

State of Wisconsin



2019 Assembly Bill 633

Date of enactment: **February 28, 2020**
Date of publication*: **February 29, 2020**

2019 WISCONSIN ACT 105

AN ACT *to amend* 51.15 (2) (a) and 51.15 (3); and *to create* 49.45 (29x) and 51.15 (2) (e) of the statutes; **relating to**: transport for emergency detention.

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

SECTION 1. 49.45 (29x) of the statutes is created to read:

49.45 (29x) EMERGENCY DETENTION TRANSPORT REIMBURSEMENT. (a) Subject to par. (b), the department shall provide reimbursement as provided under s. 49.46 (2) (b) 3. to counties for transport of individuals who are recipients of medical assistance for purposes of emergency detention under s. 51.15 (2) as provided under s. 51.15 (2) (e). The department shall establish criteria that any 3rd-party vendor that is not a law enforcement agency or ambulance service provider must meet in order for the county to obtain reimbursement for transport provided by that 3rd-party vendor under the Medical Assistance program.

(b) The department shall request any necessary federal approval required to provide reimbursement under par. (a) and, if approval is granted or if no federal approval is required, the department shall provide reimbursement as provided under par. (a). If federal approval is necessary but not granted, the department may not provide reimbursement under par. (a).

SECTION 2. 51.15 (2) (a) of the statutes is amended to read:

51.15 (2) (a) Subject to par. (b), the law enforcement officer or other person authorized to take a child into cus-

tody under ch. 48 or to take a juvenile into custody under ch. 938 shall transport the individual, or cause him or her to be transported, for detention, if the county department of community programs in the county in which the individual was taken into custody approves the need for detention, and for evaluation, diagnosis, and treatment if permitted under sub. (8). A law enforcement agency may also contract with another law enforcement agency, an ambulance service provider, or a 3rd-party vendor to transport an individual for detention as set forth in this paragraph if the agency, provider, or vendor agrees to provide the transport.

SECTION 3. 51.15 (2) (e) of the statutes is created to read:

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

1. The individual transported is a medical assistance recipient.
2. The transport is provided by a law enforcement agency or an entity that contracts with a law enforcement agency under sub. (2) (a).
3. If the transport is provided by a 3rd-party vendor that is not a law enforcement agency or an ambulance ser-

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

vice provider, the 3rd-party vendor meets criteria established for reimbursement by the department.

SECTION 4. 51.15 (3) of the statutes is amended to read:

51.15 (3) CUSTODY. An individual is in custody when the individual is under the physical control of the law enforcement officer, or other person authorized to take a child into custody under ch. 48 or to take a juvenile into custody under ch. 938, for the purposes of emergency detention. The individual remains in the custody of the

law enforcement officer or other person authorized to take a child into custody under ch. 48 or to take a juvenile into custody under ch. 938 for transport for the purposes of emergency detention, except that if a law enforcement agency contracts with another law enforcement agency to transport an individual as described under sub. (2) (a) for the purposes of emergency detention, custody is transferred to the transporting law enforcement agency. Upon arrival at the facility under sub. (2), custody of the individual is transferred to the facility.
