

**ASSEMBLY SUBSTITUTE AMENDMENT 1,  
TO 2007 SENATE BILL 178**

February 28, 2008 – Offered by Representatives NEWCOMER, PETERSEN, LOTHIAN, ALBERS, BALLWEG, BIES, DAVIS, J. FITZGERALD, FRISKE, GOTTLIEB, GUNDERSON, HAHN, HINES, HONADEL, HUEBSCH, JESKEWITZ, KAUFERT, KERKMAN, KESTELL, KLEEFISCH, KRAMER, LEMAHIEU, MEYER, MONTGOMERY, MOULTON, MURSAU, MURTHA, MUSSER, NASS, NERISON, NYGREN, A. OTT, J. OTT, OWENS, PETROWSKI, PRIDEMORE, RHOADES, STONE, SUDER, TAUCHEN, TOWNSEND, VAN ROY, VUKMIR, WIECKERT, M. WILLIAMS, WOOD and ZIPPERER.

1     **AN ACT** *to create* 51.03 (7) and 146.85 of the statutes; **relating to:** requiring  
2             development and distribution of a brochure, requiring a treatment plan and  
3             referral when certain diagnoses are made, increasing funding for the Medical  
4             Assistance autism benefit, and making an appropriation.

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***Analysis by the Legislative Reference Bureau***

This substitute amendment increases a general purpose revenue appropriation to the Department of Health and Family Services (DHFS) by \$6,060,000 in fiscal year 2008–09 for the autism benefit under the Medical Assistance (MA) program. Under an MA waiver of federal law, DHFS provides in-home services to children who have been diagnosed with an autism spectrum disorder and who would not otherwise be eligible for MA benefits. The funding increase under this substitute amendment would be used to provide those services to children diagnosed with an autism spectrum disorder who are on the statewide waiting list for those services.

The substitute amendment requires a health care provider who diagnoses a patient with a condition, injury, or illness other than alcoholism, drug dependency, mental illness, or developmental disability, that requires further treatment, to provide the patient (or, if a minor, the patient’s parent, guardian, or legal custodian) with a treatment plan and to provide any necessary and appropriate referral for further treatment or services.

In addition, the substitute amendment directs DHFS to develop and periodically update a brochure describing the activities that a parent or guardian of a child with autism may engage in at home with the child to complement the child's treatment or individualized education program. DHFS must distribute the brochure to local educational agencies and physicians.

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

1           **SECTION 1.** 51.03 (7) of the statutes is created to read:

2           51.03 (7) The department shall develop and periodically update a brochure  
3 describing the activities that a parent of a child with autism may engage in at home  
4 with the child to complement the child's treatment or individualized education  
5 program, as defined in s. 115.76 (9). In developing the brochure, the department  
6 shall consult with teachers of special education, as defined in s. 115.76 (15); parents  
7 of autistic children; physicians; and representatives of organizations that advocate  
8 for the interests of children with disabilities. The department shall distribute the  
9 brochure to local educational agencies, as defined in s. 115.76 (10), and physicians.

10           **SECTION 2.** 146.85 of the statutes is created to read:

11           **146.85 Treatment plan and referral required.** (1) Except as provided  
12 under sub. (2), a health care provider, as defined in s. 146.81 (1), who diagnoses a  
13 patient with a condition, injury, or illness, other than alcoholism, drug dependency,  
14 mental illness, or developmental disability, shall provide the patient or, if the patient  
15 is a minor, the patient's parent, guardian, or legal custodian, with a treatment plan  
16 for the patient. For a condition, injury, or illness that requires further treatment or  
17 services, the health care provider shall provide the patient or, if the patient is a  
18 minor, the patient's parent, guardian, or legal custodian, with any necessary and  
19 appropriate referral for the treatment or services.

