2013 ASSEMBLY BILL 458

October 21, 2013 – 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. Referred to Committee on Health.

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 bill makes changes to MA program mental health benefits and reimbursement for certain mental health services. The bill 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 bill, to allow certain families to participate in in–home therapy even if one of the children is enrolled in a day treatment program. The bill limits the elements that DHS may require on the prior authorization form used to obtain outpatient

mental health services. The bill also specifies that mental health services provided through telehealth by Wisconsin–licensed physicians are reimbursable by the MA program even if that Wisconsin–licensed physician is located outside the state. Telehealth is the use of electronic information and telecommunication technology to provide long–distance health care and education.

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:

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   3. Limit the prior authorization form used to obtain outpatient mental health

10   services to the following elements:

11   a. Diagnostic criteria and symptoms.

12   b. Patient identification.

13   c. Provider identification.

14   d. Modality and and frequency of treatment.

15   e. Goals of treatment.

16   f. Discharge criteria from treatment.

17   (b) 1. In this paragraph:

1   a. "Telehealth" is the use of electronic information and telecommunication

2 technology to provide long–distance health care and education.

3   b. "Telecommunication technology" includes telephone, videoconferencing,

4 Internet sites, streaming media, and wired and wireless communication.

5   2. Mental health services provided through telehealth by a physician who is

6 licensed in this state are reimbursable by the Medical Assistance program under this

7 subchapter even if the physician providing the service through telehealth is located

8 outside of the state.

9   **(END)**