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

Analysis by the Legislative Reference Bureau

This bill 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 bill 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 bill 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 bill 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.

For further information see the state and local 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:

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

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

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

146.85 Treatment plan and referral required. (1) Except as provided under sub. (2), a health care provider, as defined in s. 146.81 (1), who diagnoses a patient with a condition, injury, or illness, other than alcoholism, drug dependency, mental illness, or developmental disability, shall provide the patient or, if the patient is a minor, the patient’s parent, guardian, or legal custodian, with a treatment plan for the patient. For a condition, injury, or illness that requires further treatment or services, the health care provider shall provide the patient or, if the patient is a minor, the patient’s parent, guardian, or legal custodian, with any necessary and appropriate referral for the treatment or services.
(2) A health care provider need not provide a treatment plan under sub. (1) for a condition, injury, or illness that may be successfully treated during the patient visit at which the diagnosis is made.

SECTION 3. Fiscal changes.

(1) Medical Assistance Autism Benefit. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of health and family services under section 20.435 (4) (b) of the statutes, as affected by the acts of 2007, the dollar amount is increased by $6,060,000 for fiscal year 2008–09 to increase funding for the autism benefit under the children's long-term care Medical Assistance waiver program, as described under 2003 Wisconsin Act 33, section 9124 (8c), to provide autism services to children on the statewide waiting list for those services under that program.

(END)