



County of Milwaukee
Office of the Sheriff

Earnell R. Lucas
Sheriff

DATE: March 6, 2020

TO: Supervisor Theodore Lipscomb, Sr., Chairman, Milwaukee County Board of Supervisors

FROM: Denita Ball, Chief Deputy, Office of the Sheriff, Milwaukee County

SUBJECT: Informational report on the voluntary agreement with the State of Wisconsin, Department of Health Services and Milwaukee County Sheriff's Office in the estimated amount of \$28,129.55 for Competency Restoration in the Milwaukee County Jail for the period May 1, 2020 to April 30, 2021.

BACKGROUND

The State of Wisconsin, Department of Health Services (DHS) and Milwaukee County Sheriff's Office enter into a voluntary agreement to provide treatment to competency of designated inmates in the custody of the County Jail who have been determined by the Court to be not competent to proceed at trial, but likely to become competent if the treatment is provided.

Pursuant to Wisconsin Statute 971.14(5)(a) 1, provides that a Court shall commit a criminal defendant that it finds not competent to proceed but likely to become competent to DHS for custody and treatment to competency. The statutes also provide that DHS shall determine whether the defendant may appropriately receive treatment to competency in a County Jail.

The voluntary agreement supports reimbursement by DHS for costs for mental health services provided by the County (or County contracted healthcare provider) while an inmate is in custody of the County Jail.

- a) The County shall provide, at its own expense, the care and treatment it would otherwise provide to any inmate in the jail.
- b) DHS will reimburse the County for professional mental health services provided

by the County or its subcontractors in furtherance of the inmate's Court-ordered treatment to competency. Mental health services include psychotropic medications the County provides the inmates which have been prescribed by a qualified physician, and psychiatric evaluations by the county or its subcontractors in furtherance of the inmate's mental health care.

- c) The County also agrees to provide access in the Jail to the designated Jail inmates for DHS staff and / or DHS subcontractors for purposes of providing treatment in furtherance of the Court ordered treatment to competency.
- d) The County agrees to provide a suitable space in the jail for treatment to competency programming to occur, this space should support individual counselling between the Jail inmate and the provider of services.

The Inpatients for Competency Treatment are as follows:

| Year | Inpatient Competency Treatment (Year to date) |
|---------|---|
| 2018 | 121 |
| 2019 | 101 |
| Total | 222 |
| Average | 111 |

The reimbursement rate is as follows:

| Services | Reimbursement Rate |
|--|--------------------------|
| Psychiatric Evaluation (including documentation) | \$200 for the Evaluation |

In 2018, we had 121 Inpatients and 2019, 101 Inpatients for an average of 111 inpatients for competency treatment. The rate for Psychiatric evaluation (including documentation) is \$200. So, multiplying \$200 with 111 inpatients Psychiatric evaluation cost amounts to \$22,200.

Psychiatric Medication cost is as follows:

| Patients for January | Psychiatric Medication cost |
|--------------------------|-----------------------------|
| 310 | \$16,560.00 |
| Average cost per patient | 53.4194 |

The cost of the medication was based on the 310 patients in January. The average cost per patient is \$53.4194. So, multiplying \$53.4194 with average inpatients the medication cost was \$5,929.55.

So below is the summary of the estimated total cost for Competency Restoration in the Milwaukee County Jail per year.

| | |
|--|-------------|
| Psychiatric Evaluation (including documentation) Cost | \$22,200.00 |
| Psychiatric Medication cost | \$5,929.55 |
| Total estimated annual Cost for Competency Restoration | \$28,129.55 |

Wellpath, LLC is the current correctional health care provider. The House of Correction (HOC) oversees the medical contract for both HOC and the Milwaukee County Jail. Wellpath LLC is responsible to provide the professional mental health services to the inmates in Milwaukee County Jail. The reimbursement money received from DHS will go to the House of Correction.

Invoices will be provided to DHS on a monthly basis. The invoice shall note the services and medications provided and must be detailed on individual inmate basis.

Either party may terminate this agreement at any time, without cause, by providing a written notice to the other party at least ninety (90) days in advance of the intended date of termination.

In the event of termination for convenience by the County, the County shall be entitled to receive compensation for any payments owed under the agreement only for the deliverables that have been approved and accepted by DHS. Treatment to competency of the inmates in the jail shall continue under this Agreement and the inmate will remain in the custody of the Jail, if and until DHS, in its sole discretion makes other provision for the inmates.

This voluntary agreement period is from May 1, 2020 to April 30, 2021. Professional mental health services shall be provided by the Milwaukee County or its subcontractors who shall be reimbursed for this service by the State of Wisconsin Department of Health Services on a monthly basis. Invoices must be detailed on an individual inmate basis.

FISCAL IMPACT

Funds for the voluntary agreement to be awarded for the period of May 1, 2020 through April 30, 2021 are estimated to be \$28,129.55. All funding for this period will be used for psychotropic medications, psychiatric evaluation and other supportive mental health services including crisis intervention services. The reimbursement money goes to House of Correction. No matching funds are required.



Denita R. Ball
Denita Ball, Chief Deputy
Milwaukee County Office of the Sheriff

Cc: Supervisor Staskunas, Chair, Judiciary, Safety & General Services Committee
Supervisor Schmitt, Chair, Finance and Audit Committee
Allyson Smith, Committee Coordinator, Judiciary, Safety & General Services
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