



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-2059/1
SWB:skw

2023 ASSEMBLY BILL 281

May 17, 2023 - Introduced by Representatives SNYDER, ARMSTRONG, DITTRICH, DONOVAN, EDMING, GREEN, GUNDRUM, KITCHENS, MURPHY, MURSAU, SPIROS, SUBECK and TITTL, cosponsored by Senators BALLWEG and JAMES. Referred to Committee on Mental Health and Substance Abuse Prevention.

AUTHORS SUBJECT TO CHANGE

1 **AN ACT** *to repeal* 20.435 (5) (ct), 51.441 and 51.442; *to amend* 20.435 (5) (bw)
2 and 51.445 (3); and *to create* 20.435 (5) (bx) and 51.443 of the statutes;
3 **relating to:** mental health consultation program and making an
4 appropriation.

Analysis by the Legislative Reference Bureau

This bill combines the child psychiatry consultation program with additional services into a new mental health consultation program. Currently, the child psychiatry consultation program assists participating clinicians in providing care to children with mental health care needs and provides referral support and additional services. The 2019 biennial budget act requires the Department of Health Services to convene interested persons, including the Medical College of Wisconsin, to develop a plan and standards for a comprehensive mental health consultation program incorporating various psychiatry specialties, including addiction medicine; a perinatal psychiatry consultation program; and the child psychiatry consultation program. This requirement from the 2019 biennial budget act is eliminated in the bill along with the separate child psychiatry consultation program. The addiction medicine consultation program currently assists participating clinicians in providing care to patients with substance use addiction and provides referral support and additional services, and the bill retains the addiction medicine consultation program as a separate program.

The bill requires an organization to administer a mental health consultation program (MHCP) that incorporates a comprehensive set of mental health

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consultation services and may include perinatal, child, adult, geriatric, pain, veteran, and general mental health consultation services. Under the bill, the organization that currently administers the child psychiatry consultation program must administer the MHCP during the 2023-25 fiscal biennium. After the 2023-25 fiscal biennium, DHS may continue with that organization or select another organization to administer the MHCP through its request-for-proposal procedures. The organization administering the MHCP may contract with any other entity to perform any operations and satisfy any requirements of the MHCP. The organization must do all of the following: 1) ensure that mental health providers providing services through the MHCP have the appropriate credentials as described in the bill, 2) maintain infrastructure to provide services statewide on every weekday, 3) provide consultation services as promptly as practicable, 4) report to DHS any information DHS requires, 5) conduct surveys of participating clinicians as described in the bill, and 6) provide certain specified services. Those specified services are the following: support for clinicians participating in the MHCP to assist in the management of mental health problems; triage-level assessments to determine the most appropriate response; diagnostics and therapeutic feedback when medically appropriate; and recruitment of other practices to a provider's services. The MHCP must be able to provide consultation services by telephone and email but may also provide services by other means. In addition to the services required in the bill, which are eligible for funding by DHS, the organization may provide any of the services specified in the bill that are eligible for funding by DHS.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 20.005 (3) (schedule) of the statutes: at the appropriate place, insert
2 the following amounts for the purposes indicated:

	2023-24			2024-25
3 20.435 Health services, department of				
4 (5) MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES				
5 (bx) Addiction medicine consultation				
6 program	GPR	B	-0-	500,000

7 **SECTION 2.** 20.435 (5) (bw) of the statutes is amended to read:

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1 20.435 (5) (bw) ~~Child psychiatry and addiction medicine consultation~~
2 ~~programs~~ Mental health consultation. Biennially, the amounts in the schedule for
3 operating the ~~child psychiatry consultation program under s. 51.442~~ and the
4 ~~addiction medicine consultation program under s. 51.448~~ mental health consultation
5 program under s. 51.443.

6 **SECTION 3.** 20.435 (5) (bx) of the statutes is created to read:

7 20.435 (5) (bx) *Addiction medicine consultation program*. Biennially, the
8 amounts in the schedule for operating the addiction medicine consultation program
9 under s. 51.448.

10 **SECTION 4.** 20.435 (5) (ct) of the statutes is repealed.

11 **SECTION 5.** 51.441 of the statutes is repealed.

12 **SECTION 6.** 51.442 of the statutes is repealed.

13 **SECTION 7.** 51.443 of the statutes is created to read:

14 **51.443 Mental health consultation program. (1)** In this section:

15 (a) 1. Before July 1, 2025, “organization” means the organization that provided
16 consultation services through the child psychiatry consultation program under s.
17 51.442, 2021 stats., as of July 1, 2023.

18 2. On or after July 1, 2025, “organization” means any of the following:

19 a. The organization described under subd. 1.

20 b. The organization selected by the department in accordance with its
21 request-for-proposal procedures to administer the mental health consultation
22 program under this section.

23 (b) “Participating clinicians” includes physicians, nurse practitioners,
24 physician assistants, and medically appropriate members of the care teams of
25 physicians, nurse practitioners, and physician assistants.

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1 (c) “Program” means the mental health consultation program under this
2 section.

3 **(2)** The organization shall administer a mental health consultation program
4 that incorporates a comprehensive set of mental health consultation services, which
5 may include perinatal, child, adult, geriatric, pain, veteran, and general mental
6 health consultation services, and may contract with any other entity to perform any
7 operations and satisfy any requirements under this section for the program.

8 **(3)** As a condition of providing services through the program, the organization
9 shall do all of the following:

10 (a) Ensure that all mental health care providers who are providing services
11 through the program have the applicable credential from this state; if a psychiatric
12 professional, that the provider is eligible for certification or is certified by the
13 American Board of Psychiatry and Neurology for adult psychiatry, child and
14 adolescent psychiatry, or both; and if a psychologist, that the provider is registered
15 in a professional organization, including the American Psychological Association,
16 National Register of Health Service Psychologists, Association for Psychological
17 Science, or the National Alliance of Professional Psychology Providers.

18 (b) Maintain the infrastructure necessary to provide the program’s services
19 statewide.

20 (c) Operate the program on weekdays during normal business hours of 8 a.m.
21 to 5 p.m.

22 (d) Provide consultation services under the program as promptly as is
23 practicable.

24 (e) Have the capability to provide consultation services by, at a minimum,
25 telephone and email. Consultation through the program may be provided by

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1 teleconference, video conference, voice over Internet protocol, email, pager,
2 in-person conference, or any other telecommunication or electronic means.

3 (f) Provide all of the following services through the program:

4 1. Support for participating clinicians to assist in the management of mental
5 health concerns.

6 2. Triage-level assessments to determine the most appropriate response to
7 each request for services through the program, including appropriate referrals to any
8 community providers and health systems.

9 3. When medically appropriate, diagnostics and therapeutic feedback.

10 4. Recruitment of other clinicians into the program as participating clinicians
11 when possible.

12 (g) Report to the department any information requested by the department.

13 (h) Conduct annual surveys of participating clinicians who use the program to
14 assess the quality of care provided, self-perceived levels of confidence in providing
15 mental health services, and satisfaction with the consultations and other services
16 provided through the program. Immediately after participating clinicians begin
17 using the program and again 6 to 12 months later, the organization may conduct
18 assessments of participating clinicians to assess the barriers to and benefits of
19 participation in the program to make future improvements and to determine the
20 participating clinicians' treatment abilities, confidence, and awareness of relevant
21 resources before and after beginning to use the program.

22 (4) Services provided under sub. (3) (b) to (h) are eligible for funding from the
23 department. The organization also may provide any of the following services under
24 the program that are eligible for funding from the department:

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1 (a) Second opinion diagnostic and medication management evaluations and
2 community resource referrals conducted by either a psychiatrist or an allied health
3 professional.

4 (b) In-person or web-based educational seminars and refresher courses on a
5 medically appropriate topic within mental or behavioral health care provided to any
6 participating clinician who uses the program.

7 (c) Data evaluation and assessment of the program.

8 **SECTION 8.** 51.445 (3) of the statutes is amended to read:

9 51.445 (3) The department shall provide moneys in the amount of \$175,000 in
10 each fiscal year in, at least, fiscal years 2020-21 and 2021-22 to an organization that
11 provided consultation services through the child psychiatry consultation program
12 under s. 51.442, 2021 stats., as of January 1, 2019 2021, and the organization shall
13 provide consultation services through the consultation pilot program under this
14 section in Outagamie County in a manner that maximizes medically appropriate
15 access and services as described under sub. (4).

16 **SECTION 9. Fiscal changes.**

17 (1) MENTAL HEALTH CONSULTATION PROGRAM. In the schedule under s. 20.005 (3)
18 for the appropriation to the department of health services under s. 20.435 (5) (bw),
19 the dollar amount for fiscal year 2024-25 is increased by \$2,000,000 to fund the
20 mental health consultation program under s. 51.443.

21 (2) ADDICTION MEDICINE CONSULTATION PROGRAM. In the schedule under s. 20.005
22 (3) for the appropriation to the department of health services under s. 20.435 (5) (bw),
23 the dollar amount for fiscal year 2024-25 is decreased by \$500,000 to reflect that
24 expenditures for the addiction medicine consultation program are being paid from
25 a different appropriation.

