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3 From the Clerk of Circuit Court, Register in Probate, and the Chief Judge, First  
4 Judicial District, requesting authorization to repeal Section 60.01 of the  
5 Milwaukee County Code of General Ordinances regarding the payment of  
6 physician fees in mental commitment cases, by recommending adoption of the  
7 following:

8  
9 **A RESOLUTION/ORDINANCE**

10  
11 WHEREAS, Section 51.20(9)(a), Wisconsin State Statutes (State  
12 Statutes), provides that once a court finds that a person is a proper subject for an  
13 order of commitment, the court shall appoint at least two mental health  
14 professionals, one of whom must be a physician, and the other one of whom can  
15 be either a physician or a psychologist, to evaluate the individual; and  
16

17 WHEREAS, these doctors must, by State Statutes, personally examine  
18 the subject, provide a written report, and, if necessary, testify in court; and  
19

20 WHEREAS, this fee was last increased in 1989; and  
21

22 WHEREAS, Section 60.01 of the Milwaukee County Code of General  
23 Ordinances (the Code) sets a specific fee for physicians at \$100 for an  
24 examination, and \$100 for testimony; and  
25

26 WHEREAS, in the Code, the following pay scale applies to psychologists:  
27 \$70 per examination, and \$70 for testimony; and  
28

29 WHEREAS, the courts have found it increasingly difficult to find qualified  
30 experts willing to serve in mental commitment cases at these rates; and  
31

32 WHEREAS, in all other types of court cases, fees for court-appointed  
33 experts, such as physicians, psychologists, attorneys, etc., are set by the courts;  
34 and  
35

36 WHEREAS, fees for the services of these experts are specific line items in  
37 the budget submitted by Combined Court Related Operations each year; and  
38

39 WHEREAS, the effect of repealing this ordinance would be to give the  
40 courts the flexibility to set rates at amounts necessary to ensure that the  
41 appropriately qualified experts required for each case can be retained, lending  
42 the ability to monitor costs for their effect on the Combined Court Related  
43 Operations budget, while allowing the Milwaukee County Board of Supervisors to  
44 retain ultimate overview, and control of the costs through the yearly budget  
45 process; and  
46

47 WHEREAS, the Committee on Judiciary, Safety and General Services, at  
48 its meeting of October 20, 2016, recommended adoption of this  
49 resolution/ordinance (vote 4-0); now, therefore,  
50

51 BE IT RESOLVED, the Milwaukee County Board of Supervisors hereby  
52 repeals Section 60.01 of the Milwaukee County Code of General Ordinances  
53 relating to payment of physician's fees in mental commitment cases, by adopting  
54 the following:  
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56  
57 **AN ORDINANCE**  
58

59 The Milwaukee County Board of Supervisors of the County of Milwaukee  
60 does ordain as follows:  
61

62 **Section 1.** Chapter 60.01 of the Milwaukee County Code of General Ordinances  
63 is hereby repealed as follows:  
64

65 ~~60.01. Designation of fees.~~

66 ~~Licensed physicians specializing in psychiatry; licensed physicians and licensed~~  
67 ~~psychologists examining persons alleged to be mentally ill, drug dependent,~~  
68 ~~alcoholics or developmentally disabled, shall be paid the following fees:~~  
69

70 ~~(1) For examinations. For examinations and certificates by a licensed~~  
71 ~~psychiatrist, including clinical interviews, where such examination is made in or~~  
72 ~~outside the examiner's office, and all allowance for travel, one hundred dollars~~  
73 ~~(\$100.00).~~  
74

75 ~~For examinations. For examinations and certificates by a licensed~~  
76 ~~psychologist, including clinical interviews, in or outside the examiner's office, and~~  
77 ~~all allowance for travel, seventy dollars (\$70.00).~~  
78

79 ~~(2) For attending and testifying at court hearings. For attending and~~  
80 ~~testifying at court hearings by judge or jury relating to s. 51.20, Wis. Stats.:~~  
81 ~~For a licensed psychiatrist, one hundred dollars (\$100.00) for the first hour or~~  
82 ~~fraction thereof, plus twenty-five dollars (\$25.00) for each additional quarter of an~~  
83 ~~hour or fraction thereof.~~  
84

85 ~~For a licensed psychologist, seventy dollars (\$70.00) for the first hour or~~  
86 ~~fraction thereof, plus seventeen dollars and fifty cents (\$17.50) for each~~  
87 ~~additional quarter of an hour or fraction thereof.~~  
88

89 ~~(3) Reexaminations. Fees for examiners for reexaminations, pursuant to s.~~  
90 ~~51.20(17), Wis. Stats., shall be the same as provided in subsections (1) and (2).~~  
91

92 ~~(4) Section 971.16, Wis. Stats., examinations. The fees enumerated in~~  
93 ~~subsections (1) to (3), inclusive, shall not apply for services rendered under~~  
94 ~~appointment pursuant to s. 971.16, Wis. Stats.~~

95  
96 ~~5) Claim for services. Each examiner rendering the services under this~~  
97 ~~chapter shall file a verified claim for payment of his/her fees which shall state:~~

98 ~~(a) The title of case and case number.~~

99 ~~(b) The purpose of the examination for mental illness, drug dependency,~~  
100 ~~alcoholism and developmentally disabled.~~

101 ~~(c) Person examined and place of examination.~~

102 ~~(d) Court testimony at trial comprising total hours spent on that case.~~

103 ~~(e) The statement that claim is made pursuant to s. 51.20(19), Wis. Stats.~~

104 ~~(f) That such claim is for a fee which includes all allowances for travel.~~

105  
106 **Section 2.** This ordinance shall be effective upon passage and publication.  
107

108  
109 ars  
110 10/20/16  
111 16-584 Repel Ordinance 60.01.docx