



**WISCONSIN LEGISLATIVE COUNCIL  
AMENDMENT MEMO**

<b>2013 Assembly Bill 458</b>	<b>Assembly Substitute Amendment 1</b>
<i>Memo published:</i> November 7, 2013	<i>Contact:</i> Mary Matthias, Principal Attorney (266-0932)

**Mental Health Benefits Under Medical Assistance**

***The Bill***

The bill requires the Department of Health Services to do the following in providing mental health benefits under the Medical Assistance (MA) program:

1. Allow a severely emotionally disturbed child to access in-home therapy without having to show a failure to succeed in outpatient therapy.
2. Allow qualifying families to participate in in-home therapy even if a child in that family is enrolled in a day treatment program.
3. Limit the prior authorization form used to obtain outpatient mental health services to the following elements:
  - a. Diagnostic criteria and symptoms.
  - b. Patient identification.
  - c. Provider identification.
  - d. Modality and frequency of treatment.
  - e. Goals of treatment.
  - f. Discharge criteria from treatment.

*Assembly Substitute Amendment 1*

Assembly Substitute Amendment 1 (ASA 1) contains provisions identical to items 1. and 2., above but does not contain the provisions described in item 3., above.

*The Use of Telehealth in the Medical Assistance Program*

*The Bill*

Under the bill, mental health services provided through telehealth by a physician who is licensed in Wisconsin are reimbursable by the MA program even if the physician providing the service through telehealth is located outside of Wisconsin.

In the bill, “telehealth” is defined as the use of electronic information and telecommunication technology to provide long-distance health care and education. Telecommunication technology includes telephone, videoconferencing Internet sites, streaming media, and wired and wireless communication.

*Assembly Substitute Amendment 1*

Under ASA 1, “telehealth” is defined as a service provided from a remote location using a combination of interactive video, audio, and externally acquired images through a networking environment between an individual at an originating site and a provider at a remote location with the service being of sufficient audio and visual fidelity and clarity as to be functionally equivalent to face-to-face contact. “Telehealth” does not include telephone conversations or Internet-based communications between providers or between providers and individuals.

ASA 1 provides that mental health services provided through telehealth are reimbursable under MA if the provider of the service through telehealth satisfies all of the following criteria:

- The provider is a certified provider of MA in Wisconsin.
- The provider is currently licensed, certified, or registered in his or her profession in Wisconsin.
- The provider is located in the United States. The provider is not required to be located in Wisconsin.

*Assembly Amendment 1 to Assembly Substitute Amendment 1*

Assembly Amendment 1 (AA 1) to ASA 1 specifies that in addition to the requirements of ASA 1, to be reimbursable under MA, telehealth services must be provided a certified provider **of mental health services** in Wisconsin.

**Bill History**

ASA 1 was offered by Representative Sanfelippo on November 1, 2013. On November 5, 2013, the Assembly Committee on Health offered AA 1 to ASA 1 and voted to recommend adoption of both amendments and passage of the bill, as amended, on successive votes of Ayes, 9; Noes, 0.

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