



State of Wisconsin  
Department of Health Services

Tony Evers, Governor  
Andrea Palm, Secretary

---

**TO:** Chairman Tittl and Members of the Assembly Committee on Mental Health

**FROM:** Lisa Olson, Legislative Director, Department of Health Services

**DATE:** January 28, 2020

**RE:** Germane Modifications to Chapter DHS 40

Pursuant to s. 227.19(4)(b)3 Stats., the Department of Health Services (DHS) is proposing the following germane modifications to Clearinghouse Rule (CR) 19-018, administrative code Chapter DHS 40.

1. Allowing community-based day treatment providers to utilize a psychologist for consultation with youth as long as the day treatment provider has a documented plan detailing how the psychologist is going to consult with either a psychiatrist or advanced practice nurse prescriber to address medication management and any other medication related concerns.

Current Proposed Rule Text

40.10(3)(a)1: One hour per week of consultation shall be provided by a psychiatrist or advanced practice nurse prescriber.

Revised Proposed Rule Text

40.10(3)(a)1: One hour per week of consultation shall be provided by a psychiatrist or advanced practice nurse prescriber. If a program is unable to utilize a psychiatrist or advanced practice nurse prescriber, they may utilize a psychologist as long as there is a written plan in place assuring that consultation with a psychiatrist or advanced practice nurse prescriber occurs for medication related concerns at least monthly or more frequently based on the individual needs of the youth.

2. Clarifying that community-based day treatment providers can provide the additional hour per week of individual or family psychotherapy with a mental health support worker and that a mental health professional is not mandated to provide both hours.

Current Proposed Rule Text

40.10(3)(a)5: Two hours per week of individual or family psychotherapy shall be provided by a mental health professional for each full-time youth in the program.

Revised Proposed Rule Text

40.10(3)(a)5: Two hours per week of individual or family psychotherapy shall be provided by a mental health professional for each full-time youth in the program. One of the two required hours may

be provided by a mental health support worker if they are under the supervision of the mental health professional implementing a piece of the individualized treatment plan.

Please contact me at 608-266-3262 if you have any questions related to these modifications to CR 19-018.