



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-3573/1
TJD:kjf

2015 ASSEMBLY BILL 712

January 13, 2016 - Introduced by Representatives TITTL, BALLWEG, BILLINGS, BROSTOFF, CZAJA, MURPHY, PETRYK, ROHRKASTE, SANFELIPPO and VANDERMEER. Referred to Committee on Health.

1 **AN ACT** *to renumber and amend* 51.038; and *to create* 51.038 (2) and (3) of the
2 statutes; **relating to:** certification of outpatient mental health clinics.

Analysis by the Legislative Reference Bureau

This bill requires, instead of allows as under current law, the Department of Health Services (DHS) to accept evidence of accreditation of an outpatient mental health clinic by certain organizations as equivalent to the standard established by DHS for the purpose of certifying the facility for reimbursement under the Medical Assistance program or community aids funding or as mandated coverage of nervous and mental disorders and alcoholism and other drug abuse. The bill subjects DHS's certification to renewal at the same time the accreditation is due for renewal. The bill requires the DHS to waive an on-site inspection for renewal certification of an outpatient mental health clinic if the clinic is accredited by a specified accrediting body and satisfies certain other criteria. Under current law, DHS certifies outpatient mental health clinics. DHS has promulgated rules on the certification process. DHS rules allow DHS to conduct an on-site inspection of an outpatient mental health clinic but require that DHS waive the on-site inspection if the outpatient mental health clinic holds current accreditation from a national accrediting body that has developed standards for outpatient mental health clinics and if certain other criteria apply.

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For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 51.038 of the statutes is renumbered 51.038 (intro.) and amended
2 to read:

3 **51.038 Outpatient mental health clinic certification.** (intro.) Except as
4 provided in s. 51.032, if a facility that provides mental health services on an
5 outpatient basis holds current accreditation from the council on accreditation of
6 services for families and children, the commission on accreditation of rehabilitation
7 facilities, or the joint commission that accredits healthcare organizations, all of the
8 following apply:

9 **(1)** The department ~~may~~ shall accept evidence of this accreditation as
10 equivalent to the standards established by the department, for the purpose of
11 certifying the facility for the receipt of funds for services provided as a benefit to a
12 ~~medical assistance~~ Medical Assistance recipient under s. 49.46 (2) (b) 6. f. or 49.471
13 (11) (k), a community aids funding recipient under s. 51.423 (2) or as mandated
14 coverage under s. 632.89.

15 **SECTION 2.** 51.038 (2) and (3) of the statutes are created to read:

16 **51.038 (2)** The department's certification is subject to renewal at the time that
17 the accreditation is due for renewal.

18 **(3)** The department shall waive an on-site inspection of an outpatient mental
19 health clinic that is applying for renewal certification if all of the following apply:

20 **(a)** The outpatient mental health clinic has submitted a complete application
21 including all of the following:

