

## 2013 DRAFTING REQUEST

### Assembly Substitute Amendment (ASA-AB458)

Received: 11/1/2013 Received By: **tdodge**  
Wanted: **As time permits** Same as LRB:  
For: **Joe Sanfelippo (608) 266-0620** By/Representing: **Josh Hoisington**  
May Contact: Drafter: **tdodge**  
Subject: **Mental Health - miscellaneous** Addl. Drafters:  
Extra Copies:

Submit via email: **YES**  
Requester's email: **Rep.Sanfelippo@legis.wisconsin.gov**  
Carbon copy (CC) to: **tamara.dodge@legis.wisconsin.gov**  
**pam.kahler@legis.wisconsin.gov**

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#### Pre Topic:

No specific pre topic given

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#### Topic:

Mental health benefits in medical assistance; redefining telehealth; telehealth providers; and eliminating prior authorization requirements

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#### Instructions:

Redefine telehealth per DHS definition; Incorporate AA1 (a1071) to AB 458 and AA2 (a1075) into AB 458

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#### Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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FE Sent For:

**<END>**

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Carbon copy (CC) to: tamara.dodge@legis.wisconsin.gov  
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FE Sent For:

<END>

## Dodge, Tamara

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**From:** Hoisington, Joshua  
**Sent:** Tuesday, October 29, 2013 9:13 AM  
**To:** Dodge, Tamara  
**Subject:** FW: Telehealth Definition

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**From:** Ignatowski, Alex - DHS [<mailto:Alex.Ignatowski@dhs.wisconsin.gov>]  
**Sent:** Monday, October 28, 2013 2:56 PM  
**To:** Hoisington, Joshua  
**Cc:** O'Day, Renee C - DHS  
**Subject:** Telehealth Definition

Hey Josh – Per our conversation, here is the telehealth definition:

Telemedicine services (also known as "Telehealth") are services provided from a remote location using a combination of interactive video, audio, and externally acquired images through a networking environment between a member (i.e., the originating site) and a Medicaid-enrolled provider at a remote location (i.e., distant site). The services must be of sufficient audio and visual fidelity and clarity as to be functionally equivalent to a face-to-face contact. Telemedicine services do not include telephone conversations or Internet-based communication between providers or between providers and members.

All applicable HIPAA confidentiality requirements apply to telemedicine encounters.

Let me know if you need anything else.

Thanks!

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**Alex Ignatowski**  
Legislative Advisor  
Department of Health Services  
Office: 608-266-3262  
Mobile: 608-301-6149  
[alex.ignatowski@wisconsin.gov](mailto:alex.ignatowski@wisconsin.gov)

T/c Josh on  
10/31 - combine  
both simples &  
anything new into  
sub.



State of Wisconsin  
2013 - 2014 LEGISLATURE



LRBa1071/1  
TJD:cjs:jf

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

October 28, 2013 - Offered by Representative SANFELIPPO.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 3, line 5: delete the material beginning with “by a” and ending with  
3 “this state” on line 6.

4 **2.** Page 3, line 7: delete “even”.

5 **3.** Page 3, line 7: delete “physician providing” and substitute “provider of”.

6 **4.** Page 3, line 7: delete the material beginning with “is located” and ending  
7 with “the state.” on line 8 and substitute “satisfies all of the following criteria:”.

8 **5.** Page 3, line 8: after that line insert:

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

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





State of Wisconsin  
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LRBa1075/1  
TJD:cjs:jf

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

October 28, 2013 – Offered by Representative SANFELIPPO.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 2, line 9: delete lines 9 to 16.

3 (END)

## **Dodge, Tamara**

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**From:** Hoisington, Joshua  
**Sent:** Thursday, October 31, 2013 1:44 PM  
**To:** Dodge, Tamara  
**Cc:** Matthias, Mary  
**Subject:** AB 458 and AB 459 sub amendments

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hi Tammy,

Please work with Mary Mathias at Leg. Council. I asked her to write memos on our sub amendments, hopefully in time for the exec hearing on Tuesday.

Best Regards,

Josh Hoisington  
Office of Representative Joe Sanfelippo  
15th Assembly District  
608.266.0620



**Dodge, Tamara**

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**From:** Hoisington, Joshua  
**Sent:** Friday, November 01, 2013 8:23 AM  
**To:** Dodge, Tamara  
**Subject:** Please include the new telehealth definition in the ab458 sub

*Sent from my Verizon Wireless 4G LTE DROID*

## **Dodge, Tamara**

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**From:** Hoisington, Joshua  
**Sent:** Friday, November 01, 2013 8:35 AM  
**To:** Dodge, Tamara  
**Subject:** Re: Please include the new telehealth definition in the ab458 sub

Yes. Massage the wording as you see fit.

Thanks for your help on this Tammy.

*Sent from my Verizon Wireless 4G LTE DROID*

"Dodge, Tamara" <[Tamara.Dodge@legis.wisconsin.gov](mailto:Tamara.Dodge@legis.wisconsin.gov)> wrote:

Josh,

The telehealth definition you want is the one from DHS in the October 28 email, correct? Then I will combine a1071 and a1075 into one substitute amendment with that new definition and an analysis.

The sub for AB 459 should arrive in your office this morning.

Tami

### **Tamara J. Dodge**

Attorney  
Wisconsin Legislative Reference Bureau  
P.O. Box 2037  
Madison, WI 53701-2037  
(608) 267 - 7380  
[tamara.dodge@legis.wisconsin.gov](mailto:tamara.dodge@legis.wisconsin.gov)

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State of Wisconsin  
2013 - 2014 LEGISLATURE



LRBs0175/1

TJD:.....  
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In: IIII (Due TODAY ASAP)

ASSEMBLY SUBSTITUTE AMENDMENT,  
TO ASSEMBLY BILL 458

SAV

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1 AN ACT ...; relating to: mental health benefits and reimbursement for mental  
2 health services under the Medical Assistance 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. △

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***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.

