

2019 DRAFTING REQUEST

Bill

For: **Jim Steineke (608) 266-2418**

Drafter: **kpaczusk**

By: **Steve**

Secondary Drafters:

Date: **9/12/2019**

May Contact:

Same as LRB: **-4928**

Submit via email: **YES**
 Requester's email: **Rep.Steineke@legis.wisconsin.gov**
 Carbon copy (CC) to: **konrad.paczuski@legis.wisconsin.gov**
Steven.mcCarthy@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

School-based mental health consultation pilot program

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	kpaczusk 9/19/2019	kfollett 9/19/2019			
/P1	kpaczusk 10/15/2019	csicilia 10/16/2019	dwalker 9/19/2019		State
/P2	kpaczusk 10/22/2019	csicilia 10/22/2019	dwalker 10/16/2019		State
/P3	kpaczusk 10/29/2019	csicilia 10/30/2019	dwalker 10/22/2019		State
/P4	kpaczusk	kfollett	lparisi		State

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P5	11/6/2019	11/7/2019	10/30/2019		State
/1			dwalker 11/7/2019		State
			jmurphy 11/13/2019	mbarman 11/25/2019	State

FE Sent For: *At Intro*

<END>

Paczuski, Konrad

From: McCarthy, Steven <Steven.McCarthy@legis.wisconsin.gov>
Sent: Thursday, September 12, 2019 10:37 AM
To: Dodge, Tamara <Tamara.Dodge@legis.wisconsin.gov>
Cc: Clark, Tyler <Tyler.Clark@legis.wisconsin.gov>
Subject: School-based mental health consultation pilot drafting request

Hi Tami—

Please draft a preliminary bill for Rep. Steineke that creates a “school-based mental health consultation pilot program” administered by DHS. This bill should be modeled off of 2013 WI Act 127 with the following primary differences: 1) the “participating clinicians” should be referred to as “participating school-based providers” (counselors, social workers, and nurses); and 2) instead of regional hubs, this should be drafted as a two-year pilot for an organization that provides services in Outagamie County. Please let Tyler or me know if you have any questions. Thanks!

Please include the following details in the bill:

- Create an appropriation for the school-based mental health consultation program similar to that in Section 1 and 2 of Act 127, but put a placeholder (“\$X”) for the amount of money appropriated.
- Create a new section under chapter 51 titled “school-based mental health consultation pilot program.”
- Create a definition for “participating school-based providers” that says “In this section, “participating school-based providers” include a nurse, counselor, social worker, physical therapist and occupational therapist employed by a school or school district.”
- Insert a section similar to s. 51.442 (2), Stats., but with the following changes: “The department shall create and administer a school-based mental health consultation pilot program in Outagamie County to assist school-based providers in providing enhanced care to students with mental health care needs, to provide referral support for students, and to provide additional services described in this section. The consultation pilot program created under this section is not an emergency referral service.”
- Insert a section identical to s. 51.442 (3) (a), Stats., except that the date should be left blank as a placeholder for now: “In the period before [insert date placeholder], the department shall review proposals submitted by organizations seeking to provide consultation services through the consultation pilot program under this section. The department shall select and provide moneys to an organization to provide consultation services through the consultation pilot program in a manner that maximizes medically appropriate access and services as described under sub. (4).”
- Insert a section similar to s. 51.442 (4), Stats., as follows:

“The department shall select a qualified organization to provide consultation program services during a two-year pilot program in Outagamie County. A qualified organization shall make available its own qualified provider or consortium of providers. A qualified organization shall successfully demonstrate it meets all of the following criteria:

- (a) The organization has the required infrastructure to be located within Outagamie County.
- (b) Any individual who would be providing consulting services through the program is located in this state.
- (c) The organization enters into a contract with the department agreeing to satisfy all of the following criteria as a condition of providing services through the consultation pilot program:

1. The organization has at the time of participation in the program a psychiatrist, who is either eligible for certification or certified by the American Board of Psychiatry and Neurology, Inc., for either adult psychiatry or child and adolescent psychiatry or both, and has and maintains additional staff as specified by the department.
2. The organization has at the time of participation in the program a registered nurse, with experience in both pediatric psychiatric treatment and school nursing, who offers enrolled schools consultation, education, and resources.
3. The organization operates during the normal business hours of Monday to Friday between 8 a.m. and 5 p.m., excluding weekends and holidays.
4. The organization shall be able to provide consultation services as promptly as is practicable.
5. The organization shall provide all of the following services:
 - a. Support for participating school-based providers to assist in the management of students with mental health problems and to provide referral support for students.
 - b. A triage-level assessment to determine the most appropriate response to each request, including appropriate referrals to other mental health professionals.
 - c. When medically appropriate, diagnostic and therapeutic feedback.
 - d. Recruitment of other practices in Outagamie County to the provider's services.
6. The organization shall have the capability to provide consultation services by telephone, at a minimum.”

- Insert a section similar to s. 51.442 (5), Stats., as follows:

“(a) An organization providing consultation services through the consultation pilot program under this section may provide services by teleconference, video conference, voice over Internet protocol, electronic mail, pager, or in-person conference.

(b) The organization providing consultation services through the consultation pilot program under this section may provide any of the following services, which are eligible for funding from the department:

1. Second opinion diagnostic and medication management evaluations conducted either by a psychiatrist or by a social worker or psychologist, or a registered nurse with psychiatric training, either by in-person conference or by teleconference, video conference, or voice over Internet protocol.
2. In-person or Internet site-based educational seminars and refresher courses provided to any participating clinician who uses the consultation pilot program on a medically appropriate topic within child psychiatry.”

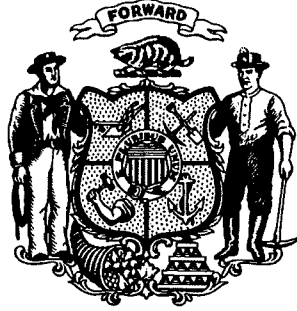
- Insert a section identical to s. 51.442 (6), Stats.: “An organization that provides consultation services through the consultation pilot program under this section shall report to the department any information as requested by the department.”
- Insert a section similar to s. 51.442 (7) (a), Stats.: “The department shall conduct surveys of participating school-based providers who use the consultation pilot program under this section to assess the amount of pediatric mental health care provided, self-perceived levels of confidence in providing pediatric mental health services, and the satisfaction with the consultations and the educational opportunities provided.”



Steve McCarthy

Staff Attorney, Wisconsin Legislative Council
608.504.5720 | steven.mccarthy@legis.wisconsin.gov
One East Main Street, Suite 401, Madison, WI 53703

State of Wisconsin



2013 Assembly Bill 452

Date of enactment: February 6, 2014

Date of publication*: February 7, 2014

2013 WISCONSIN ACT 127

AN ACT to create 20.435 (5) (bw) and 51.442 of the statutes; relating to: child psychiatry consultation program and making an appropriation.

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

SECTION 1. 20.005 (3) (schedule) of the statutes: at the appropriate place, insert the following amounts for the purposes indicated:

				2013-14	2014-15
20.435	Health services, department of				
(5)	MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES				
(bw)	Child psychiatry consultation program	GPR	B	500,000	500,000

SECTION 2. 20.435 (5) (bw) of the statutes is created to read:

20.435 (5) (bw) *Child psychiatry consultation program.* Biennially, the amounts in the schedule for operating the child psychiatry consultation program under s. 51.442.

SECTION 4. 51.442 of the statutes is created to read:

51.442 Child psychiatry consultation program.

(1) In this section, "participating clinicians" include pediatricians, family physicians, nurse practitioners, and physician assistants.

(2) The department shall create and administer a child psychiatry consultation program to assist participating clinicians in providing enhanced care to pediatric patients with mental health care needs, to provide referral support for pediatric patients, and to provide additional services described in this section. The consultation pro-

gram created under this section is not an emergency referral service.

(3) (a) In the period before January 1, 2015, the department shall review proposals submitted by organizations seeking to provide consultation services through the consultation program under this section and shall designate regional program hubs, in a number determined by the department, based on the submitted proposals. The department shall select and provide moneys to organizations to provide consultation services through the consultation program in a manner that maximizes medically appropriate access and services as described under sub. (4).

(b) Beginning on January 1, 2016, the department shall create any additional regional program hubs in order to provide consultation services statewide.

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

(4) The department shall select qualified organizations to provide consultation program services through the regional hubs. Each regional hub shall make available its own qualified provider or consortium of providers. To be a qualified provider in the program under this section, an organization shall successfully demonstrate it meets all of the following criteria:

(a) The organization has the required infrastructure to be located within the geographic service area of the proposed regional hub.

(b) Any individual who would be providing consulting services through the program is located in this state.

(c) The organization enters into a contract with the department agreeing to satisfy all of the following criteria as a condition of providing services through the consultation program:

1. The organization has at the time of participation in the program a psychiatrist, who is either eligible for certification or certified by the American Board of Psychiatry and Neurology, Inc., for either adult psychiatry or child and adolescent psychiatry or both, and has and maintains additional staff as specified by the department.

2. The organization operates during the normal business hours of Monday to Friday between 8 a.m. and 5 p.m., excluding weekends and holidays.

3. The organization shall be able to provide consultation services as promptly as is practicable.

4. The organization shall provide all of the following services:

a. Support for participating clinicians to assist in the management of children and adolescents with mental health problems and to provide referral support for pediatric patients.

b. A triage-level assessment to determine the most appropriate response to each request, including appropriate referrals to other mental health professionals.

c. When medically appropriate, diagnostic and therapeutic feedback.

d. Recruitment of other practices in the regional hub's service territory to the provider's services.

5. The organization shall have the capability to provide consultation services by telephone, at a minimum.

(5) (a) An organization providing consultation services through the consultation program under this section may provide services by teleconference, video conference, voice over Internet protocol, electronic mail, pager, or in-person conference.

(b) The organization providing consultation services through the consultation program under this section may provide any of the following services, which are eligible for funding from the department:

1. Second opinion diagnostic and medication management evaluations conducted either by a psychiatrist or by a social worker or psychologist, or a registered nurse with psychiatric training, either by in-person conference or by teleconference, video conference, or voice over Internet protocol.

2. In-person or Internet site-based educational seminars and refresher courses provided to any participating clinician who uses the consultation program on a medically appropriate topic within child psychiatry.

(6) An organization that provides consultation services through the consultation program under this section shall report to the department any information as requested by the department.

(7) (a) The department shall conduct annual surveys of participating clinicians who use the consultation program under this section to assess the amount of pediatric mental health care provided, self-perceived levels of confidence in providing pediatric mental health services, and the satisfaction with the consultations and the educational opportunities provided.

(b) Immediately after a clinical practice group begins using the consultation program under this section and again 6 to 12 months later, the department shall conduct an interview of participating clinicians from that practice group to assess the barriers to and benefits of participation to make future improvements and to determine the participating clinician's treatment abilities, confidence, and awareness of relevant resources before and after using the consultation program.



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-4309/8

KP...

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

IN: 9/19/2019

OUT: 9/19/2019, Please

- 1 AN ACT ...; **relating to:** creating a school-based mental health consultation pilot
2 program and making an appropriation.

Analysis by the Legislative Reference Bureau

This bill requires the Department of Health Services to create and administer a school-based mental health consultation pilot program in Outagamie County to assist participating school-based providers in providing enhanced care to students with mental health care needs, to provide referral support for those students, and to provide additional services. The mental health consultation pilot program is not an emergency referral service. DHS must review proposals submitted by organizations seeking to provide consultation services through the consultation pilot program, and must select an organization that meets certain criteria to provide consultation services. Under the bill, the consultation provider must have the capability to provide consultation services by telephone, and may also provide services by other means of communication. The consultation provider may also provide the following services, which are eligible for funding from DHS: 1) certain second opinion diagnostic and medication management evaluations; and 2) certain in-person or Internet-site based educational seminars and refresher courses provided to any participating school-based provider who uses the consultation pilot program.

A consultation provider must report any information requested by DHS. The bill also requires DHS to conduct annual surveys of participating school-based providers who use the consultation pilot program.

For further information see the *state* 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.** 20.005 (3) (schedule) of the statutes: at the appropriate place, insert
2 the following amounts for the purposes indicated:

2019-20 2020-21

3 **20.435 Health services, department of**

4 (5) **MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES**

5 (by) School-based mental health con-

6 sultation pilot program GPR B 100 -0-

 ****NOTE: This draft specifies that the amount of the appropriation for the pilot program is "\$100" as a placeholder.

7 **SECTION 2.** 20.435 (5) (by) of the statutes is created to read:

8 20.435 (5) (by) *School-based mental health consultation pilot program.*

9 Biennially, the amounts in the schedule for operating the school-based mental
10 health consultation pilot program under s. 51.445.

11 **SECTION 3.** 51.445 of the statutes is created to read:

12 **51.445 School-based mental health consultation pilot program.** (1) In
13 this section, "participating school-based providers" include nurses, counselors,
14 social workers, physical therapists, and occupational therapists employed by a
15 school or school district.

16 (2) The department shall create and administer a school-based mental health
17 consultation pilot program in Outagamie County to assist participating
18 school-based providers in providing enhanced care to students with mental health

1 care needs, to provide referral support for students, and to provide additional
2 services described in this section. The consultation pilot program created under this
3 section is not an emergency referral service.

4 (3) Before January 1, 2021, the department shall review proposals submitted
5 by organizations seeking to provide consultation services through the consultation
6 pilot program under this section. The department shall select and provide moneys
7 to an organization to provide consultation services through the consultation pilot
8 program in a manner that maximizes medically appropriate access and services as
9 described under sub. (4).

+ *****NOTE: This draft specifies that DHS must review proposal submitted by
organizations before "January 1, 2021" as a placeholder.

10 (4) The department shall select a qualified organization to provide
11 consultation program services during a 2-year pilot program in Outagamie County.
12 A qualified organization shall make available its own qualified provider or
13 consortium of providers. A qualified organization shall successfully demonstrate
14 that it meets all of the following criteria:

15 (a) The organization has the required infrastructure to be located within
16 Outagamie County.

17 (b) Any individual who would be providing consulting services through the
18 program is located in this state.

19 (c) The organization enters into a contract with the department agreeing to
20 satisfy all of the following criteria as a condition of providing services through the
21 consultation pilot program:

22 1. The organization has at the time of participation in the program a
23 psychiatrist, who is either eligible for certification or certified by the American Board

1 of Psychiatry and Neurology, Inc., for either adult psychiatry or child and adolescent
2 psychiatry or both, and has and maintains additional staff as specified by the
3 department.

4 2. The organization has at the time of participation in the program a registered
5 nurse, with experience in both pediatric and psychiatric treatment and school
6 nursing, who offers enrolled schools consultation, education, and resources.

7 3. The organization operates during the normal business hours of Monday to
8 Friday between 8 a.m. and 5 p.m., excluding weekends and holidays.

9 4. The organization shall be able to provide consultation services as promptly
10 as is practicable.

11 5. The organization shall provide all of the following services:

12 a. Support for participating school-based providers to assist in the
13 management of students with mental health problems and to provide referral
14 support for students.

15 b. A triage-level assessment to determine the most appropriate response to
16 each request, including appropriate referrals to other mental health professionals.

17 c. When medically appropriate, diagnostic and therapeutic feedback.

18 d. Recruitment of other practices in Outagamie County to the provider's
19 services.

20 6. The organization shall have the capability to provide consultation services
21 by telephone, at a minimum.

22 (5) (a) An organization providing consultation services through the
23 consultation pilot program under this section may provide services by
24 teleconference, video conference, voice over Internet protocol, electronic mail, pager,
25 or in-person conference.

1 (b) The organization providing consultation services through the consultation
2 pilot program under this section may provide any of the following services, which are
3 eligible for funding from the department:

4 1. Second opinion diagnostic and medication management evaluations
5 conducted either by a psychiatrist or by a social worker or psychologist, or a
6 registered nurse with psychiatric training, either by in-person conference or by
7 teleconference, video conference, or voice over Internet protocol.

8 2. In-person or Internet site-based educational seminars and refresher
9 courses provided to any participating school-based provider who uses the
10 consultation pilot program on a medically appropriate topic within child psychiatry.

11 **(6)** An organization that provides consultation services through the
12 consultation pilot program under this section shall report to the department any
13 information as requested by the department.

14 **(7)** The department shall conduct annual surveys of participating
15 school-based providers who use the consultation pilot program under this section to
16 assess the amount of pediatric mental health care provided, self-perceived levels of
17 confidence in providing pediatric mental health services, and the satisfaction with
18 the consultations and the educational opportunities provided.

19

(END)



Phone call with Rep. Steinek's office 10/9:

Additional instructions

Remove page 4, lines 4 to 6 from draft

Remove page 5, lines 4 to 7 from draft

Require DHS to review proposals submitted by organizations by 7/1/2020

Include superintendents, principals, and administrators as participating school-based providers who can use the consultation program

Use for funding the consultation program \$175,000 of unspent funds in s. 20.435(4)(b)(k)



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

INSERT

IN: 10/15
OUT: 10/16

SAV
Coer Cat

1 **AN ACT to create** 20.435 (5) (by) and 51.445 of the statutes; **relating to:** creating
2 a school-based mental health consultation pilot program and making an
3 appropriation.

Analysis by the Legislative Reference Bureau

This bill requires the Department of Health Services to create and administer a school-based mental health consultation pilot program in Outagamie County to assist participating school-based providers in providing enhanced care to students with mental health care needs, to provide referral support for those students, and to provide additional services. The mental health consultation pilot program is not an emergency referral service. DHS must review proposals submitted by organizations seeking to provide consultation services through the consultation pilot program, and must select an organization that meets certain criteria to provide consultation services. Under the bill, the consultation provider must have the capability to provide consultation services by telephone, and may also provide services by other means of communication. The consultation provider may also provide the following services, which are eligible for funding from DHS: 1) certain second opinion diagnostic and medication management evaluations; and 2) certain in-person or Internet/site-based educational seminars and refresher courses provided to any participating school-based provider who uses the consultation pilot program.

A consultation provider must report any information requested by DHS. The bill also requires DHS to conduct annual surveys of participating school-based providers who use the consultation pilot program.

and these services are eligible for funding from DHS

For further information see the *state* 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.** 20.005 (3) (schedule) of the statutes: at the appropriate place, insert
2 the following amounts for the purposes indicated:

2019-20 2020-21

3 **20.435 Health services, department of**

4 (5) **MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES**

5 (by) School-based mental health con-

6 sultation pilot program **GPR B**

-0- *175,000*
100 *-0-*

******NOTE:** This draft specifies that the amount of the appropriation for the pilot program is "\$100" as a placeholder.

7 **SECTION 2.** 20.435 (5) (by) of the statutes is created to read:

8 20.435 (5) (by) *School-based mental health consultation pilot program.*

9 Biennially, the amounts in the schedule for operating the school-based mental
10 health consultation pilot program under s. 51.445.

11 **SECTION 3.** 51.445 of the statutes is created to read:

12 **51.445 School-based mental health consultation pilot program.** (1) In

13 this section, "participating school-based providers" include ^Snurses, counselors,
14 social workers, physical therapists, and occupational therapists employed by a
15 school or school district. *e all of the following:*

INS 2-15 1

16 (2) The department shall create and administer a school-based mental health
17 consultation pilot program in Outagamie County to assist participating
18 school-based providers in providing enhanced care to students with mental health

1 care needs, to provide referral support for students, and to provide additional
2 services described in this section. The consultation pilot program created under this
3 section is not an emergency referral service.

4 (3) Before ^{e July 1, 2020} January 1, 2021, the department shall review proposals submitted
5 by organizations seeking to provide consultation services through the consultation
6 pilot program under this section. The department shall select and provide moneys
7 to an organization to provide consultation services through the consultation pilot
8 program in a manner that maximizes medically appropriate access and services as
9 described under sub. (4).

****NOTE: This draft specifies that DHS must review proposals submitted by organizations before "January 1, 2021" as a placeholder.

10 (4) The department shall select a qualified organization to provide
11 consultation program services during a 2-year pilot program in Outagamie County.
12 A qualified organization shall make available its own qualified provider or
13 consortium of providers. A qualified organization shall successfully demonstrate
14 that it meets all of the following criteria:

15 (a) The organization has the required infrastructure to be located within
16 Outagamie County.

17 (b) Any individual who would be providing consulting services through the
18 program is located in this state.

19 (c) The organization enters into a contract with the department agreeing to
20 satisfy all of the following criteria as a condition of providing services through the
21 consultation pilot program:

22 1. The organization has at the time of participation in the program a
23 psychiatrist, who is either eligible for certification or certified by the American Board

1 of Psychiatry and Neurology, Inc., for either adult psychiatry or child and adolescent
2 psychiatry or both, and has and maintains additional staff as specified by the
3 department.

4 2. The organization has at the time of participation in the program a registered
5 nurse, with experience in both pediatric and psychiatric treatment and school
6 nursing, who offers enrolled schools consultation, education, and resources.

7 2. 3. The organization operates during the normal business hours of Monday to
8 Friday between 8 a.m. and 5 p.m., excluding weekends and holidays.

9 3. 4. The organization shall be able to provide consultation services as promptly
10 as is practicable.

11 4. 5. The organization shall provide all of the following services:

12 a. Support for participating school-based providers to assist in the
13 management of students with mental health problems and to provide referral
14 support for students.

15 b. A triage-level assessment to determine the most appropriate response to
16 each request, including appropriate referrals to other mental health professionals.

17 c. When medically appropriate, diagnostic and therapeutic feedback.

18 d. Recruitment of other practices in Outagamie County to the provider's
19 services.

20 5. 6. The organization shall have the capability to provide consultation services
21 by telephone, at a minimum.

22 (5) (a) An organization providing consultation services through the
23 consultation pilot program under this section may provide services by
24 teleconference, video conference, voice over Internet protocol, electronic mail, pager,
25 or in-person conference.

1 (b) The organization providing consultation services through the consultation
2 pilot program under this section may provide any of the following services, which are
3 eligible for funding from the department:

4 1. Second opinion diagnostic and medication management evaluations
5 conducted either by a psychiatrist or by a social worker or psychologist, or a
6 registered nurse with psychiatric training, either by in-person conference or by
7 teleconference, video conference, or voice over Internet protocol.

8 *in 2* 2. In-person or Internet site-based educational seminars and refresher
9 courses provided to any participating school-based provider who uses the
10 consultation pilot program on a medically appropriate topic within child psychiatry. *These*
services are eligible for funding from the department.

11 (6) An organization that provides consultation services through the
12 consultation pilot program under this section shall report to the department any
13 information as requested by the department.

14 (7) The department shall conduct annual surveys of participating
15 school-based providers who use the consultation pilot program under this section to
16 assess the amount of pediatric mental health care provided, self-perceived levels of
17 confidence in providing pediatric mental health services, and the satisfaction with
18 the consultations and the educational opportunities provided.

INS 5-18 A

(END)

2019-2020 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-4309/P2ins
KP:...

1 INS 2-15

2 (a) A nurse, counselor, social worker, physical therapist, or occupational
3 therapist employed by a school or school district.

4 (b) A superintendent of a school district, a principal, a district administrator,
5 or a director of special education and pupil services.

6 END INS 2-15

7 INS 5-18

8 **SECTION 1. Fiscal changes.**

9 ~~(1) In the schedule under s. 20.005 (3) for the appropriation to the department~~
10 ~~of health services under s. 20.435 (4) (bk), the dollar amount for fiscal year 2020-21~~
11 ~~is decreased by \$175,000.~~

12 **SECTION 2. Fiscal changes.**

13 (1) Notwithstanding s. 20.001 (3) (c), from the appropriation account under s.
14 20.435 (4) (bk), there is lapsed to the general fund \$175,000 in fiscal year 2020-21.

15 END INS 5-18

Paczuski, Konrad

From: Clark, Tyler <Tyler.Clark@legis.wisconsin.gov>
Sent: Thursday, October 17, 2019 3:31 PM
To: Paczuski, Konrad <Konrad.Paczuski@legis.wisconsin.gov>
Subject: FW: Our discussion cpcp in schools

1) On page 2, lines 16-17: "The organization has the required infrastructure to be located within Outagamie County." If we follow more the in-depth case consultation model (vs. hiring a nurse), we may not be located within the county. Could we change the language to "...has the required infrastructure to provide services within Outagamie County"?

2) Can we make this a two year program while only funding it in this biennium? If not, how would we fund this in the next biennium? Could we make this a continuing appropriation into the next biennium?

Tyler



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-4309/P2
KP:kjf&cjs

shay

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

IN: 10/22/2019
OUT: 10/23/2019

INSERT

Cat

Cor

- 1 AN ACT to create 20.435 (5) (by) and 51.445 of the statutes; relating to: creating
2 a school-based mental health consultation pilot program and making an
3 appropriation.

Analysis by the Legislative Reference Bureau

This bill requires the Department of Health Services to create and administer a school-based mental health consultation pilot program in Outagamie County to assist participating school-based providers in providing enhanced care to students with mental health care needs, to provide referral support for those students, and to provide additional services. The mental health consultation pilot program is not an emergency referral service. DHS must review proposals submitted by organizations seeking to provide consultation services through the consultation pilot program, and must select an organization that meets certain criteria to provide consultation services. Under the bill, the consultation provider must have the capability to provide consultation services by telephone, and may also provide services by other means of communication. The consultation provider may also provide certain in-person or Internet site-based educational seminars and refresher courses provided to any participating school-based provider who uses the consultation pilot program, and these services are eligible for funding from DHS.

A consultation provider must report any information requested by DHS. The bill also requires DHS to conduct annual surveys of participating school-based providers who use the consultation pilot program.

For further information see the *state* 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.** 20.005 (3) (schedule) of the statutes: at the appropriate place, insert
2 the following amounts for the purposes indicated:

2019-20 2020-21

3 **20.435 Health services, department of**

4 (5) MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES

5 (by) School-based mental health con-
6 sultation pilot program GPR

Handwritten notes: A checkmark points to the GPR label. Below it, 'B' is circled, with 'e c' written next to it. To the right, '359,000' is written above a circled '175,000'. The number '0' in '-0-' is also circled.

7 **SECTION 2.** 20.435 (5) (by) of the statutes is created to read:

8 20.435 (5) (by) *School-based mental health consultation pilot program.*

Handwritten note: *As a continuing appropriation* is written above the word 'Biennially', which is circled.

9 Biennially, the amounts in the schedule for operating the school-based mental
10 health consultation pilot program under s. 51.445.

11 **SECTION 3.** 51.445 of the statutes is created to read:

12 **51.445 School-based mental health consultation pilot program.** (1) In
13 this section, "participating school-based providers" includes all of the following:

14 (a) A nurse, counselor, social worker, physical therapist, or occupational
15 therapist employed by a school or school district.

16 (b) A superintendent of a school district, a principal, a district administrator,
17 or a director of special education and pupil services.

18 (2) The department shall create and administer a school-based mental health
19 consultation pilot program in Outagamie County to assist participating

1 school-based providers in providing enhanced care to students with mental health
2 care needs, to provide referral support for students, and to provide additional
3 services described in this section. The consultation pilot program created under this
4 section is not an emergency referral service.

5 (3) Before July 1, 2020, the department shall review proposals submitted by
6 organizations seeking to provide consultation services through the consultation pilot
7 program under this section. The department shall select and provide moneys to an
8 organization to provide consultation services through the consultation pilot program
9 in a manner that maximizes medically appropriate access and services as described
10 under sub. (4).

11 (4) The department shall select a qualified organization to provide
12 consultation program services during a 2-year pilot program in Outagamie County.
13 A qualified organization shall make available its own qualified provider or
14 consortium of providers. A qualified organization shall successfully demonstrate
15 that it meets all of the following criteria:

16 (a) The organization has the required infrastructure to be located within
17 Outagamie County. *provide services*

18 (b) Any individual who would be providing consulting services through the
19 program is located in this state.

20 (c) The organization enters into a contract with the department agreeing to
21 satisfy all of the following criteria as a condition of providing services through the
22 consultation pilot program:

23 1. The organization has at the time of participation in the program a
24 psychiatrist, who is either eligible for certification or certified by the American Board
25 of Psychiatry and Neurology, Inc., for either adult psychiatry or child and adolescent

1 psychiatry or both, and has and maintains additional staff as specified by the
2 department.

3 2. The organization operates during the normal business hours of Monday to
4 Friday between 8 a.m. and 5 p.m., excluding weekends and holidays.

5 3. The organization shall be able to provide consultation services as promptly
6 as is practicable.

7 4. The organization shall provide all of the following services:

8 a. Support for participating school-based providers to assist in the
9 management of students with mental health problems and to provide referral
10 support for students.

11 b. A triage-level assessment to determine the most appropriate response to
12 each request, including appropriate referrals to other mental health professionals.

13 c. When medically appropriate, diagnostic and therapeutic feedback.

14 d. Recruitment of other practices in Outagamie County to the provider's
15 services.

16 5. The organization shall have the capability to provide consultation services
17 by telephone, at a minimum.

18 (5) (a) An organization providing consultation services through the
19 consultation pilot program under this section may provide services by
20 teleconference, video conference, voice over Internet protocol, electronic mail, pager,
21 or in-person conference.

22 (b) The organization providing consultation services through the consultation
23 pilot program under this section may provide in-person or Internet site-based
24 educational seminars and refresher courses provided to any participating
25 school-based provider who uses the consultation pilot program on a medically

1 appropriate topic within child psychiatry. These services are eligible for funding
2 from the department.

3 (6) An organization that provides consultation services through the
4 consultation pilot program under this section shall report to the department any
5 information as requested by the department.

6 (7) The department shall conduct annual surveys of participating
7 school-based providers who use the consultation pilot program under this section to
8 assess the amount of pediatric mental health care provided, self-perceived levels of
9 confidence in providing pediatric mental health services, and the satisfaction with
10 the consultations and the educational opportunities provided.

INS 5-10 a

11 **SECTION 4. Fiscal changes.**

12 (1) Notwithstanding s. 20.001 (3) (c), from the appropriation account under s.
13 20.435 (4) (bk), there is lapsed to the general fund \$175,000 in fiscal year 2020-21.

350,000

14 (END)

**2019-2020 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-4309/P3ins
KP:...

1 INS 5-10

2 **SECTION 1. Nonstatutory provisions.**

3 (1) Notwithstanding s. 16.42 (1) (e), in submitting information under s. 16.42
4 for the 2021-23 biennial budget bill, the department of health services shall submit
5 information concerning the appropriation under s. 20.435 (5) (by) as though the total
6 amount appropriated under s. 20.435 (5) (by) for the 2020-21 fiscal year had been
7 \$175,000 instead of \$350,000.

8 END INS 5-10



Phone call with Rep. Steineke's office

Additional instructions

- Replace the process by which DHS reviews proposals to select the organization, with requiring DHS to contract with the organization that as of 1/1/2019 provided consultation services through the child psychiatry consultation program (Medical College of Wisconsin)
- limit DHS from expending more than \$175K in a particular fiscal year
- require DHS to submit a report on the program to the appropriate standing committees of the legislature by 8/1/2022



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-4309/P3

KP:kjf&cjs

stacy

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

INSERT

IN: 10/29
OUT: 10/30

Ge Cat

1 AN ACT to create 20.435 (5) (by) and 51.445 of the statutes; relating to: creating
2 a school-based mental health consultation pilot program and making an
3 appropriation.

Analysis by the Legislative Reference Bureau

This bill requires the Department of Health Services to create and administer a school-based mental health consultation pilot program in Outagamie County to assist participating school-based providers in providing enhanced care to students with mental health care needs, to provide referral support for those students, and to provide additional services. The mental health consultation pilot program is not an emergency referral service. DHS must review proposals submitted by organizations seeking to provide consultation services through the consultation pilot program, and must select an organization that meets certain criteria to provide consultation services. Under the bill, the consultation provider must have the capability to provide consultation services by telephone, and may also provide services by other means of communication. The consultation provider may also provide certain in-person or Internet site-based educational seminars and refresher courses provided to any participating school-based provider who uses the consultation pilot program, and these services are eligible for funding from DHS.

A consultation provider must report any information requested by DHS. The bill also requires DHS to conduct annual surveys of participating school-based providers who use the consultation pilot program.

and to submit a report on the program to the appropriate committees of the legislature by August 1, 2022

DHS must provide moneys to an organization that as of January 1, 2019, provided consultation services through the child psychiatry consultation program existing under current law, and the organization must meet certain criteria and provide consultation services through the consultation pilot program established by the bill.

For further information see the *state* 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.** 20.005 (3) (schedule) of the statutes: at the appropriate place, insert
2 the following amounts for the purposes indicated:

2019-20 2020-21

3 **20.435 Health services, department of**

4 (5) **MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES**

5 (by) School-based mental health con-

6 sultation pilot program GPR C -0- 350,000

7 **SECTION 2.** 20.435 (5) (by) of the statutes is created to read:

8 20.435 (5) (by) *School-based mental health consultation pilot program.* As a
9 continuing appropriation, the amounts in the schedule for operating the

10 school-based mental health consultation pilot program under s. 51.445. *The department*
11 *is prohibited from expending more than \$175,000 under this paragraph in a particular fiscal year.*
12 **SECTION 3.** 51.445 of the statutes is created to read:

13 **51.445 School-based mental health consultation pilot program. (1)** In
14 this section, “participating school-based providers” includes all of the following:

15 (a) A nurse, counselor, social worker, physical therapist, or occupational
16 therapist employed by a school or school district.

17 (b) A superintendent of a school district, a principal, a district administrator,
18 or a director of special education and pupil services.

19 (2) The department shall create and administer a school-based mental health
consultation pilot program in Outagamie County to assist participating

1 school-based providers in providing enhanced care to students with mental health
2 care needs, to provide referral support for students, and to provide additional
3 services described in this section. The consultation pilot program created under this
4 section is not an emergency referral service.

INS 3-4 1
5 (3) Before July 1, 2020, the department shall review proposals submitted by
6 organizations seeking to provide consultation services through the consultation pilot
7 program under this section. The department shall select and provide moneys to an
8 organization to provide consultation services through the consultation pilot program
9 in a manner that maximizes medically appropriate access and services as described
10 under sub. (4).

11 (4) The department shall select a qualified organization to provide
12 consultation program services during a pilot program in Outagamie County. A
13 qualified organization shall make available its own qualified provider or consortium
14 of providers. A qualified organization shall successfully demonstrate that it meets
15 all of the following criteria:

16 (a) The organization has the required infrastructure to provide services within
17 Outagamie County.

18 (b) Any individual who would be providing consulting services through the
19 program is located in this state.

20 (c) The organization enters into a contract with the department agreeing to
21 satisfy all of the following criteria as a condition of providing services through the
22 consultation pilot program:

23 1. The organization has at the time of participation in the program a
24 psychiatrist, who is either eligible for certification or certified by the American Board
25 of Psychiatry and Neurology, Inc., for either adult psychiatry or child and adolescent

1 psychiatry or both, and has and maintains additional staff as specified by the
2 department.

3 2. The organization operates during the normal business hours of Monday to
4 Friday between 8 a.m. and 5 p.m., excluding weekends and holidays.

5 3. The organization shall be able to provide consultation services as promptly
6 as is practicable.

7 4. The organization shall provide all of the following services:

8 a. Support for participating school-based providers to assist in the
9 management of students with mental health problems and to provide referral
10 support for students.

11 b. A triage-level assessment to determine the most appropriate response to
12 each request, including appropriate referrals to other mental health professionals.

13 c. When medically appropriate, diagnostic and therapeutic feedback.

14 d. Recruitment of other practices in Outagamie County to the provider's
15 services.

16 5. The organization shall have the capability to provide consultation services
17 by telephone, at a minimum.

18 (5) (a) An organization providing consultation services through the
19 consultation pilot program under this section may provide services by
20 teleconference, video conference, voice over Internet protocol, electronic mail, pager,
21 or in-person conference.

22 (b) The organization providing consultation services through the consultation
23 pilot program under this section may provide in-person or Internet site-based
24 educational seminars and refresher courses provided to any participating
25 school-based provider who uses the consultation pilot program on a medically

1 appropriate topic within child psychiatry. These services are eligible for funding
2 from the department.

3 (6) An organization that provides consultation services through the
4 consultation pilot program under this section shall report to the department any
5 information as requested by the department.

6 (7) The department shall conduct annual surveys of participating
7 school-based providers who use the consultation pilot program under this section to
8 assess the amount of pediatric mental health care provided, self-perceived levels of
9 confidence in providing pediatric mental health services, and the satisfaction with
10 the consultations and the educational opportunities provided.

INS 5-70 A
11 **SECTION 4. Nonstatutory provisions.**

12 (1) Notwithstanding s. 16.42 (1) (e), in submitting information under s. 16.42
13 for the 2021-23 biennial budget bill, the department of health services shall submit
14 information concerning the appropriation under s. 20.435 (5) (by) as though the total
15 amount appropriated under s. 20.435 (5) (by) for the 2020-21 fiscal year had been
16 \$175,000 instead of \$350,000.

17 **SECTION 5. Fiscal changes.**

18 (1) Notwithstanding s. 20.001 (3) (c), from the appropriation account under s.
19 20.435 (4) (bk), there is lapsed to the general fund \$350,000 in fiscal year 2020-21.

20 (END)

**2019-2020 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-4309/P4ins
KP:...

1 INS 3-4

2 **(3)** The department shall provide moneys to an organization that provided
3 consultation services through the child psychiatry consultation program under s.
4 51.442 as of January 1, 2019, and the organization shall provide consultation
5 services through the consultation pilot program under this section in a manner that
6 maximizes medically appropriate access and services as described under sub. (4).

7 END INS 3-4

8 INS 5-10

9 **(8)** By August 1, 2022, the department shall submit a report on the
10 school-based mental health consultation pilot program under this section to the
11 standing committees of the legislature with jurisdiction over health under s. 13.172
12 (3).

13 END INS 5-10

Paczuski, Konrad

From: Clark, Tyler <Tyler.Clark@legis.wisconsin.gov>
Sent: Tuesday, November 05, 2019 12:42 PM
To: Paczuski, Konrad <Konrad.Paczuski@legis.wisconsin.gov>
Subject: FW: Draft review: LRB -4309/P4

Thanks again for your time on the phone today Tyler,

As we discussed, here are our recommended changes to the /P4 draft (attached):

- Page 3, lines 7-11 indicate that DHS would provide the funding to the organization that provides the CPCP services as of January 1, 2019. Thank you for making this update. As we discussed, however, I believe that line 12 has a technical correction that is necessary, because it still states that “the department shall select a qualified organization to provide consultation program services...”
 - o I’m not sure what the best language update would be here, but would leave it up to the drafter’s discretion to ensure that the language beginning on line 12 is consistent with the line 7-11 provision.



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-4309/P4 P5
KP:kjf&cjs

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

IN: 11/6
OUT: 11/7

1 **AN ACT to create** 20.435 (5) (by) and 51.445 of the statutes; **relating to:** creating
2 a school-based mental health consultation pilot program and making an
3 appropriation.

Analysis by the Legislative Reference Bureau

This bill requires the Department of Health Services to create and administer a school-based mental health consultation pilot program in Outagamie County to assist participating school-based providers in providing enhanced care to students with mental health care needs, to provide referral support for those students, and to provide additional services. The mental health consultation pilot program is not an emergency referral service. DHS must provide moneys to an organization that as of January 1, 2019, provided consultation services through the child psychiatry consultation program existing under current law, and the organization must meet certain criteria and provide consultation services through the consultation pilot program established by the bill. Under the bill, the consultation provider must have the capability to provide consultation services by telephone, and may also provide services by other means of communication. The consultation provider may also provide certain in-person or Internet site-based educational seminars and refresher courses provided to any participating school-based provider who uses the consultation pilot program, and these services are eligible for funding from DHS.

A consultation provider must report any information requested by DHS. The bill also requires DHS to conduct annual surveys of participating school-based providers who use the consultation pilot program and to submit a report on the program to the appropriate committees of the legislature by August 1, 2022.

For further information see the *state* 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.** 20.005 (3) (schedule) of the statutes: at the appropriate place, insert
2 the following amounts for the purposes indicated:

2019-20 2020-21

3 **20.435 Health services, department of**

4 (5) MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES

5 (by) School-based mental health con-

sultation pilot program	GPR	C	-0-	350,000
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7 **SECTION 2.** 20.435 (5) (by) of the statutes is created to read:

8 20.435 (5) (by) *School-based mental health consultation pilot program.* As a
9 continuing appropriation, the amounts in the schedule for operating the
10 school-based mental health consultation pilot program under s. 51.445. The
11 department is prohibited from expending more than \$175,000 under this paragraph
12 in a particular fiscal year.

13 **SECTION 3.** 51.445 of the statutes is created to read:

14 **51.445 School-based mental health consultation pilot program.** (1) In
15 this section, “participating school-based providers” includes all of the following:

16 (a) A nurse, counselor, social worker, physical therapist, or occupational
17 therapist employed by a school or school district.

18 (b) A superintendent of a school district, a principal, a district administrator,
19 or a director of special education and pupil services.

1 (2) The department shall create and administer a school-based mental health
2 consultation pilot program in Outagamie County to assist participating
3 school-based providers in providing enhanced care to students with mental health
4 care needs, to provide referral support for students, and to provide additional
5 services described in this section. The consultation pilot program created under this
6 section is not an emergency referral service.

7 (3) The department shall provide moneys to an organization that provided
8 consultation services through the child psychiatry consultation program under s.
9 51.442 as of January 1, 2019, and the organization shall provide consultation
10 services through the consultation pilot program under this section *in Outagamie County* in a manner that
11 maximizes medically appropriate access and services as described under sub. (4).

12 *An* (4) The department shall select a qualified organization to provide
13 consultation program services during a pilot program in Outagamie County. A
14 qualified organization *providing consultation services through the consultation pilot program under this section* shall make available its own qualified provider or consortium
15 of providers. *A qualified* organization shall successfully demonstrate that it meets
16 all of the following criteria:

17 (a) The organization has the required infrastructure to provide services within
18 Outagamie County.

19 (b) Any individual who would be providing consulting services through the
20 program is located in this state.

21 (c) The organization enters into a contract with the department agreeing to
22 satisfy all of the following criteria as a condition of providing services through the
23 consultation pilot program:

24 1. The organization has at the time of participation in the program a
25 psychiatrist, who is either eligible for certification or certified by the American Board

1 of Psychiatry and Neurology, Inc., for either adult psychiatry or child and adolescent
2 psychiatry or both, and has and maintains additional staff as specified by the
3 department.

4 2. The organization operates during the normal business hours of Monday to
5 Friday between 8 a.m. and 5 p.m., excluding weekends and holidays.

6 3. The organization shall be able to provide consultation services as promptly
7 as is practicable.

8 4. The organization shall provide all of the following services:

9 a. Support for participating school-based providers to assist in the
10 management of students with mental health problems and to provide referral
11 support for students.

12 b. A triage-level assessment to determine the most appropriate response to
13 each request, including appropriate referrals to other mental health professionals.

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15 d. Recruitment of other practices in Outagamie County to the provider's
16 services.

17 5. The organization shall have the capability to provide consultation services
18 by telephone, at a minimum.

19 **(5)** (a) An organization providing consultation services through the
20 consultation pilot program under this section may provide services by
21 teleconference, video conference, voice over Internet protocol, electronic mail, pager,
22 or in-person conference.

23 (b) The organization providing consultation services through the consultation
24 pilot program under this section may provide in-person or Internet site-based
25 educational seminars and refresher courses provided to any participating

1 school-based provider who uses the consultation pilot program on a medically
2 appropriate topic within child psychiatry. These services are eligible for funding
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5 consultation pilot program under this section shall report to the department any
6 information as requested by the department.

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8 school-based providers who use the consultation pilot program under this section to
9 assess the amount of pediatric mental health care provided, self-perceived levels of
10 confidence in providing pediatric mental health services, and the satisfaction with
11 the consultations and the educational opportunities provided.

12 (8) By August 1, 2022, the department shall submit a report on the
13 school-based mental health consultation pilot program under this section to the
14 standing committees of the legislature with jurisdiction over health under s. 13.172
15 (3).

16 **SECTION 4. Nonstatutory provisions.**

17 (1) Notwithstanding s. 16.42 (1) (e), in submitting information under s. 16.42
18 for the 2021-23 biennial budget bill, the department of health services shall submit
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22 **SECTION 5. Fiscal changes.**

23 (1) Notwithstanding s. 20.001 (3) (c), from the appropriation account under s.
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25 (END)



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

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9 51.442 as of January 1, 2019, and the organization shall provide consultation
10 services through the consultation pilot program under this section in Outagamie
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14 pilot program under this section shall make available its own qualified provider or
15 consortium of providers. The organization shall successfully demonstrate that it
16 meets all of the following criteria:

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23 (1) Notwithstanding s. 20.001 (3) (c), from the appropriation account under s.
24 20.435 (4) (bk), there is lapsed to the general fund \$350,000 in fiscal year 2020-21.

25

(END)

Barman, Mike

From: Rep.Steineke
Sent: Monday, November 25, 2019 9:13 AM
To: LRB.Legal
Subject: Draft Review: LRB -4309/1

Please Jacket LRB -4309/1 for the ASSEMBLY.