

Report From Agency

DEPARTMENT OF HEALTH SERVICES REPORT TO THE LEGISLATURE

CLEARINGHOUSE RULE 16-077

Ch. DHS 133, relating to Home Health Agencies

Basis and Purpose of Proposed Rule

On April 12, 2012, 2011 Wisconsin Act 161 went into effect, amending the definition of *home health services* found in s. 50.49 (1) (b), Stats., to include services that are provided to an individual who is under the care of a physician assistant. This change authorizes physician assistants to complete certain medically related actions in home health agencies. The department proposes to conform ch. DHS 133 to s. 50.49 (1) (b), Stats., and therefore broaden the scope of home health services. In addition, the department proposes to revise provisions in ch. DHS 133 relating to patient records and infection control and prevention programs. These revisions reduce confusion, and provide greater flexibility to home health agencies in meeting regulatory requirements.

Department Response to Legislative Council Rules Clearinghouse Recommendations

The department accepted the recommendations made by the Legislative Council Rules Clearinghouse and modified the proposed rule where suggested.

Final Regulatory Flexibility Analysis

The proposed changes codify statutory provisions enacted in 2012 and clarify existing requirements. Pursuant to s. 227.114 (2), Stats., the department considered the methods for reducing the impact of proposed rule revisions on small businesses. The revisions result in less stringent and simplified compliance requirements and will not have an economic impact on home health agencies or small businesses.

Changes to the Analysis or Fiscal Estimate/Economic Impact Analysis

No changes were made to the rule's analysis or economic impact analysis.

Public Hearing Summary

The department began accepting public comments on the proposed rule via the Wisconsin Administrative Rules website and the department's own website on December 19, 2016. A public hearing was held on January 5, 2017, in Conference Room 450 C at 1 W. Wilson Street, Madison, Wisconsin. No persons attended the hearing. Public comments on the proposed rule were accepted until January 13, 2017.

List of Public Hearing Attendees and Commenters

No person attended the public hearing or submitted comments on the proposed rule.