AN ACT to renumber and amend 51.038; and to create 51.038 (2) and (3) of the statutes; relating to: certification of outpatient mental health clinics.

Analysis by the Legislative Reference Bureau

This bill requires, instead of allows as under current law, the Department of Health Services (DHS) to accept evidence of accreditation of an outpatient mental health clinic by certain organizations as equivalent to the standard established by DHS for the purpose of certifying the facility for reimbursement under the Medical Assistance program or community aids funding or as mandated coverage of nervous and mental disorders and alcoholism and other drug abuse. The bill subjects DHS's certification to renewal at the same time the accreditation is due for renewal. The bill requires the DHS to waive an on−site inspection for renewal certification of an outpatient mental health clinic if the clinic is accredited by a specified accrediting body and satisfies certain other criteria. Under current law, DHS certifies outpatient mental health clinics. DHS has promulgated rules on the certification process. DHS rules allow DHS to conduct an on−site inspection of an outpatient mental health clinic but require that DHS waive the on−site inspection if the outpatient mental health clinic holds current accreditation from a national accrediting body that has developed standards for outpatient mental health clinics and if certain other criteria apply.
The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 51.038 of the statutes is renumbered 51.038 (intro.) and amended to read:

51.038 Outpatient mental health clinic certification. (intro.) Except as provided in s. 51.032, if a facility that provides mental health services on an outpatient basis holds current accreditation from the council on accreditation of services for families and children, the commission on accreditation of rehabilitation facilities, or the joint commission that accredits healthcare organizations, all of the following apply:

(1) The department may shall accept evidence of this accreditation as equivalent to the standards established by the department, for the purpose of certifying the facility for the receipt of funds for services provided as a benefit to a Medical Assistance recipient under s. 49.46 (2) (b) 6. f. or 49.471 (11) (k), a community aids funding recipient under s. 51.423 (2) or as mandated coverage under s. 632.89.

SECTION 2. 51.038 (2) and (3) of the statutes are created to read:

51.038 (2) The department’s certification is subject to renewal at the time that the accreditation is due for renewal.

(3) The department shall waive an on-site inspection of an outpatient mental health clinic that is applying for renewal certification if all of the following apply:

(a) The outpatient mental health clinic has submitted a complete application including all of the following:
1. Materials prepared by the outpatient mental health clinic for the accrediting body’s most recent inspection.

2. All documents and data collected during the accrediting body’s most recent certification survey.

3. Survey findings and any reports resulting from the accrediting body’s most recent inspection.

(b) The department determines that the outpatient mental health clinic’s record of compliance with this chapter or with any rules promulgated under this chapter or with the standards of the accrediting body does not indicate that an on-site inspection is necessary.