

2013 Assembly Bill 458 (LRB -3279)

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. (FE)

2013

10-21.	A.	Introduced by Representatives Sanfelippo, Bernier, Severson, Jagler, Tittl, Murphy, Kestell, Steineke, Bies, Strachota, Petryk, Czaja, Ballweg, Kaufert, Brooks, A. Ott, Bernard Schaber, Danou and Hulsey ; cosponsored by Senators Petrowski, Schultz and L. Taylor	378
10-21.	A.	Read first time and referred to Committee on Health	378
10-22.	A.	Public hearing held	
10-28.	A.	Assembly Amendment 1 offered by Representative Sanfelippo (LRB a1071)	389
10-28.	A.	Assembly Amendment 2 offered by Representative Sanfelippo (LRB a1075)	389
10-28.	A.	Fiscal estimate received	
11-04.	A.	Assembly Substitute Amendment 1 offered by Representative Sanfelippo (LRB s0175)	400
11-05.	A.	Executive action taken	
11-05.	A.	Assembly Amendment 1 to Assembly Substitute Amendment 1 offered by Committee on Health (LRB a1147)	405
11-06.	A.	Report Assembly Amendment 1 to Assembly Substitute Amendment 1 adoption recommended by Committee on Health, Ayes 9, Noes 0	420
11-06.	A.	Report Assembly Substitute Amendment 1 adoption recommended by Committee on Health, Ayes 9, Noes 0	420
11-06.	A.	Report passage as amended recommended by Committee on Health, Ayes 9, Noes 0	420
11-06.	A.	Referred to Committee on Rules	420
11-07.	A.	Placed on calendar 11-12-2013 by Committee on Rules	
11-11.	A.	Assembly Amendment 2 to Assembly Substitute Amendment 1 offered by Representatives Pasch and Sanfelippo (LRB a1196)	427
11-12.	A.	Read a second time	437
11-12.	A.	Assembly Amendment 1 to Assembly Substitute Amendment 1 adopted	437
11-12.	A.	Assembly Amendment 2 to Assembly Substitute Amendment 1 adopted	437
11-12.	A.	Assembly Substitute Amendment 1 adopted	437
11-12.	A.	Ordered to a third reading	437
11-12.	A.	Rules suspended	437
11-12.	A.	Read a third time and passed	437
11-12.	A.	Representatives Wright and Barca added as coauthors	437
11-12.	A.	Ordered immediately messaged	437
11-13.	S.	Received from Assembly	494
11-14.	S.	Read first time and referred to committee on Health and Human Services	497

2014

01-09.	S.	Public hearing held	
01-15.	S.	Executive action taken	
01-16.	S.	Report concurrence recommended by Committee on Health and Human Services, Ayes 5, Noes 0	578
01-16.	S.	Available for scheduling	
01-16.	S.	Senator Carpenter added as a cosponsor	581
01-16.	S.	Placed on calendar 1-22-2014 pursuant to Senate Rule 18(1)	579
01-22.	S.	Read a second time	
01-22.	S.	Ordered to a third reading	
01-22.	S.	Rules suspended	
01-22.	S.	Read a third time and concurred in	
01-22.	S.	Ordered immediately messaged	
01-22.	A.	Received from Senate concurred in	

SB

2013

ENROLLED BILL

13en AB-458

ADOPTED DOCUMENTS:

Orig Engr A SubAmdt 1 13 S0175/1

Amendments to above (if none, write "NONE"): AA1 - a 1147/1
AA2 - a 1196/1

Corrections - show date (if none, write "NONE"): None

Topic Rel

1-23-14
Date

SR Miller
Enrolling Drafter



State of Wisconsin
2013 - 2014 LEGISLATURE



LRBs0175/1
TJD:eev:rs

**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO ASSEMBLY BILL 458**

November 1, 2013 – Offered by Representative SANFELIPPO.

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.

INS. AA 2-1

INS. AA 2-2

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.

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

INS AA2-3

INS. AA1-1

4
5
6

a. The provider is a certified provider of Medical Assistance in this state.

INS.
AA2-4

INS. AA2-5

b. The provider is currently licensed, certified, or registered in his or her
profession in this state.

INS AA2-6

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

9

(END)



State of Wisconsin
2013 - 2014 LEGISLATURE



LRBa1147/1
TJD:sac:rs

**ASSEMBLY AMENDMENT 1,
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO ASSEMBLY BILL 458**

November 5, 2013 – Offered by COMMITTEE ON HEALTH.

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 3, line 4: after “provider of” insert “mental health services under”.

3 (END)

AA1-1



**ASSEMBLY AMENDMENT 2,
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO ASSEMBLY BILL 458**

November 11, 2013 – Offered by Representatives PASCH and SANFELIPPO.

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 2, line 9: delete “paragraph, “telehealth”” and substitute “paragraph:”.

3 **2.** Page 2, line 9: before “is a” insert:

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

12 b. “Telehealth”.

AA2-1

AA2-2

