TESTIMONY SUBMITTED TO THE ASSEMBLY COMMITTEE ON HEALTH ON MAY 17, 2017
REGARDING DHS 105 BY MARC HERSTAND, EXECUTIVE DIRECTOR, NATIONAL ASSOCIATION OF
SOCIAL WORKERS WISCONSIN CHAPTER

Representative Sanfelippo and members of the Assembly Committee on Health. I appreciate this opportunity to comment on DHS 105, more specifically 105.22 and 105.23

I would first like to present some background information to my comments. In 2009 Wisconsin Act 28 included Vendorship for licensed mental health professionals in Wisconsin. This bill required insurance companies to directly reimburse licensed mental health professionals for the provision of psychotherapy. It also required the Department of Health Services to include licensed mental health professionals as providers of psychotherapy and of alcohol and other drug abuse services. In addition per the bill the Department of Health Services could not require that licensed mental health professionals or psychologists be supervised, have their services prescribed by a psychiatrist or be required to provide their services in a state certified clinic.

Eight years after the passage of 2009 Wisconsin Act 28, the Department of Health Services has still not updated their rules as seen in DHS 105.22 and DHS 105.23. In 105.22 Psychotherapy providers, DHS lists Physicians, Psychologists, Advanced Practice Nurse Providers, outpatient mental health clinics and hospital outpatient mental health clinics as providers but not licensed mental health professions. We are asking that this rule immediately be updated to reflect 2009 Wisconsin Act 28.

Similarly in 105.22 (Alcohol and Drug Abuse Treatment Providers) only physicians and psychologists are listed as providers, contrary to 2009 Wisconsin Act 28. We would request that DHS immediately add licensed mental health professionals to this provision.

Since the passage of 2009 Wisconsin Act 28, we have encountered major issues with rules and Forward Wisconsin Updates put out by DHS that contravene Act 28. Therefore we really appreciate this effort to “Right the Rules”. More specifically in DHS 107, which I believe this Committee will review in the near future, is a provision that says that licensed mental health professionals must provide their services “in an office”. The language in this rule was used to deny reimbursement for services in schools and in in home settings by licensed clinical social workers. There is no provision in 2009 Wisconsin Act 28 that allows DHS to make such restrictions, which they don’t do for state certified clinics. In the last legislative session we passed a bill to require DHS to reimburse licensed mental health professionals in school settings...
after they refused to make the rule change. We are exploring doing a similar bill in this legislative session regarding in-home services, unless we can convince DHS to change the rule.

In home services for troubled children and adolescents has been prioritized by Governor Walker who put together a Mental Health Reform package program for expansion of in-home counseling for children in 2013, by the Speaker’s Task Force on Mental Health, also in 2013 that recommended children with severe emotional disturbances have access to in-home therapy and by the Department of children and Families, Bureau of Youth Services in a December 2016 report on the Community Based Juvenile Justice System. Unfortunately DHS’s rules in 107 undermine and frustrate this priority for in-home psychotherapy services for troubled adolescent.

Thank you for this opportunity to present our view on DHS 1.05.