



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2013 Senate Bill 410	Senate Substitute Amendment 1, and Senate Amendments 1 and 2 to Senate Substitute Amendment 1
<i>Memo published:</i> January 16, 2014	<i>Contact:</i> Laura Rose, Deputy Director (266-9791)

Mental Health Benefits Under Medical Assistance

The Bill

The bill requires the Department of Health Services to do the following in providing mental health benefits under the Medical Assistance (MA) program:

1. Allow a severely emotionally disturbed child to access in-home therapy without having to show a failure to succeed in outpatient therapy.
2. Allow qualifying families to participate in in-home therapy even if a child in that family is enrolled in a day treatment program.
3. Limit the prior authorization form used to obtain outpatient mental health services to the following elements:
 - a. Diagnostic criteria and symptoms.
 - b. Patient identification.
 - c. Provider identification.
 - d. Modality and frequency of treatment.
 - e. Goals of treatment.
 - f. Discharge criteria from treatment.

Senate Substitute Amendment 1

Senate Substitute Amendment 1 (SSA 1) contains provisions identical to items 1. and 2., above but does not contain the provisions described in item 3., above.

The Use of Telehealth in the MA Program

The Bill

Under the bill, mental health services provided through telehealth by a physician who is licensed in Wisconsin are reimbursable by the MA program even if the physician providing the service through telehealth is located outside of Wisconsin.

In the bill, “telehealth” is defined as the use of electronic information and telecommunication technology to provide long-distance health care and education. Telecommunication technology includes telephone, videoconferencing Internet sites, streaming media, and wired and wireless communication.

SSA 1

Under SSA 1, “telehealth” is defined as a service provided from a remote location using a combination of interactive video, audio, and externally acquired images through a networking environment between an individual at an originating site and a provider at a remote location with the service being of sufficient audio and visual fidelity and clarity as to be functionally equivalent to face-to-face contact. “Telehealth” does not include telephone conversations or Internet-based communications between providers or between providers and individuals.

SSA 1 provides that mental health services provided through telehealth are reimbursable under MA if the provider of the service through telehealth satisfies all of the following criteria:

- The provider is a certified provider of MA in Wisconsin.
- The provider is currently licensed, certified, or registered in his or her profession in Wisconsin.
- The provider is located in the United States. The provider is not required to be located in Wisconsin.

Senate Amendment 1 to SSA 1

Senate Amendment 1 (SA 1) to SSA 1 specifies that in addition to the requirements of SSA 1, to be reimbursable under MA, telehealth services must be provided a certified provider **of mental health services** in Wisconsin.

Senate Amendment 2 to SSA 1

Senate Amendment 2 (SA 2) to SSA 1 defines “mental health service” for the purposes of mental health services provided through telehealth.

SA 2 also adds the following requirements for telehealth providers, in order to be reimbursable by the MA program:

- A telehealth service provider, in addition to being a certified MA provider in Wisconsin, must also be an agency that is certified by the DHS as an emergency mental health service program, a comprehensive community services program, a mental health day treatment services program for children, a program organized under a county human services, community programs, or developmental disabilities board, an outpatient psychotherapy clinic, or a community support program or that is certified by the DHS to perform a community substance abuse prevention and treatment service, except for narcotic treatment service for opiate addiction.
- The provider and the individual providing the service comply with all MA coverage policies and standards established by the DHS, rules, and federal statutes and regulations for each particular mental health service provided.
- The provider is certified for telehealth by the DHS.
- An out-of-state provider must be in good standing with the applicable examining board in their state for that individual's profession.

Bill History

SSA 1 and SAs 1 and 2, were offered by Senator Petrowski on November 22, 2013. On January 15, 2014, the Senate Committee on Health and Human Services voted to recommend adoption of all amendments and passage of the bill, as amended, on successive votes of Ayes, 5; Noes, 0.

LR:ksm