



Date: January 30, 2015

DMHSAS Numbered Memo 2015-01

To: Area Administrators/Human Service Area Coordinators
DHS Division Administrators
DHS Bureau / Office Directors
Certified Mental Health Inpatient Facilities
County Departments of Community Programs, Human Services, Social Services,
Developmental Disabilities Services Directors
County Mental Health / Substance Abuse Coordinators
Mental Health Institutions
Tribal Chairperson/Human Service Facilitators

From: Patrick K. Cork
Deputy Administrator

Procedures for Authorization of Reimbursement for Emergency Detention Services of Non-Wisconsin Residents

This numbered memo focuses on emergency detention services to non-Wisconsin residents under WI statute s. [51.15](#), by county agencies, and obtaining reimbursement authorization for those services from the Department of Health Services (DHS) under the appropriation in s. [20.435\(5\)\(da\)](#). DHS form [F-20572](#) is referenced in this memo: "Request for State Public Funding for Non-Residents". Please only use this version of the form.

Reimbursement to counties as specified in this memo applies to non-Wisconsin residents who meet the basis for emergency detention under s. [51.15 \(1\)](#) and are detained by an action from law enforcement officials and where the detention is approved by a county human service agency (or a county human service agency's designated authority). Reimbursement to counties may also apply to non-Wisconsin residents who voluntarily admit themselves to an inpatient psychiatric or substance abuse treatment facility in Wisconsin. However, this only applies when it can be demonstrated that s/he met the Statutory Basis for Emergency Detention under s. [51.15\(1\)](#). This memo explains the responsibilities of the county agency where the person was detained, and the requirements for obtaining authorization for reimbursement from DHS under s. [51.22 \(3\)](#).

Wisconsin Residents

Reimbursement to counties under s. [51.22 \(3\)](#) does not apply to persons who have established Wisconsin residency consistent with the definition of legal residency, even if the person's Wisconsin county of residence may be in dispute. County agencies should consult with local corporation counsels or other legal resources on questions regarding residency. In brief, the following criteria must be present simultaneously to establish residency:

1. Physical presence within the state/county
2. Physical presence is voluntary (per the individual or by the choice of their legal guardian)
3. The individual has the intent to remain*
4. The intent to remain includes a place of fixed habitation within the state/county.

*Note: Intent to remain. A person, or his/her legal guardian on behalf of their ward, must have the intent to remain for the foreseeable future, in the county where he or she is physically present. Generally, intent to remain may be expressed verbally or in writing by the individual or his/her guardian, although a written expression of intent is preferable. No specific time period must have elapsed to establish the intent to remain for Wisconsin residency. Situations such as, but not limited to, seasonal employment in Wisconsin, an extended vacation, temporarily caring for a sick relative, or for education / training purposes do not alone qualify as having the intent to remain. Other facts that may be considered as indicators of intent include the location where the individual files tax returns or maintains a driver's license, for example.

Should residency of a person be in dispute, DHS will work with the county agency to complete an appropriate review of information, however, DHS maintains the authority to determine residency and approval of the reimbursement request.

Non-Wisconsin Residents

The human service agency of the county in which a person is emergency detained is responsible under s. [51.42 \(1\) \(b\)](#) for providing emergency services needed by a non-Wisconsin resident that may include placement of the person into any of the following:

1. An inpatient psychiatric or substance abuse treatment facility as appropriate;
2. A crisis intervention program for persons with a mental illness and/or substance abuse issues as appropriate;
3. A community-based program appropriate to meet the person's crisis-related treatment needs.

The county agency crisis intervention worker (or designee) must triage with the local law enforcement officials to assure the person is admitted to the appropriate and least restrictive setting to treat the person's needs. Also, the county agency must monitor the person's progress while in treatment to assure the person is not retained in the facility longer than necessary to achieve clinical stability sufficient for discharge into the community. Upon discharge, the treating facility must assure the person has a discharge plan for community based services in the person's home state. The county where the person was detained must assist the person to return to their home state.

Following the initial detention, the county where the person was detained must initiate a probable cause hearing in circuit court within 72 hours of the initial detention, not counting weekends and legal holidays. A commitment hearing is required within 14 days of the detention (including weekends and holidays), if the person is not able to be safely discharged during the intervening time periods.

County agencies that initiate and approve the placement of a non-Wisconsin resident in a mental health institution or other psychiatric programming are responsible for completing all legal and case management activities to assure the person is appropriately served. This typically includes arranging

probable cause and final commitment hearings, supporting necessary emergency treatment, and upon discharge, arranging for transport of the person from Wisconsin to their home state.

When a jailed non-Wisconsin resident requires emergency mental health and/or AODA services, the county where the jail is located is responsible for providing those services. These services may be provided to the person in the jail or in an inpatient treatment facility. The county where the jail is located is eligible for reimbursement from the DHS for allowable services provided to a non-Wisconsin resident. As with other emergency detentions, supporting documentation is required for all emergency mental health and/or AODA services to non-Wisconsin residents who are inmates of Wisconsin county jails.

Voluntary Admissions & Inpatient Services in Hospitals other than the State Mental Health Institutions

Reimbursement to counties may also apply to non-Wisconsin residents who voluntarily admit themselves to an inpatient psychiatric or substance abuse treatment facility in Wisconsin, however this only applies when it can be demonstrated that the person met the statutory basis for emergency detention. Evidence of such demonstration must be included in documentation submitted for reimbursement.

When a detained non-Wisconsin resident is receiving inpatient treatment in a hospital or a treatment setting other than a state institute, the county agency where the person was detained is encouraged to retain the person in the hospital or other treatment setting if it appears the person will stabilize sufficiently for safe discharge within seven calendar days or less following the emergency detention order. Retaining the person in the setting where the detention occurred assures a continuity of treatment and may hasten the potential for safe discharge. If it appears the person will continue to need inpatient treatment for a period longer than seven days following the emergency detention order, the person may be transferred to a state mental health institution.

Reimbursement to County Agencies

Prior to presenting reimbursement requests to DHS, the providers of treatment and services must first attempt to recover costs of emergency detention services from the person's resources under s. [46.10](#), when the person has the ability to pay for their care, and/or from the person's insurance carriers, and/or from Medicaid/Medicare when the person has such coverage. If it is known the person has one or more of these resources, the providers of treatment and services must bill appropriately and calculate the amount of payment prior to submitting reimbursement requests to DHS. County agencies are responsible for monitoring these situations and following acceptable accounting practices. When the remaining balance for a non-Wisconsin resident is known, reimbursement authorization from DHS must be requested. County agencies must notify DHS of any double payments or over payments from DHS resulting from third party payment sources.

Services Eligible for Reimbursement and Reimbursement Protocols

The following types of services provided to non-Wisconsin residents who are emergency detained are eligible for reimbursement from DHS under the appropriation s. [20.435\(5\)\(da\)](#):

1. Medical clearance services from a medical hospital
2. An inpatient psychiatric or substance abuse treatment facility
3. A crisis intervention program for persons with a mental illness and/or substance abuse issue
4. A community based treatment program appropriate to meet the crisis-related treatment needs
5. Transportation of the person to attend applicable court hearings
6. Transportation and related expenses to return a person to their home state
7. Other needed services with approval from the Division of Mental Health and Substance Abuse Services such as, but not limited to, ambulance services in special situations

Reimbursement from DHS to a county agency for emergency detention services is allowable under s. [51.22 \(3\)](#) from the appropriation under s. [20.435\(5\)\(da\)](#). To receive DHS authorization for reimbursement of emergency detention services, the procedures under s. [51.20\(7\)](#) must be followed. Form [F-20572](#) "Request for State Public Funding for Non-Residents" must be used to request approval for reimbursement.

Counties are expected to request reimbursement from DHS for non-Wisconsin resident emergency detention services at the reduced or flat rate paid under contract by the county for other services. A typical example is where the basic daily inpatient hospital rate includes ancillary charges, plus added doctor's fees. Billing statements submitted to DHS for reimbursement must reflect this reduced or flat rate where such a rate exists.

There is a one year time limit for a county agency to request authorization for reimbursement following discharge of a non-Wisconsin resident who was detained. A full year is provided to allow sufficient time for the providers to seek payment from other third party payers, and because of the length of time needed for counties to receive billing statements from providers. Individual case exceptions to the one-year time limit may be made for situations beyond the county agency's control.

Transportation and related expenses are reimbursable when supporting non-Wisconsin resident's return to their home state. Counties are expected to utilize the most cost efficient modes of transportation based on the person's presenting clinical needs and the distance involved. Reimbursement requests may include costs related to mode of transportation (mileage costs for agency vehicles and/or volunteer drivers, fares related to bus, train, and/or airplane), staff-related travel expenses when staff are required to accompany the person, and in certain circumstances a family member's transportation costs are reimbursable when they are required to travel with the person. The cost of transportation and related expenses cannot exceed the amount of reimbursement a county agency allows for employees for the same type of expenses. DHS reserves the right to deny any travel related expenses that are deemed unnecessary and/or inappropriate.

Applications for reimbursement should include all of the following:

1. Completed "Request for State Public Funding for Non-Residents form [F-20572](#)
2. Evidence the person is a non-Wisconsin resident
3. Law enforcement report from the emergency detention
4. Applicable court orders for probable cause and/or commitment orders (or settlement agreement)

5. Billing statements from the providers of treatment or services. These billing statements must reflect a reduced or flat rate negotiated by or under contract with the county agency and any payment made or expected to be made to the providers by other third party payers.
6. A statement from the county agency explaining any other third party payments the county received or is expected to receive; i.e. personal funds, insurance payments, Medicaid/Medicare (such as statement is not necessary if there are no third party payers).

Other documentation, such as clinical assessments, should not be included, unless it is needed to document a voluntary admission that met the standards of an emergency detention.

Upon approval of a reimbursement request, DHS will issue a contract amendment to the existing state-county contract which will indicate the amount of the approved reimbursement. The state-county contract includes an appendix (BC) that supports this funding. Upon receipt of the contract amendment, the county can claim eligible funds via the Community Aids Reporting (CARS) system. The contract amendment will be sent by DHS' regional Area Administration office by regular mail to the postal address for the county agency. Additionally, the county contact person listed on form [F-20572](#) will receive an email or fax regarding the outcome of each request.

Specific Reimbursement Procedures

When a person is detained in a facility other than a state mental health institution, requests may be made for any services identified as eligible for reimbursement (listed above). Appropriate documentation must accompany requests for reimbursement including evidence of cost and/or payment. County agencies must assure services were necessary and court intervention was accessed to support the emergency detention, commitment, and/or settlement agreement.

The following information describes how DHS assigns a cost center for services to a non-Wisconsin resident. Counties should notify the mental health institution (WMHI or MMHI) as early as possible that a person presented for admission is a non-Wisconsin resident. Once the person is determined to be a non-Wisconsin resident the mental health institution will reassign the cost of care from the county to a state funding source. Once non-Wisconsin residency status is established, reimbursement can be requested for services and costs incurred by the county. Generally counties are responsible for costs of service to a non-Wisconsin resident during the first 72 hours of care or until the probable cause hearing. Determining the appropriate cost center is dependent on the county verifying residency. Counties will be billed until sufficient information is provided to confirm the person is a non-Wisconsin resident.

DHS is the sole authority for the review and approval of requests for reimbursement of costs related to the emergency detention of non-Wisconsin residents. DHS will work with counties to address questions and/or missing information. DHS reserves the right to deny requests for reimbursement when information is considered inaccurate and/or inadequate.

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Requests for Reimbursement

Send all requests for reimbursement for non-Wisconsin resident emergency detentions to:

Emergency Detention Coordinator
Division of Mental Health and Substance Abuse Services
PO Box 7851, Room 850
Madison, WI 53707-7851
Email: Sarah.Coyle@wisconsin.gov

Link to form: Request for State Public Funding for Non-Residents [F-20572](#)