

Legislative Update

In October, the legislature agreed on a conference report for **Senate Bill 40**, the biennial budget bill introduced by Governor Doyle, and it was signed into law. The original bill contained a provision requiring insurance coverage for autism spectrum disorder, and also proposed an increase in minimum coverage for treatment of mental health and alcohol and other drug abuse problems. The Assembly opposed both items, which were removed from the bill.

As mentioned in the last report, required insurance coverage for autism spectrum disorder has been drafted as separate legislation, **Senate Bill 178** (Senator Robson, D-Beloit), and **Assembly Bill 417** (Representative Hixson, D-Whitewater). The bill mandates insurance coverage for autism spectrum disorder provided by psychiatrists, psychologists, social workers, and mental health professionals working in a certified outpatient clinic.

The Senate Committee on Public Health, Senior Issues and Long Term Care approved the bill 4-1 on October 17, and it was subsequently referred to the Joint Committee on Finance on October 29 for fiscal review. The Group Insurance Board estimates the cost to state and local governments for providing employee coverage to range between \$7.9-\$9.5 million annually. The Assembly Committee on Health and Health Care Reform has custody of AB 417. No action has been scheduled.

Governor Doyle announced on December 3 that he is pushing the legislature to vote on SB 178 in its December session.

Also included in the Senate version of SB 40 was a universal health care proposal called Healthy Wisconsin, which included mental health parity among its provisions. Although the Senate and Assembly could not agree on this proposal and it was subsequently dropped from budget negotiations, Governor Doyle's health care plan did win legislative approval. Governor Doyle's plan expands the current Badger Care program to cover an additional 4-5% of uninsured Wisconsin residents, bringing overall insurance coverage of Wisconsin residents to 98%.

The Healthy Wisconsin plan is being drafted as separate legislation by Senator Erpenbach.

The Coalition for Fairness, a welter of groups advocating mental health insurance parity, is working with Lt. Governor Barbara Lawton and Senator Dave Hansen to draft separate legislation to address the parity issue.

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The **Mental Health Access and Equity Act, AB 463** (Rep. Bies, R-Sister Bay) and **SB 246**, was introduced in both houses of the legislature in July. The Assembly Committee on Health and Health Care Reform gave AB 463 a public hearing on November 20. No opposition surfaced at the hearing, although the Department of Health and Family Services and mental health advocacy groups asked for changes in the bill relating to patient protection, grievance procedures, scope of practice issues, and clinic/provider regulation in the Medical Assistance area. Amendments are expected. As yet, Chairwoman Leah Vukmir has not scheduled an executive session on AB 463. SB 246 may have a public hearing in December.

The bills enable providers of psychotherapy and AODA services to practice outside the umbrella of mental health clinic regulation. They specify that social workers, marriage and family therapists, professional counselors and psychologists be defined as providers of service to Medical Assistance recipients, and they establish psychotherapy and AODA services provided by licensed mental health professionals as MA benefits. The bills eliminate current physician referral requirements, and terminate DHFS supervisory authority over mental health professionals. They require group health policies to cover services provided by mental health professionals.

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Assembly Bill 173 (Rep. Grigsby, D-Milwaukee) seeks to expand representation on the state Council on Mental Health, increasing the members from 15 to from 21 to 25, and to eliminate the council's current representational structure to replace it with representatives of groups as specified under federal law. The Assembly Committee on Health and Health Care Reform reported the bill from committee 13-0, and it awaits Assembly scheduling.

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Legislative Update Continued

Assembly Bill 335 (Representative Gundrum, R-New Berlin) awaits scheduling for Assembly action by the Rules Committee. Under current law, preliminary hearings may be closed to the public in cases of first-degree sexual assault, sexual assault of a child, sexual exploitation of a child, and incest with a child if the court decides the case could be prejudiced in open court. This bill adds sexual exploitation by a therapist to the list of cases in which the hearing may be closed. The bill was approved 10-0 for passage by the Assembly Judiciary Committee.

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HFS 35: Outpatient Clinic Rules

DHFS continues its work on the re-write of the Outpatient Mental Health Clinic regulations. The DHFS Bureau of Quality Assurance intends to address remaining problems identified by the Department of Regulation and Licensing and the participating stakeholders in a future draft of the rules, which the department expects to release for legislative review in early 2008.

For more information on the above legislation, visit www.legis.state.wi.us.