

State of Wisconsin



2013 Assembly Bill 458

Date of enactment: **February 6, 2014**
Date of publication*: **February 7, 2014**

2013 WISCONSIN ACT 130

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

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

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

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

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

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

(b) 1. In this paragraph:

a. "Mental health service" means a service that is covered under one of the Medical Assistance mental health or substance abuse benefits under s. 49.46 (2) of outpatient mental health, outpatient substance abuse, pharmacologic management, mental health day treatment, substance abuse day treatment, crisis intervention, service provided by a community support program or community based-psychosocial service program, community recovery services, psychotherapy and alcohol and other drug abuse services, child or adolescent day treatment services, or any other mental health or substance abuse benefit described in s. 49.46 (2).

b. "Telehealth" 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. "Telehealth" does not include telephone conversations or Internet-based communications between providers or between providers and individuals.

2. Mental health services provided through telehealth are reimbursable by the Medical Assistance program under this subchapter if the provider of the service through telehealth satisfies all of the following criteria:

a. The provider is a certified provider of mental health services under Medical Assistance in this state and is an agency that is certified by the department as an emergency mental health service program, a comprehensive community services program, a mental health day treatment services program for children, a program organized under s. 46.23, 51.42, or 51.437, an outpatient psychotherapy clinic, or a community support program or that is certified by the department to perform a community substance abuse prevention and treatment service, except for narcotic treatment service for opiate addiction.

ag. The provider and the individual providing the service comply with all Medical Assistance coverage policies and standards established by the department, rules,

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

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and federal statutes and regulations for each particular mental health service provided.

ar. The provider is certified for telehealth by the department.

b. The individual who is providing the service is currently licensed, certified, or registered in his or her pro-

fession in this state and is in good standing with the applicable examining board in this state for that individual's profession.

c. The provider is located in the United States. The provider is not required to be located in this state.
