

NASW WI FACT SHEET ON HFS 35

HFS 35 is a proposed new rule for outpatient mental health clinics in Wisconsin.

The National Association of Social Workers, Wisconsin Chapter strongly opposes the current version of HFS 35 for the following reasons:

- 1) The new rule could put up to 150 outpatient mental health clinics out of business because they not meet the new minimum standards for number of practitioners in the clinic. Despite a previously released variance, which would permit a clinic to contain one practitioner, the new rule eliminates single person clinics as well as small multi person clinics where the practitioners are not available to provide 75 hours of service per week. Implementation of this section of the rule could lead to serious access issues for clients in underserved areas of Wisconsin.
- 2) The new rule has detailed, very prescriptive instructions for orientation, assessment, admission, clinical collaboration/supervision, and the development, approval and review of the treatment plan, which are appropriate for social work students and practitioner working towards their 3,000 hours but totally inappropriate for licensed practitioners. These requirements are costly and burdensome to clinics and take time away from service delivery.
- 3) The rule requires written referral agreements for prescriber and substance abuse services that may not be obtainable in many parts of the state.
- 4) The rule allows DHS staff to visit a clinic and review client files at any time for any reason, rather than only when a complaint is filed or a suicide occurs.
- 5) The rule requires timelines for the clinical review of treatment plans that are not necessarily based on the needs of a client.
- 6) The rule prohibits a clinic from involuntarily discharging a client without a review by DHS, even when the client poses a serious and imminent risk to the clinician or other clients.
- 7) The rule outlines a specific model of treatment that is most applicable to community support programs but not necessarily appropriate for private practice and/or for all private practice clients.

In the fall of 2006 DHS withdrew an almost identical version of HFS 35 after it received 129 comments, a vast majority in opposition. On December 13, 2006, at a “stakeholders” meeting held at 1 West Wilson, DHFS Secretary Helene Nelson announced that the rule would be completely rewritten and then the “stakeholders” would be brought back together to review the newly revised rule. HFS 35 was never rewritten and the follow-up meeting with the “stakeholders” was never held.

HFS 35 needs to be returned to DHS for a complete rewrite as was promised in December 2006.