



State of Wisconsin
Department of Health Services

Tony Evers, Governor
Karen E. Timberlake, Secretary

TO: Senator Patrick Testin, Chair, Senate Committee on Health
Representative Jesse L. James, Chair, Assembly Committee on Substance Abuse and Prevention

FROM: HJ Waukau, Deputy Legislative Director, Department of Health Services

DATE: April 9, 2021

RE: Germane Modifications to Chapter DHS 75, CR 20-047

Dear Senator Testin and Representative James:

Pursuant to s. 227.19 (4) (b) 3., Stats., the Department of Health Services (“the Department”) is proposing germane modifications to Clearinghouse Rule 20-047, administrative rule chapter DHS 75, relating to community substance use services. These changes are being proposed in response to additional stakeholder feedback received during the committee review period, as well as textual edits identified by the Department to improve clarity and align with updated policies and guidance. The proposed modifications are summarized below, and the revised proposed rule order (“PRO”) is attached, which includes specific language changes that are tracked and highlighted in the text. Finally, a clean copy of the PRO, in which all of the changes have been accepted without mark up, is also attached.

The Department is proposing the following modifications to the rule:

1. Revised various definitions in subsection DHS. 75.03 and 75.60 for clarity and increased flexibility.
2. Revised proposed rule language to align with developing telehealth policies.
3. Updated requirements for tuberculosis testing in Opioid Treatment Program (“OTP”) settings under s. DHS 75.59 (19) to align with new CDC guidance.
4. Modified assessment review requirements for residential levels of care from a physician to include other prescriber types and clinical supervisors. This was an intended change following the public hearing and was an oversight in the PRO that was previously submitted on February 5, 2021
5. Modified wording for specific areas of the text, such as subsection. DHS 75.25, 75.27, and 75.28 to enhance clarity and readability.
6. Reduced various requirements throughout the rule, such as subsection. DHS 75.20, 75.21, 75.23, and 75.25, to provider greater flexibility for providers and reduce required paperwork.
7. Modified various requirements related to OTP operations and staffing requirements in s. DHS 75.59 to improve flexibility for providers.

8. Added a process for review or reconsideration of decisions by the State Opioid Treatment Authority (SOTA), in regards to OTPs in s. DHS 75.59 (6) (g) and DHS 75.59 (21).

9. Included general requirements related to entity owner, caregiver background checks, and confidentiality for Office-Based Opioid Treatment (OBOT) services in s. DHS 75.60. The omission of this section was an error from a previous revision of the PRO and should have been included with the text submitted to the legislature.

10. Modified the proposed effective date of the rule to allow a greater period of time for provider compliance due to the repealed and recreated rule.

Lastly, in s. DHS 75.03(52) and DHS 75.59(5) of the attached PRO, the Department has included recommendations in the PRO related to an “on-ramp” for service medical directors to meet the training and experience requirements in the rule, along with recommendations for “hours of operation” in 75.59 (8).

In addition to the changes summarized above and included in the attached PRO, the Department is continuing to work with stakeholders impacted by the rule to finalize any additional modifications to the PRO.

Please contact me at 608-733-0529 if you have any questions regarding these modifications to CR 20-047.

Thank you.