



State of Wisconsin
Department of Health Services

Tony Evers, Governor
Karen E. Timberlake, Secretary

TO: Senator Patrick Testin, Chair, Senate Committee on Health
Representative Jesse L. James, Chair, Assembly Committee on Substance Abuse and Prevention

FROM: HJ Waukau, Deputy Legislative Director, Department of Health Services

DATE: April 23, 2021

RE: Germane Modifications to Chapter DHS 75, CR 20-047

Dear Senator Testin and Representative James:

Pursuant to s. 227.19 (4) (b) 3., Stats., the Department of Health Services (“the Department”) is proposing additional germane modifications to Clearinghouse Rule 20-047, administrative rule chapter DHS 75, relating to community substance use services. The proposed modifications are in response to additional stakeholder feedback received during the committee’s extended review period following the Department’s prior submission of germane modifications on April 9, 2021¹, and are intended to improve clarity and consistency regarding updated policies and guidance. These modifications are submitted in addition to the germane modifications submitted on April 9, 2021. Any modifications proposed in the April 9 submission that conflict with the attached documents are superseded by the updated modifications proposed in this submission. A revised proposed rule order (“PRO”) is attached, which includes specific language changes that are tracked and highlighted in the text. Additionally, a clean copy of the PRO, in which all of the changes have been accepted without mark up, is also attached.

The Department is proposing the following modifications to the rule pursuant to the April 9, 2021 germane modifications:

1. Revising definitions in s. DHS. 75.03 for clarity and increased flexibility:
 - a. Adding “2017” to s. DHS 75.03 (19) to clarify the reference to 2017 Act 262.
 - b. Removing the definition of “First Priority for Services” in s. DHS 75.03 (39). Details of the requirements related to First Priority for Services are explained where applicable and a definition is duplicative.
 - c. 75.03(60) Removed definition of “Motivational Approach”
 - d. Added “medication” to the definition of “nurse prescriber” in s. DHS 75.03 (61) to be consistent with other references in the rule.
 - e. Removing details of documentation requirements from the definition of “prescription” in s. DHS 75.03 (72) because they are not necessary to include in the definition.

¹ Copies of the Department’s letter to the committee chairs and the modified proposed rule order are available at the Wisconsin State Legislature’s Clearing House Rule page for CR 20-047, https://docs.legis.wisconsin.gov/code/chr/all/cr_20_047.

- f. Removing additional limits to the definition of “scope of practice” in s. DHS 75.03 (80) to set a minimum standard.
2. Adding language to ss. DHS 75.15 and DHS 75.16 to limit applicability of those rule sections to specific instances identified therein.
3. Modifying language to improve clarity in s. DHS 75.19 (3)
4. Changing “physician” to more the more expansive “prescriber” under s. DHS 75.25 (19) (g) as it applies to service operations for medical service.

Further, the Department is continuing to work with stakeholders impacted by the rule to finalize additional modifications to the PRO.

Please contact me at 608-733-0529 if you have any questions regarding these modifications to CR 20-047.

Thank you.