

CR 90-64

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 giving first priority to pregnant women for alcohol and other drug abuse (AODA) treatment services were duly approved and adopted by this Department on September 10, 1990.

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 10th day of September, 1990.

SEAL:

Patricia A. Goodrich

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

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11-1-90

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

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To amend HSS 61.52(7)(b) and to create HSS 61.51(5m), relating to giving first priority for alcohol and other drug abuse (AODA) treatment services to pregnant women.

Analysis Prepared by the Department of Health and Social Services

Pregnant women who abuse alcohol or a prescription or over-the-counter drug or use cocaine or another illicit drug often give birth to children who have serious physical, mental or emotional problems resulting from the alcohol or drug use. Early referral of a pregnant women who has an abuse problem for treatment of that problem and then prompt treatment are important for the mother, the child and society. However, many alcohol and drug abuse (AODA) treatment facilities and agencies have waiting lists of persons seeking treatment so that at least some pregnant women referred for help with an abuse problem cannot get timely assistance.

Section 51.42(3)(ar)4m and (7)(b)7m, Stats., as created by 1989 Wisconsin Act 122, requires the Department to ensure that when there are not enough alcohol and other drug abuse (AODA) treatment services available to meet the needs of everyone eligible for those services, pregnant women are given "first priority" for receipt of those services. The Department is directed to define, by rule, what "first priority" for treatment means. This is done through this rulemaking order. "First priority" is defined in such a way that a pregnant woman assessed as needing AODA treatment services will be immediately referred to an available treatment provider and, if there is a waiting list for the services of that provider, will be placed on that waiting list immediately ahead of any person who is not entitled to "first priority" for services.

The Department's authority to amend and create these rules is found in s. 51.42(7)(b)7m, Stats., as created by 1989 Wisconsin Act 122, and s. 3023(2)(a) of 1989 Wisconsin Act 122. The rules interpret s. 51.42(3)(ar)4m and (7)(b)7m, Stats., as created by 1989 Wisconsin Act 122.

SECTION 1. HSS 61.51(5m) is created to read:

HSS 61.51(5m). "First priority for services" means that an individual assessed as needing services will be referred immediately to available treatment resources and that, in the event there is a waiting list for any treatment resource, will be placed on the waiting list immediately before any person not entitled to first priority for services.

SECTION 2. HSS 61.52(7)(b) is amended to read:

HSS 61.52(7)(b). Criteria for determining the eligibility of individuals for admission shall be clearly stated in writing, with first priority for services given to pregnant women who are alcohol or drug abusers.

The 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: September 10, 1990

By: Patricia A. Goodrich
Patricia A. Goodrich
Secretary

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