

AGENDA

**Eau Claire County • Committee on Administration
Tuesday, February 14, 2012 / 3:30 pm
Courthouse - Room #2550 • 721 Oxford Avenue • Eau Claire, WI**

1. Call Meeting to Order.
2. Technology Training / Dave Hayden, Information Systems Director.
3. Review of Examiner's Fees in Chapter 51 Cases / Discussion – Action
4. Update on WCA Legislative Exchange / Discussion
5. National County Government Month / “Healthy Counties, Healthy Families” / Discussion – Action
6. Future Meeting Dates & Agenda Items
7. Proposed Closed Session pursuant to Wisconsin Statutes 19.85 (1)(g) for the purpose of conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved.

Motion to Adjourn into Closed Session pursuant to Wisconsin Statutes 19.85 (1)(g) for the purpose of conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved.

To wit: Cramer vs. Eau Claire County Litigation

Motion to go into Open Session. Committee Action.

8. Adjourn Meeting.

Post: 2/10/2012

Copies: Committee members
 Tom McCarty
 Dave Hayden

PLEASE NOTE: Upon reasonable notice, efforts will be made to accommodate the needs of individuals with disabilities through sign language, interpreters or other auxiliary aids. For additional information or to request the service, contact the County ADA Coordinator at 839-4710, (FAX) 839-1669 or 839-4735, tty: use Relay (711) or by writing to the ADA Coordinator, Human Resources, Eau Claire County Courthouse, 721 Oxford Avenue, Eau Claire, WI 54703.

*CIRCUIT COURT, BRANCH 3
EAU CLAIRE COUNTY*

*721 Oxford Avenue, Eau Claire, Wisconsin 54703-5481
TEL (715) 839-4812*

WILLIAM M. GABLER, Sr., Judge

February 8, 2012

Keith Zehms, Corporation Counsel
Eau Claire County Courthouse
721 Oxford Avenue
Eau Claire WI 54703

A rectangular stamp with the word "COPY" in a bold, sans-serif font. To the left of the word is a small square icon containing a stylized letter 'C'.

RE: Professional Examiner's Fees in Chapter 51 Cases

Dear Mr. Zehms:

This morning I found out that your office and the Circuit Court for Eau Claire County may soon have difficulty commencing and processing some Chapter 51 mental commitment cases. Based upon what Jean Gay, our Register in Probate, told me, she and I both think the Mayo Health System could decide that it is not going to provide evaluation services to patients that are subject to a Chapter 51 petition. Mayo Health System, which I understand conducts many Chapter 51 evaluations, is dissatisfied with the \$165 an hour rate that the County currently pays for physicians' examinations.

I learned the following information from Jean Gay this morning.

Ms. Gay received a telephone call from a Mayo representative saying that the Mayo Health System will not provide Chapter 51 services for \$165 an hour. As you know, §51.20(18)(a) Wis. Stats. says that fees of Chapter 51 examiners are fixed by the County Board. Only if the County Board of Supervisors has not fixed the rates, can the courts fix a rate for examination fees. The County Board adopted sec. 4.15.010 in June of 2007 setting the examination rate at \$165 an hour. Copies of the statute and copies of the County Board Resolution are enclosed.

Mayo's dissatisfaction with the \$165 an hour rate has apparently been brewing for some time. Mayo rebilled Robyn Rau in the Finance Department for some Chapter 51 services for which the County only paid \$165 an hour. Ms. Rau apparently told Mayo she had no authority to pay the rebilling statement. The matter was referred to Susan Schaffer, our Court Services Coordinator, who in turn forwarded it on to the Register in Probate.

According to Ms. Gay, the Mayo representative insists that the Mayo physicians be reimbursed at the rate of \$244 an hour because that is the rate the Eau Claire County Department of Human Services has negotiated with Mayo for the county Community Support Program. Jean Gay told the Mayo representative that the DHS contract with Mayo must be something different because reimbursement rates for Chapter 51 services are governed by §51.20(18)(a) Wis. Stats. and by County Board Resolution, sec. 4.15.010. The Mayo representative was unmoved and indicated to Jean Gay that Mayo would have to reconsider providing Chapter 51 services if the County is only willing to pay \$165 per hour.

Keith Zehms, Corporation Counsel

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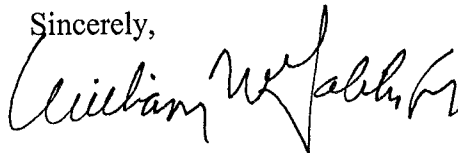
Jean Gay told the Mayo representative that this kind of matter could not be handled or decided over the phone, and she asked him to "put something in writing." He apparently agreed to do that.

I thought you immediately ought to be made aware of this circumstance because if the Mayo Health System does refuse to offer its services, the ability of Eau Claire County and the Circuit Court to follow through on their statutory obligations could be severely impaired.

Although fees for these examination services are in the Circuit Court's annual budget, the County Board, by resolution, has opted to determine the size of that budget item. Under the circumstances, I would ask your office and the County Board to immediately engage the Mayo Health System and hopefully come to some agreement so that Chapter 51 practice and procedure is not imperiled.

I have not had an opportunity to discuss this subject with any of the other Circuit Judges or with Commissioner Adler. One of the Circuit Judges is out of town and will not return until Monday, February 13. Ultimately, the subject of reimbursement of court appointed experts and witnesses is something all the judges need to consider and comment upon. My only purpose in writing this letter is to draw these exigent circumstances to your attention and to suggest that this serious issue will need to be addressed by your office and by the County Board in the relatively near future.

Sincerely,



William M. Gabler, Sr.
Circuit Court Judge, Branch 3

WMG/dnh
Enclosures

cc Hon. Lisa K. Stark
Hon. Michael A. Schumacher
Hon. Jon M. Theisen
Hon. Paul J. Lenz
Court Commissioner Timothy J. Adler
Scott Rasmussen, Finance Director
✓ Tom McCarty, County Administrator
Gregg Moore, County Board Chair
Susan Schaffer, Court Services Coordinator
Scott Johnson, 10th District Court Administrator
Jean M. Gay, Register in Probate

Chapter 4.15

PROFESSIONAL FEES AND RATES

Sections:

- 4.15.010 Fees of professional examiners and witnesses in involuntary commitment actions.
- 4.15.020 Medical, psychiatric and psychologist service contracts.
- 4.15.040 Schedule of rates for in-patient psychiatric care.
- 4.15.050 Interpreter fees.
- 4.15.060 Medical and dental care rates under general relief.

4.15.010 Fees of professional examiners and witnesses in involuntary commitment actions.

A. Pursuant to Wis. Stat. § 51.20(18)(a), the following fee schedule is established for professional examiners and witnesses for actual time spent on involuntary commitment proceedings in addition to travel expense reimbursement authorized in the Human Resources Manual:

1. Licensed physicians, including psychiatrists: \$165.00;
2. Licensed psychologists: \$110.00.

B. In all cases, the judge presiding over the involuntary commitment proceeding shall review and determine the reasonableness of all fees and travel expenses submitted by the professional examiners and/or witnesses in involuntary commitment proceedings, before the fees and expenses are submitted to the finance department. These vouchers for fees and expenses shall then be reviewed by the finance department staff. (Ord. 151-10, Sec. 49, 2007; Ord. 148-102, Sec. 5, 2004; Ord. 147-80, Sec. 12, 2003; Ord. 144-36, 2000; Ord. 141-91 Sec.1, 1998; Ord. 140-89, 1996; Ord. 135-68, 1991; Ord. 133-59, 1989; Ord. 131-70, Secs. 1&2, 1988, Ord. 81-82/433 Sec.1, 1982; Ord. 81-82/108 Sec.1, 1981; Ord. 246-78 Sec.1(part), 1978).

4.15.020 Medical, psychiatric and psychologist service contracts. Contracts for medical and psychiatric or psychologist services are subject to applicable purchasing policies. (Ord. 141-91 Sec.4, 1998).

4.15.040 Schedule of rates for inpatient psychiatric care. Payment for inpatient psychiatric, psychological or social work care or services rendered to a client of the department of human services in a hospital shall not exceed the medical assistance rates established annually by the State Department of Health and Family Services. (Ord. 81-82/108 Sec.5, 1981).

(17) **Right to reevaluation.** With the exception of alcoholic commitments under s. 51.45(13), every patient committed involuntarily to a board under this chapter shall be reevaluated by the treatment staff or visiting physician within 30 days after the commitment, and within 3 months after the initial reevaluation, and again thereafter at least once each 6 months for the purpose of determining whether such patient has made sufficient progress to be entitled to transfer to a less restrictive facility or discharge. The findings of such reevaluation shall be written and placed with the patient's treatment record, and a copy shall be sent to the board which has responsibility for the patient and to the committing court.

(18) **Fees of examiners, witnesses; expenses of proceedings.** (a) Unless previously fixed by the county board of supervisors in the county in which the examination is held, the examiners shall receive a fee as fixed by the court for participation in commitment proceedings, and reasonable reimbursement for travel expenses.

(b) Witnesses subpoenaed before the court shall be entitled to the same fees as witnesses subpoenaed before the court in other cases.

(c) Expenses of the proceedings from the presentation of the statement of emergency detention or petition for commitment to the conclusion of the proceeding shall be allowed by the court and paid by the county from which the subject individual is detained, committed or released, in the manner that the expenses of a criminal prosecution are paid, as provided in s. 59.64(1). Payment of attorney fees for appointed attorneys in the case of children and indigents shall be in accordance with ch. 977.

(d) If the subject individual has a legal residence in a county other than the county from which he or she is detained, committed or discharged, that county shall reimburse the county from which the individual was detained, committed or discharged for all expenses under pars. (a) to (c). The county clerk on each July 1 shall submit evidences of payments of all such proceedings on nonresident payments to the department, which shall certify such expenses for reimbursement in the form of giving credits to the detaining, committing or discharging county and assessing such costs against the county of legal residence or against the state at the time of the next apportionment of charges and credits under s. 70.60.

(19) **Departmental duties.** (a) Prior to filing a petition for commitment of an inmate under sub. (1)(ar) the department shall:

1. Attempt to use less restrictive forms of treatment with the individual. Less restrictive forms of treatment shall include, but are not limited to, voluntary treatment within the prison or voluntary transfer to a state treatment facility, including an admission which meets the requirements of s. 51.10(4m).

2. Ensure that the individual has been fully informed about his or her treatment needs, the mental health services available to him or her and his or her rights under this chapter and that the individual has had an opportunity to discuss his or her needs, the services available to him or her and his or her rights with a licensed physician or a licensed psychologist.

(b) The de

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