

2007 SENATE BILL 246

July 25, 2007 – Introduced by Senators MILLER, LEHMAN, ERPENBACH, DARLING, HANSEN, RISSER, ROESSLER, VINEHOUT and WIRCH, cosponsored by Representatives BIES, POPE-ROBERTS, ALBERS, BENEDICT, BERCEAU, BLACK, DAVIS, GUNDERSON, GRIGSBY, HAHN, HINTZ, HUBLER, KAUFERT, MURSAU, A. OTT, SHERIDAN, SOLETSKI, TOWNSEND, ZEPNICK and WASSERMAN. Referred to Committee on Health and Human Services.

1 **AN ACT to amend** 49.46 (2) (b) 6. (intro.) and 609.655 (3) (a); and **to create** 49.45
2 (30g), 49.46 (2) (b) 6. Lr., 632.89 (1) (dm) and 632.89 (1) (e) 4. of the statutes;
3 **relating to:** mental health professionals who may provide outpatient services
4 for the treatment of nervous and mental conditions and alcoholism and other
5 drug abuse problems or who, under Medical Assistance, may provide
6 psychotherapy and alcohol and other drug abuse services and exempting
7 certain Medical Assistance benefits from physician prescription requirements.

Analysis by the Legislative Reference Bureau

Under current law, a group health insurance policy that provides coverage of any outpatient treatment is required to provide coverage for outpatient services for the treatment of nervous and mental disorders and alcoholism and other drug abuse problems in the minimum amount of \$2,000, minus the applicable cost sharing, per insured per year. The outpatient services that must be covered are those provided by: 1) a program in an outpatient treatment facility, both of which must be approved by the Department of Health and Family Services (DHFS), and the program must be established and maintained according to rules promulgated by DHFS and the facility must be certified by DHFS; 2) a licensed physician who has completed a residency in psychiatry; or 3) a licensed psychologist who is listed in the national register of health service professionals in psychology or who is certified by the

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American Board of Professional Psychology. This bill requires group health insurance policies to cover the services of clinical social workers, marriage and family therapists, and professional counselors for the outpatient treatment of nervous and mental disorders and alcoholism and other drug abuse problems. Under current law, the services of these types of providers are covered when provided as part of a program in an outpatient treatment facility, if both the program and facility are approved by DHFS. All three types of providers must be licensed to practice by the Marriage and Family Therapy, Professional Counseling, and Social Work Examining Board in the Department of Regulation and Licensing. The bill also requires a defined network plan to cover the services of these three types of providers when such a provider conducts a clinical assessment of nervous or mental disorders or alcoholism or other drug abuse problems of a dependent student with coverage under the plan who is attending school in this state but outside the geographic service area of the plan.

Currently, under the Medical Assistance (MA) program, certain mental health services, alcohol and other drug abuse (AODA) services, and community-based psychosocial services, if prescribed by a physician, are provided as benefits to MA recipients. The psychosocial services may be provided only under certain supervision requirements and by a program that is certified by DHFS. This bill exempts certain MA mental health and AODA services from the requirement that, in order for reimbursement to the service provider, they first be prescribed by a physician. The bill also requires that licensed clinical social workers, marriage and family therapists, and professional counselors (licensed mental health professionals) and psychologists be included as providers of MA-reimbursable psychotherapy and AODA services. Lastly, the bill establishes psychotherapy and AODA services by licensed mental health professionals and psychologists as an MA benefit and prohibits DHFS from requiring that licensed mental health professionals be supervised, prohibits DHFS from requiring that clinical psychotherapy or AODA services be provided under a certified program, and prohibits DHFS from requiring that a physician or other health care provider first prescribe the psychotherapy or AODA services before the professional or psychologist provides the services to an MA recipient.

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

1 **SECTION 1.** 49.45 (30g) of the statutes is created to read:
2 49.45 **(30g)** PSYCHOTHERAPY AND ALCOHOL AND OTHER DRUG ABUSE SERVICES. The
3 department shall include licensed mental health professionals, as defined in s.
4 632.89 (1) (dm), and licensed psychologists, as defined in s. 455.01 (4), as providers
5 of psychotherapy and of alcohol and other drug abuse services. Except for services

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1 provided under sub. (30e), the department may not require that licensed mental
2 health professionals or licensed psychologists be supervised; may not require that
3 clinical psychotherapy or alcohol and other drug abuse services be provided under
4 a certified program; and, notwithstanding subs. (9) and (9m), may not require that
5 a physician or other health care provider first prescribe psychotherapy or alcohol and
6 other drug abuse to be provided by a licensed mental health professional or licensed
7 psychologist before the professional or psychologist may provide the services to the
8 recipient.

9 **SECTION 2.** 49.46 (2) (b) 6. (intro.) of the statutes is amended to read:

10 49.46 **(2)** (b) 6. (intro.) The following services if that, other than under subd.
11 6. f., fm., k., and Lr., are prescribed by a physician:

12 **SECTION 3.** 49.46 (2) (b) 6. Lr. of the statutes is created to read:

13 49.46 **(2)** (b) 6. Lr. Psychotherapy and alcohol and other drug abuse services,
14 as specified under s. 49.45 (30g).

15 **SECTION 4.** 609.655 (3) (a) of the statutes is amended to read:

16 609.655 **(3)** (a) A clinical assessment of the dependent student's nervous or
17 mental disorders or alcoholism or other drug abuse problems, conducted by a
18 provider described in s. 632.89 (1) (e) 2. ~~or 3.~~ or 4. who is located in this state and
19 in reasonably close proximity to the school in which the dependent student is
20 enrolled and who may be designated by the defined network plan.

21 **SECTION 5.** 632.89 (1) (dm) of the statutes is created to read:

22 632.89 **(1)** (dm) "Licensed mental health professional" means a clinical social
23 worker who is licensed under ch. 457, a marriage and family therapist who is licensed
24 under ch. 457, or a professional counselor who is licensed under ch. 457.

25 **SECTION 6.** 632.89 (1) (e) 4. of the statutes is created to read:

