

Report From Agency

**ADMINISTRATIVE RULES
DEPARTMENT OF HEALTH SERVICES
REPORT TO THE LEGISLATURE
CLEARINGHOUSE RULE 09-109
CH. DHS 75, Community Substance Abuse Service Standards**

Basis and Purpose of Proposed Rule

The Department proposes to amend ch. DHS 75, relating to substance abuse counselors, clinical supervisors, and prevention specialists to reflect the transfer of credentialing authority for these professions from the Department to the Department of Regulation and Licensing (DRL) as required under 2005 Wisconsin Act 25, s. 9121(12s) and conform the definitions in ch. DHS 75 with those in chs. RL 160 to 168.

Chapter DHS 75 has not been updated to reflect these changes since the changes were created in 2005. The passage of Act 25 divided oversight for substance abuse programs and providers resulting in the Department maintaining responsibility for certification of substance abuse services and assigning DRL responsibility for certification of individuals providing substance abuse treatment.

These policy changes cannot be implemented in an alternative manner or policy due to the scope of ch. DHS 75, which establishes policies for certification of community substance abuse services. Definitions of substance abuse professionals are currently included in ch. DHS 75 and need to be updated due to their direct relationship with substance abuse services. The expected outcome of these revisions is to have ch. DHS 75 to be congruent with chs. RL 160 to 168, and reflect current statutory requirements.

Responses to Legislative Council Rules Clearinghouse Recommendations

The Department accepted the comments made by the Legislative Council Rules Clearinghouse (Clearinghouse) and modified the proposed rule where suggested.

Changes to the rule's text, in addition to changes recommended by the Clearinghouse:

In s. DHS 75.03(2)(b) Note, the reference "Program Certification Unit" now reads "Behavioral Health Certification Unit.

In s. DHS 75.03(2)(b) Note:

1. The corresponding zip code was changed from 53707 to 53701.
2. The reference to a web site was removed.

Final Regulatory Flexibility Analysis

The proposed rules will not directly affect small businesses. The rules under this order are to conform to the transfer of authority under 2005 Wisconsin Act 25 from the Department to

DRL. Any fiscal impact upon small business occurred when the changes from 2005 Wisconsin Act 25 were implemented by DRL in 2005 and 2006.

Changes to the Analysis or Fiscal Estimate

Analysis

The only changes made to the rule's analysis were to address the Clearinghouse comments on word usage.

Fiscal Estimate

No changes were made to the fiscal estimate.

Public Hearing Summary

The Department began accepting public comments on the proposed rule via the Wisconsin Administrative Rules website on December 11, 2009. One public hearing was held on January 22, 2010, at 1 West Wilson Street, Madison, WI. The hearing was not attended by the public, nor were comments received from the public. Public comments on the proposed rule were accepted until 4:30 p.m. on January 22, 2010.