



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-4189/1
TJD:emw&ahe

2015 SENATE BILL 522

January 7, 2016 - Introduced by Senators HARSDORF, DARLING, OLSEN, MOULTON and HANSEN, cosponsored by Representatives NYGREN, NOVAK, QUINN, KRUG, SCHRAA, KLEEFISCH, BALLWEG, KREMER, HORLACHER, PETRYK, STEFFEN, LOUDENBECK, SWEARINGEN, SPIROS, T. LARSON, DUCHOW, A. OTT, KNUDSON, SKOWRONSKI, TITTL, CZAJA, SANFELIPPO, ROHRKASTE, JAGLER, RIPP, KULP, GANNON, JORGENSEN, OHNSTAD, SUBECK and SINICKI. Referred to Committee on Health and Human Services.

1 AN ACT *to create* 51.4223 of the statutes; **relating to:** opioid treatment
2 programs.

Analysis by the Legislative Reference Bureau

This bill imposes certain specific requirement on the regulation of opioid treatment systems. The bill requires the Department of Health Services (DHS) to issue a certification for an eligible opioid treatment system that is in effect for three years and that coincides with the federal government certification period. DHS is required to extend a two-year certification for purposes of coinciding with the date of the federal government certification. The bill requires DHS to allow a narcotic treatment service for opiate addiction to contract for substance abuse counselors, clinical substance abuse counselors, or an agency to provide counseling services in lieu of directly hiring those individuals. DHS is prohibited under the bill from limiting the length of treatment received from a narcotic treatment service for opiate addiction. The bill also prohibits DHS from requiring an individual who seeks admission to a narcotic treatment service for opiate addiction to reside within a certain radius of that treatment service. Currently, DHS regulates opioid treatment systems by administrative rule.

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:

SENATE BILL 522**SECTION 1**

1 **SECTION 1.** 51.4223 of the statutes is created to read:

2 **51.4223 Opioid treatment. (1) DEFINITIONS.** In this section:

3 (a) “Narcotic treatment service for opiate addiction” is an opioid treatment
4 system that includes a physician who administers or dispenses a narcotic drug to a
5 narcotic addict for treatment or detoxification treatment with a comprehensive
6 range of medical and rehabilitation services; that is approved by the state methadone
7 authority and the designated federal government’s regulatory authority; and that is
8 registered with the U.S. drug enforcement administration to use a narcotic drug for
9 treatment of a narcotic addiction.

10 (b) “Opioid treatment system” means a structured delivery system for
11 providing substance abuse prevention, intervention, or treatment services and
12 meets all of the following criteria:

13 1. The system receives funds through the state under this chapter.

14 2. The system is approved by the state methadone authority.

15 (c) “State methadone authority” means the subunit of the department
16 designated by the governor to exercise the responsibility and authority in this state
17 for governing the treatment of a narcotic addiction with a narcotic drug.

18 **(2) DURATION OF CERTIFICATION.** The department shall issue a certification for
19 an eligible opioid treatment system, as determined by the department, that remains
20 in effect for 3 years unless suspended or revoked and coincides with the federal
21 government certification period.

22 **(3) COUNSELING SERVICES.** The department shall allow a narcotic treatment
23 service for opiate addiction to contract for substance abuse counselors and clinical
24 substance abuse counselors in lieu of employing substance abuse counselors or
25 clinical substance abuse counselors. The narcotic treatment service for opiate

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1 addiction may enter into a contract agreement with an agency to provide counseling
2 services. A narcotic treatment service for opiate addiction that enters into a contract
3 agreement for counseling service shall submit to the department a copy of the
4 agreement with each application and reapplication.

5 (4) LENGTH OF TREATMENT. The department may not limit the length of
6 treatment an individual receives from a narcotic treatment service for opiate
7 addiction.

8 (5) GEOGRAPHIC PROXIMITY. The department may not require an individual who
9 seeks admission to a narcotic treatment service for opiate addiction to reside within
10 a certain radius of the narcotic treatment service for opiate addiction. The
11 department may not require an individual who resides outside of a certain radius of
12 a narcotic treatment service for opiate addiction to request an exception to receive
13 treatment from the narcotic treatment service for opiate addiction.

SECTION 2. Nonstatutory provisions.

14 (1) CERTIFICATION DURATION. The department of health services shall collect
15 information from certified opioid treatment systems, as defined in section 51.4223
16 of the statutes, to determine the next federal government certification date for each
17 opioid treatment system. The department of health services shall set as the next
18 state recertification date for an opioid treatment system the date of the next federal
19 government certification date. The department of health services shall extend a
20 2-year state certification for an opioid treatment system to comply with this
21 subsection, as necessary.
22

23 (END)