



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

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

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

4 **SECTION 1.** 49.45 (29w) of the statutes is created to read:
5 49.45 (**29w**) MENTAL HEALTH SERVICES. (a) In providing mental health benefits
6 under this subchapter, the department shall do all of the following:
7 1. Allow a severely emotionally disturbed child, as defined in sub. (25) (a), to
8 access in-home therapy without having to show a failure to succeed in outpatient
9 therapy.

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

3 (b) 1. In this paragraph:

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

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

22 a. The provider is a certified provider of mental health services under Medical
23 Assistance in this state and is an agency that is certified by the department as an
24 emergency mental health service program, a comprehensive community services
25 program, a mental health day treatment services program for children, a program

1 organized under s. 46.23, 51.42, or 51.437, an outpatient psychotherapy clinic, or a
2 community support program or that is certified by the department to perform a
3 community substance abuse prevention and treatment service, except for narcotic
4 treatment service for opiate addiction.

5 ag. The provider and the individual providing the service comply with all
6 Medical Assistance coverage policies and standards established by the department,
7 rules, and federal statutes and regulations for each particular mental health service
8 provided.

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

10 b. The individual who is providing the service is currently licensed, certified,
11 or registered in his or her profession in this state and is in good standing with the
12 applicable examining board in this state for that individual's profession.

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

15 (END)