwaukee County, the Milwaukee County mental health
15 board in Milwaukee County, or the county boards of supervisors in counties with
16 multicounty departments and with other local or private funds subject to the
17 approval of the department and the county board of supervisors in a county with a
18 single-county department under s. 51.42 or 51.437, the Milwaukee County mental
19 health board with a department under s. 51.42, or the county boards of supervisors
20 in counties with a multicounty department under s. 51.42 or 51.437. The county
21 board of supervisors in a county with a single-county department under s. 51.42 or
22 51.437, the Milwaukee County mental health board with a department under s.
23 51.42, or the county boards of supervisors in counties with a multicounty department
24 under s. 51.42 or 51.437 may delegate the authority to expand programs and services
25 to the county department under s. 51.42 or 51.437. The county department under

1 s. 51.42 or 51.437 shall report to the department all county funds allocated to the
2 county department under s. 51.42 or 51.437 and the use of such funds. Moneys
3 collected under s. 46.10 shall be applied to cover the costs of primary services,
4 exceptional and specialized services or to reimburse supplemental appropriations
5 funded by counties. County departments under ss. 51.42 and 51.437 shall include
6 collections made on and after October 1, 1978, by the department that are subject to
7 s. 46.10 (8m) (a) 3. and 4. and are distributed to county departments under ss. 51.42
8 and 51.437 from the appropriation account under s. 20.435 (5) (gg), as revenues on
9 their grant-in-aid expenditure reports to the department.

10 **SECTION 47.** 51.44 (4) of the statutes is amended to read:

11 51.44 (4) Each county board of supervisors, except in Milwaukee County, and
12 the Milwaukee County mental health board in Milwaukee County shall designate
13 the appropriate county department under s. 46.21, 46.23 or 51.437, the local health
14 department of the county or another entity as the local lead agency to provide early
15 intervention services under the funding specified in sub. (3).

16 **SECTION 48.** 51.61 (1) (e) of the statutes is amended to read:

17 51.61 (1) (e) Except in the case of a patient who is admitted or transferred under
18 s. 51.35 (3) or 51.37 or under ch. 971 or 975, have the right to the least restrictive
19 conditions necessary to achieve the purposes of admission, commitment or protective
20 placement, under programs, services and resources that the county board of
21 supervisors or the Milwaukee County mental health board, as applicable, is
22 reasonably able to provide within the limits of available state and federal funds and
23 of county funds required to be appropriated to match state funds.

24 **SECTION 49.** 51.61 (1) (f) of the statutes is amended to read:

1 51.61 (1) (f) Have a right to receive prompt and adequate treatment,
2 rehabilitation and educational services appropriate for his or her condition, under
3 programs, services and resources that the county board of supervisors or the
4 Milwaukee County mental health board, as applicable, is reasonably able to provide
5 within the limits of available state and federal funds and of county funds required
6 to be appropriated to match state funds.

7 **SECTION 50.** 55.001 of the statutes is amended to read:

8 **55.001 Declaration of policy.** The legislature recognizes that many citizens
9 of the state, because of serious and persistent mental illness, degenerative brain
10 disorder, developmental disabilities, or other like incapacities, are in need of
11 protective services or protective placement. Except as provided in s. 49.45 (30m) (a),
12 the protective services or protective placement should, to the maximum degree of
13 feasibility under programs, services and resources that the county board of
14 supervisors or the Milwaukee County mental health board, as applicable, is
15 reasonably able to provide within the limits of available state and federal funds and
16 of county funds required to be appropriated to match state funds, allow the
17 individual the same rights as other citizens, and at the same time protect the
18 individual from financial exploitation, abuse, neglect, and self-neglect. This chapter
19 is designed to establish those protective services and protective placements, to
20 assure their availability to all individuals when in need of them, and to place the
21 least possible restriction on personal liberty and exercise of constitutional rights
22 consistent with due process and protection from abuse, financial exploitation,
23 neglect, and self-neglect.

24 **SECTION 51.** 59.53 (7) of the statutes is amended to read:

1 59.53 (7) INITIATIVE TO PROVIDE COORDINATED SERVICES. The Except in
2 Milwaukee County, the board may establish an initiative to provide coordinated
3 services under s. 46.56.

4 **SECTION 52.** 59.53 (25) of the statutes is created to read:

5 59.53 (25) MILWAUKEE COUNTY MENTAL HEALTH. The Milwaukee County board
6 has no jurisdiction and may not take any actions, including under ss. 59.52 (6) and
7 (31), 66.0301, and 66.0607 (2), related to mental health functions, programs, and
8 services.

9 **SECTION 53. Nonstatutory provisions.**

10 (1) INITIAL TERMS OF THE MILWAUKEE COUNTY MENTAL HEALTH BOARD.

11 Notwithstanding the length of terms for the members of the Milwaukee County
12 mental health board specified in sections 15.07 (1) (cm) and 15.195 (9) of the statutes
13 the initial members, other than the members approved under section 15.195 (9) (b)
14 10. and 11. of the statutes, as created by this act, shall be appointed for the following
15 terms:

16 (a) Three members, as designated by the governor, specified under section
17 15.195 (9) (b) of the statutes, as created by this act, for terms that expire on May 1,
18 2016.

19 (b) Three members, as designated by the governor, specified under section
20 15.195 (9) (b) of the statutes, as created by this act, for terms that expire on May 1,
21 2017.

22 (c) Three members, as designated by the governor, specified under section
23 15.195 (9) (b) of the statutes, as created by this act, for terms that expire on May 1,
24 2018.

1 (d) The members specified under section 15.195 (9) (c) of the statutes, as created
2 by this act, for terms that expire on May 1, 2017.

3 (2) PROVISIONAL APPOINTMENTS TO THE MILWAUKEE COUNTY MENTAL HEALTH BOARD.

4 (a) Notwithstanding section 15.07 (1) (b) 24. of the statutes, as created by this
5 act, within 60 days after the effective date of this act, the governor shall provisionally
6 appoint initial members of the Milwaukee County mental health board under section
7 15.195 (9) of the statutes, as created by this act. Those provisional appointments
8 remain in force until withdrawn by the governor or acted upon by the senate, and if
9 confirmed by the senate shall continue for the remainder of the unexpired term, if
10 any, of the member and until a successor is chosen and qualifies. A provisional
11 appointee under this paragraph may exercise all the powers and duties of the office
12 to which the person is appointed during the time in which the appointee qualifies.

13 (b) A provisional appointment made under paragraph (a) that is withdrawn by
14 the governor lapses and such withdrawal creates a vacancy for provisional
15 appointment of a replacement initial member of the Milwaukee County mental
16 health board. Any provisional appointment made under paragraph (a) that is
17 rejected by the senate lapses and such rejection creates a vacancy for nomination and
18 appointment under section 15.07 (1) (b) 24. of the statutes, as created by this act, of
19 a replacement initial board member.

20 (3) JURISDICTION OF THE MILWAUKEE COUNTY MENTAL HEALTH BOARD. The mental
21 health functions, programs, and services over which the Milwaukee County mental
22 health board has jurisdiction upon appointment of the Milwaukee County mental
23 health board are those functions, programs, and services that Milwaukee County
24 included in its 2014 budget under the behavioral health division unit 6300 and under
25 the behavioral health community services branch of unit 8700.

1 (4) AUDIT AND REPORT BY DEPARTMENT OF HEALTH SERVICES.

2 (a) The department of health services shall perform or arrange for an
3 operational and programmatic audit of the behavioral health division of the
4 Milwaukee County department of health and human services, the psychiatric
5 hospital of the Milwaukee County mental health complex, and the related behavioral
6 health programs. The department of health services may enter into a contract for
7 the performance of the audit. By December 1, 2014, the department of health
8 services or the person with whom the department of health services has entered into
9 a contract for the audit shall submit a report of the findings of the audit, including
10 recommendations for inpatient mental health treatment in Milwaukee County, to
11 the secretary of health services. The secretary of health services shall submit a copy
12 of the report to the Milwaukee County mental health board, the Milwaukee County
13 board of supervisors, the Milwaukee County executive, and the legislature under
14 section 13.172 (2) of the statutes.

15 (b) The Milwaukee County mental health board, the behavioral health division
16 and the community services branch of the Milwaukee County department of health
17 and human services, and any other Milwaukee County governmental unit that has
18 information necessary for the performance of the audit under paragraph (a) shall
19 cooperate with the department of health services or the contractor of the department
20 of health services for the performance of the audit.

21 (END)