

CR 88-185

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CERTIFICATE

STATE OF WISCONSIN)
) SS
DEPARTMENT OF HEALTH AND SOCIAL SERVICES)

I, Patricia A. Goodrich, Secretary of the Department of Health and Social Services and custodian of the official records of the Department, do hereby certify that the annexed rules relating to day treatment programs for persons with alcohol or drug problems were duly approved and adopted by this Department on April 12, 1989.

I further certify that this copy has been compared by me with the original on file in the Department and that this copy is a true copy of the original, and of the whole of the original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department at the State Office Building, 1 W. Wilson Street, in the city of Madison, this 12th day of April, 1989.

SEAL:

Patricia A. Goodrich

Patricia A. Goodrich, Secretary
Department of Health and Social Services

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ORDER OF THE
DEPARTMENT OF HEALTH AND SOCIAL SERVICES
REPEALING AND CREATING RULES

To repeal HSS 61.52 Table (10th line) and 61.62, and to repeal and recreate HSS 61.02(7), 61.06(14) and 61.61, relating to day treatment programs for persons with alcohol or drug problems.

Analysis Prepared by the Department of Health and Social Services

Current Department rules include standards for two types of day service programs for persons with alcohol and drug problems. Section HSS 61.61 covers non-medical day service programs which provide counseling, treatment, training and recreational services in a non-medically supervised setting. Section HSS 61.62 covers medical day service programs which provide counseling, medical treatment, training and recreation in a medically-supervised setting. This order repeals ss. HSS 61.61 and 61.62 and replaces them with a new s. HSS 61.61 for day treatment programs. Day treatment programs are medically-supervised programs that provide counseling, medical care, therapy and case management. This action is taken because the Department has determined that day treatment can reach more persons in need of treatment than can the two current types of service programs and can reduce treatment costs by reducing utilization of inpatient treatment.

The new HSS 61.61 specifies requirements for admission of a person to a day treatment program, the staff which a day treatment program must have, and services which a day treatment program must offer.

The Department's authority to repeal and create these rules is found in ss.51.42(7)(b), 51.45(8), and 227.11(2), Stats. The rules interpret s.51.45(7), Stats.

SECTION 1. HSS 61.02(7) is repealed and recreated to read:

HSS 61.02(7) "Day treatment" means case management, counseling, medical care and therapy provided on a routine basis in a nonresidential setting for a scheduled portion of a 24 hour day to alleviate alcohol and drug problems, but does not include aftercare defined under s.HSS 61.51(1).

SECTION 2. HSS 61.06(14) is repealed and recreated to read:

HSS 61.06(14) an alcohol and drug counselor shall be certified by the Wisconsin alcoholism and drug counselor certification board, inc. This includes a counselor certified as an alcohol and drug counselor II or a counselor certified as an alcohol and drug counselor III. Non-certified counselors may be employed on the basis of personal aptitude, training, and experience if they:

- (a) Complete a suitable period of orientation which is documented;
- (b) Have a counselor certification development plan which is approved by the certification board and currently valid; and
- (c) Are provided on-going clinical consultation from a certified alcohol and drug counselor.

SECTION 3. Table 61.52 (10th line) is repealed.

SECTION 4. HSS 61.61 is repealed and recreated to read:

HSS 61.61 DAY TREATMENT PROGRAM. (1) PROGRAM. A day treatment program (DTP) is a non-residential program in a medically supervised setting that serves either adults or children with alcohol or other drug problems and that provides case management, counseling, medical care and therapies on a routine basis for a scheduled portion of a 24-hour day and a scheduled number of days per week to alleviate those problems. Services include individual, family and group counseling but not aftercare as defined under s. HSS 61.51 (1).

(2) DEFINITIONS. In this section:

(a) "Counseling" means verbal therapy provided by alcohol and drug counselors that enables patients to achieve insight into their problems and assists them in changing their behavior, attitudes and environment to cope with or resolve those problems.

(b) "DTP" means day treatment program.

(c) "Therapy" means counseling and other interactive services that focus on improving a patient's functioning in major life areas affected by the patient's chemical abuse.

(3) PROGRAM OPERATION. (a) A day treatment program shall be operated by an inpatient program certified under s. HSS 61.63 or an outpatient program certified under s. HSS 61.59.

(b) A program shall operate a minimum of 3 hours a day, 4 days a week.

(c) A program shall provide each patient with a minimum of 60 hours of direct treatment in a period of not more than 6 weeks except that due to extenuating circumstances such as sickness, vacation or inclement weather the treatment period may last longer than 6 weeks but not longer than 8 weeks.

(d) Treatment hours shall be available evenings and weekends.

(e) The program shall provide services at times which will allow the patient to maintain employment or attend school.

(f) A patient of a day treatment program may not be an inpatient or outpatient of the facility where the DTP services are provided.

(g) The patient may reside in a residential facility operated by the program while in day treatment. The costs of the residential services may not be included in the costs of day treatment.

(4) ADMISSION. (a) Admission of a person to a day treatment program requires a written prescription by a physician. The prescription shall be made a permanent part of the patient's case record.

(b) Admission to a day treatment program is appropriate only if the person:

1. Is likely to benefit from and will accept alcohol or other drug abuse treatment;

2. Has a medical determination by prescription from the physician that indicates that more restrictive services are not necessary but that without the DTP services the patient may require more restrictive services in the future;

3. Is detoxified from drugs or alcohol;

4. Has the ability to function in a semi-controlled, medically supervised environment;

5. In the judgment of the prescribing physician under par.(a), is able to abstain from alcohol use for a period of 3 days;

6. Has a chemical dependency that is advanced to the point that the prognosis of success with only outpatient treatment under s. HSS 61.59 is doubtful;

7. Has a demonstrated need for structure and intensity of treatment which is not available in outpatient treatment;

8. Does not have a significant psychological problem;

9. Is willing to participate in aftercare upon completion of treatment;
and

10. Is not a danger to self or others.

(c) Services shall be provided under the supervision of a physician. A record shall be maintained of the original referral to the DTP by a physician which shall include the written order for counseling, the date, the client's name, the diagnosis and the signature of the physician.

(5) ACCESSIBILITY OF SERVICES. (a) The services provided and the facility in which services are provided shall be accessible to patients, as required by s.504 of the Rehabilitation Act of 1973, as amended, 29 USC 794.

(b) The program shall ensure that its services are physically accessible to patients and that the program itself is accessible in accordance with the specific license or certification under which the facility operates. A program is not required to make structural changes in existing buildings when other methods are available to ensure that the program is accessible to patients.

(c) The program's treatment schedule shall be communicated to patients in writing and by any other means necessary for a patient with communications difficulties.

(d) The program's hours of operation shall be adjusted to accommodate patients who are employed, including, as necessary, extending daytime hours and adding weekend hours.

(6) REQUIRED PERSONNEL. (a) The program shall have a medical director who shall be a physician licensed under ch.448, Stats.

(b) The medical director shall be responsible for performing medical evaluations and supervising the DTP staff.

(c) The program shall have at least one alcohol and other drug abuse counselor for every 10 patients or a fraction thereof.

(d) The program shall have a consulting psychiatrist and a consulting licensed psychologist available with written agreements to that effect. If the medical director in par. (a) is a psychiatrist, the program shall be considered in compliance with the requirement for a consulting psychiatrist.

(e) Staff with training and experience in alcohol and drug abuse rehabilitation and treatment shall be available as needed to provide vocational services, social services and family counseling services.

(f) A designated staff member trained in alcohol and drug abuse rehabilitation and treatment shall be on the premises at all times the program is in operation and shall be responsible for the operation of the program. That person may work in the capacity of a staff member under par.(a) or (e) in addition to being in charge of the program.

(7) PSYCHOSOCIAL TREATMENT. (a) The program shall have a written statement describing its care and treatment philosophy and objectives.

(b) As part of the patient's assessment a determination shall be made of the hours of treatment that will not interfere with the patient's regular employment.

(c) In planning for treatment, consideration shall be given to decreasing treatment hours as treatment progresses.

(d) An alcohol and drug abuse counselor or other staff member meeting qualifications under s.HSS 61.06(1) to (14) shall provide a minimum of 10 hours a week of therapy for each patient, including individual, group and family therapy. Each patient shall receive at least one hour of individual counseling per week.

(e) Counseling shall include sessions on the nature and progression of alcohol or other drug abuse and its impact on physical health, psychological functioning, social adaption, learning ability and job or school performance.

(f) Community resources and services shall be used, as needed, to provide supportive therapy, recreation, information and ancillary services.

(g) Counselors from the department's division of vocational rehabilitation shall be made use of, when available and appropriate, for vocational counseling, vocational training and job placement.

(h) In discharge planning the program shall consider the patient's individual treatment needs. These may indicate that the patient should have supporting resources, such as involvement with a self-help or physical exercise group, and should receive aftercare services.

(i) The DTP shall involve the patient's family or other persons who are important to the patient in the patient's treatment unless inappropriate.

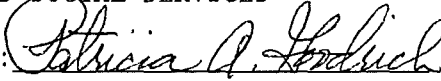
Note: Certification under this section is a requirement under s. HSS 105.25 for programs that want to be reimbursed by the Medical Assistance (MA) program under ss. 49.43 to 49.497, Stats., for alcohol and other drug abuse day treatment services. See s. HSS 105.25 for other requirements for MA provider certification. See s. HSS 107.13(3m) for alcohol and other drug abuse day treatment services covered by MA.

SECTION 5. HSS 61.62 is repealed.

The repeals and rules contained in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register, as provided in s.227.22(2), Stats.

WISCONSIN DEPARTMENT OF HEALTH
AND SOCIAL SERVICES

Date: April 12, 1989

BY: 

Seal:

Patricia A. Goodrich
Secretary



State of Wisconsin

DEPARTMENT OF HEALTH AND SOCIAL SERVICES
1 West Wilson Street, Madison, Wisconsin 53702

Tommy G. Thompson
Governor

Patricia A. Goodrich
Secretary

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Mailing Address:
Post Office Box 7850
Madison, WI 53707

April 12, 1989

Mr. Orlan Prestegard
Revisor of Statutes
7th Floor - 30 on the Square
Madison, Wisconsin 53702

Dear Mr. Prestegard:

As provided in s. 227.20, Stats., there is hereby submitted a certified copy of HSS 61.61 and 61.62, administrative rules relating to day treatment programs for persons with alcohol or drug problems.

These rules are also being submitted to the Secretary of State as required by s. 227.20, Stats.

These rules do not have a significant economic impact on small businesses as defined in s. 227.114(1)(a), Stats.

Sincerely,

Patricia A. Goodrich
SECRETARY

Enclosure