



State of Wisconsin
2013 - 2014 LEGISLATURE



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TJD:eev:rs

**SENATE SUBSTITUTE AMENDMENT 1,
TO SENATE BILL 410**

November 22, 2013 – Offered by Senator PETROWSKI.

1 **AN ACT to create** 49.45 (29w) of the statutes; **relating to:** mental health benefits
2 and reimbursement for mental health services under the Medical Assistance
3 program.

Analysis by the Legislative Reference Bureau

Under current law, the Department of Health Services (DHS) administers the Medical Assistance (MA) program, which is a joint federal and state program that provides health and long-term care services to individuals who have limited resources. The MA program reimburses certified providers for providing services to MA recipients. Among the health benefits provided to MA recipients are mental health services including, among others, mental health day treatment services and alcohol and other drug abuse services; psychiatric services; mental health and psychosocial rehabilitative services and case management services provided by a community support program; psychosocial and case management services provided by a community-based psychosocial service program; and mental health crisis intervention services.

This substitute amendment makes changes to MA program mental health benefits and reimbursement for certain mental health services. The substitute amendment requires DHS to allow a child experiencing a severe emotional disturbance to access in-home therapy without first showing a failure to succeed in outpatient therapy. DHS is required, under the substitute amendment, to allow

certain families to participate in in-home therapy even if one of the children is enrolled in a day treatment program.

The substitute amendment also specifies mental health services provided through telehealth that are reimbursable by the MA program. Telehealth, as defined in the substitute amendment, is 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. To be eligible for reimbursement by the MA program, the mental health services provided through telehealth must be provided by a provider who is a certified provider of MA in this state, currently holds a credential in his or her profession in this state, and is located in the United States but not necessarily Wisconsin.

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

1 **SECTION 1.** 49.45 (29w) of the statutes is created to read:

2 49.45 (**29w**) MENTAL HEALTH SERVICES. (a) In providing mental health benefits
3 under this subchapter, the department shall do all of the following:

4 1. Allow a severely emotionally disturbed child, as defined in sub. (25) (a), to
5 access in-home therapy without having to show a failure to succeed in outpatient
6 therapy.

7 2. Allow qualifying families to participate in in-home therapy even if a child
8 in that family is enrolled in a day treatment program.

9 (b) 1. In this paragraph, “telehealth” is a service provided from a remote
10 location using a combination of interactive video, audio, and externally acquired
11 images through a networking environment between an individual at an originating
12 site and a provider at a remote location with the service being of sufficient audio and
13 visual fidelity and clarity as to be functionally equivalent to face-to-face contact.
14 “Telehealth” does not include telephone conversations or Internet-based
15 communications between providers or between providers and individuals.

