



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-0884/1
SWB:emw

2019 ASSEMBLY BILL 994

March 2, 2020 - Introduced by Representative SINICKI. Referred to Committee on Aging and Long-Term Care.

AUTHORS SUBJECT TO CHANGE

1 **AN ACT** *to renumber and amend* 50.03 (4) (g); and *to create* 50.01 (1f), 50.03
2 (2) (f) 6., 50.03 (4) (a) 4., 50.03 (4) (g) 2. and 50.035 (7m) of the statutes; **relating**
3 **to:** licensing and complaint procedures for certain community-based
4 residential facilities.

Analysis by the Legislative Reference Bureau

This bill requires counties that contract with a community-based residential facility to serve certain client groups, including those with serious and persistent mental illness, those in supervised release from commitment as sexually violent persons, or those under the legal custody of a government correctional agency or under the legal jurisdiction of a criminal court, to 1) send public notices to local elected officials and certain residents living near the proposed facility about the proposed facility and 2) hold at least one public listening session and informational hearing about the proposed CBRF before the Department of Health Services may license the CBRF. The bill also requires DHS to make available certain information regarding applicants for CBRF licenses and complaints regarding CBRFs. Finally, the bill requires that a county holding a contract with a CBRF is responsible for providing or reimbursing the costs for providing a law enforcement response to that CBRF.

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For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 50.01 (1f) of the statutes is created to read:

2 50.01 (1f) “Client group” means a group of individuals who need similar
3 services because of a common disability, condition, or status, including any of the
4 following:

5 (a) Individuals who have any of the following:

6 1. Functional impairments that commonly accompany advanced age.

7 2. Irreversible dementia, such as Alzheimer’s disease.

8 3. A developmental disability, as described under s. 51.01 (5).

9 4. Physical disabilities.

10 5. Traumatic brain injury.

11 6. AIDS.

12 (b) Individuals who are any of the following:

13 1. Emotionally disturbed or who have a mental illness, as defined in s. 51.01

14 (13) (a).

15 2. Pregnant and in need of counseling services.

16 3. Under the legal custody of a government correctional agency or under the
17 legal jurisdiction of a criminal court.

18 4. Diagnosed as terminally ill.

19 **SECTION 2.** 50.03 (2) (f) 6. of the statutes is created to read:

20 50.03 (2) (f) 6. The department shall establish and maintain, on an appropriate
21 section of its Internet site related to the unit within the department that licenses

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1 community-based residential facilities, a searchable database of formal complaints
2 against community-based residential facilities. The department shall provide
3 information including the number of formal complaints, the reasons for the formal
4 complaints, and the action taken as a result of the formal complaint, if any. The
5 department shall use information collected under subd. 2. and sub. (4) (c) 1. to create
6 the database. The department shall make information available to the public on the
7 database only in a manner that ensures the anonymity of patients and other persons
8 identified in complaints or as part of an investigation, except that the department
9 shall include the name of the community-based residential facility about which a
10 complaint is made and the person who owns or manages that community-based
11 residential facility.

12 **SECTION 3.** 50.03 (4) (a) 4. of the statutes is created to read:

13 50.03 (4) (a) 4. The department shall establish and maintain on an appropriate
14 section of its Internet site information relating to applicants for a community-based
15 residential facility license. The department shall make available electronically
16 information from an applicant required by the department for the application,
17 including information about past violations of applicable laws and regulations as
18 required under subd. 2. and the status of a community-based residential facility
19 applicant's license application.

20 **SECTION 4.** 50.03 (4) (g) of the statutes is renumbered 50.03 (4) (g) 1. and
21 amended to read:

22 50.03 (4) (g) 1. ~~Prior to~~ Before the department may approve an initial licensure
23 of a community-based residential facility, the applicant for licensure shall ~~make a~~
24 ~~good faith effort to~~ establish a community advisory committee consisting of
25 representatives from the proposed community-based residential facility, the

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1 neighborhood in which the proposed community-based residential facility will be
2 located, and a local unit of government. The community advisory committee shall
3 provide a forum for communication for those persons interested in the proposed
4 community-based residential facility. Any committee established under this
5 ~~paragraph~~ subdivision shall continue in existence after licensure to make
6 recommendations to the licensee regarding the impact of the community-based
7 residential facility on the neighborhood. The department shall determine
8 compliance with this ~~paragraph~~ subdivision both ~~prior to~~ before and after initial
9 licensure.

10 **SECTION 5.** 50.03 (4) (g) 2. of the statutes is created to read:

11 50.03 (4) (g) 2. If a county health department seeks to enter into or enters into
12 a contract with a community-based residential facility to provide services to client
13 groups that include individuals with serious and persistent mental illness, as
14 defined in s. 51.01 (14t), individuals under the legal custody of a government
15 correctional agency or under the legal jurisdiction of a criminal court, or individuals
16 on supervised release under s. 980.08, the county shall do all of the following before
17 the department may approve the license application for the community-based
18 residential facility:

19 a. Hold one or more public listening sessions and informational hearings
20 describing the function and structure of community-based residential facilities and
21 providing public safety information, including responses to emergencies concerning
22 a community-based residential facility and the procedures for filing complaints
23 against a community-based residential facility.

24 b. At least 2 weeks before any scheduled listening session or informational
25 hearing, send, by U.S. mail, public notice about the community-based residential

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1 facility and scheduled listening sessions and informational hearings to residents
2 living within a one-half mile radius of the community-based residential facility.

3 c. At least 2 weeks before any scheduled listening session or informational
4 hearing, send, by U.S. mail, public notice about the community-based residential
5 facility and scheduled listening sessions and informational hearings to state, county,
6 and city elected officials representing the area in which the community-based
7 residential facility is or will be located.

8 **SECTION 6.** 50.035 (7m) of the statutes is created to read:

9 50.035 **(7m)** COUNTY RESPONSIBILITY FOR LAW ENFORCEMENT RESPONSE COSTS. A
10 county that holds a contract with a community-based residential facility shall do one
11 of the following if the community-based residential facility requires a law
12 enforcement response:

13 (a) Provide the law enforcement response.

14 (b) Reimburse the municipal police department for the cost to administer the
15 law enforcement response.

16 (END)