



State of Wisconsin

Wisconsin Council on Mental Health

1 West Wilson Street, P.O. Box 7851
Madison, Wisconsin 53707-7851

January 7, 2014

Members of the Assembly Committee on Health:

Due to the short turnaround time between its introduction and the public hearing the Wisconsin Council on Mental Health (WCMH) did not have time to review and take a position on AB500 in time for that hearing. However, the WCMH did review that legislation at its meeting on November 20, 2013. At that time the WCMH voted to oppose the bill. Therefore I am writing in advance of your executive session to request that you oppose this bill.

AB500 proposes a pilot program which would grant authority to designated clinicians employed by the Milwaukee County Behavioral Health Division to take an individual into custody under the same standards as a law enforcement officer. These clinicians would be members of the Milwaukee County Mobile Crisis Team. However, the capability of mobile crisis teams to participate in these situations already exists under current law and any increase in this activity is largely a resource issue for the county and does not require changes to the law. Additionally, if the mobile crisis team assesses an individual in crisis and makes the decision to detain, and the individual is not in agreement with the decision, it is highly likely that law enforcement would still need to be involved.

Although we commend the intent of AB500 – to decrease the number of emergency detentions and reduce related stigma and trauma - we are concerned the proposed changes to the law are not the right strategy to achieve this goal and are likely to have minimal impact or even potentially negative impact. A change to the law will not increase the very limited availability of the Milwaukee County Mobile Crisis Team or add community resources to enable law enforcement or the Mobile Team to provide diversion from the County emergency room. This was a major factor for the WCMH opposition to the bill. We believe the key strategies for reducing emergency detentions and related trauma, are to significantly expand crisis mobile team resources and provide 24/7 coverage, as well as promote diversion by expanding community services and supports that can provide an alternative to costly and traumatizing emergency and inpatient services.

A second major concern for the WCMH was that if clinicians have the primary legal responsibility of making the decision of whether to detain, this may change the relationship with the consumer in a detrimental way and erode the consumer's trust and willingness to speak openly to the clinician.

Clinicians always retain the ability and responsibility to contact law enforcement when needed, however the majority of situations where mobile crisis responds can be resolved without law enforcement involvement. That is why the key is expanding this mobile crisis capacity.

The WCMH is the statutorily-mandated, Governor-appointed advisory council on mental health concerns. The WCMH includes representation from a broad group of mental health stakeholders including persons living with mental illness, family members of such persons, advocates, providers (both private and public) and representatives from state agencies that address the needs of individuals with mental illnesses.

Thank you for considering the WCMH's concerns. Feel free to contact me at 608-250-4368 or shelgross@tds.net should you have further questions about the WCMH position.

Sincerely,

A handwritten signature in cursive script that reads "Shel Gross".

Shel Gross, Chair
Wisconsin Council on Mental Health

Copies:

Members, Wisconsin Council on Mental Health

Kevin Moore, Deputy Secretary, Department of Health Services

Linda Harris, Administrator, Division of Mental Health and Substance Abuse Services

Joyce Allen, Director, Bureau of Prevention, Treatment and Recovery