

SECTION 1305r. 49.45 (30f) of the statutes is created to read:

49.45 (30f) PSYCHOTHERAPY AND ALCOHOL AND OTHER DRUG ABUSE SERVICES. The department shall include licensed mental health professionals, as defined in s. 632.89 (1) (dm), and licensed psychologists, as defined in s. 455.01 (4), as providers of psychotherapy and of alcohol and other drug abuse services. Except for services provided under sub. (30e), the department may not require that licensed mental health professionals or licensed psychologists be supervised; may not require that clinical psychotherapy or alcohol and other drug abuse services be provided under a certified program; and, notwithstanding subs. (9) and (9m), may not require that a physician or other health care provider first prescribe psychotherapy or alcohol and other drug abuse services to be provided by a licensed mental health professional or licensed psychologist before the professional or psychologist may provide the services to the recipient. This subsection does not affect the department's powers under ch. 50 or 51 to establish requirements for facilities that are licensed, certified, or operated by the department.

SECTION 1321r. 49.46 (2) (b) 6. (intro.) of the statutes is amended to read:

49.46 (2) (b) 6. (intro.) The following services if that, other than under subd. 6. f., fm., k., and Lr., are prescribed by a physician:

SECTION 1323c. 49.46 (2) (b) 6. Lr. of the statutes is created to read:

49.46 (2) (b) 6. Lr. Psychotherapy and alcohol and other drug abuse services, as specified under s. 49.45 (30f).

SECTION 1424g. 51.01 (11m) of the statutes is created to read:

51.01 (11m) "Licensed mental health professional" has the meaning given in s. 632.89 (1) (dm).

SECTION 1427L. 51.30 (1) (ag) of the statutes is amended to read:

51.30 (1) (ag) "Health care provider" has the meaning given in s. 146.81 (1) (a) to (p).

SECTION 1427r. 51.30 (1) (b) of the statutes is amended to read:

51.30 (1) (b) "Treatment records" include the registration and all other records that are created in the course of providing services to individuals for mental illness, developmental disabilities, alcoholism, or drug dependence and that are maintained by the department, by county departments under s. 51.42 or 51.437 and their staffs, ~~and~~ by treatment facilities; or by psychologists licensed under s. 455.04 (1) or licensed mental health professionals who are not affiliated with a county department or treatment facility. Treatment records do not include notes or records maintained for personal use by an individual providing treatment services for the department, a county department under s. 51.42 or 51.437, or a treatment facility, if the notes or records are not available to others.

SECTION 1431d. 51.30 (8) of the statutes is amended to read:

51.30 (8) GRIEVANCES. Failure to comply with any provisions of this section may be processed as a grievance under s. 51.61 (5), except that a grievance resolution procedure option made available to the patient, as required under s. 457.04 (8), applies to failures to comply by a licensed mental health professional who is not affiliated with a county department or treatment facility. However, use of the grievance procedure is not required before bringing any civil action or filing a criminal complaint under this section.

SECTION 1443f. 51.61 (1) (y) of the statutes is created to read:

51.61 (1) (y) Have the right, if provided services by a licensed mental health professional who is not affiliated with a county department or treatment facility, to be notified by the professional in writing of the grievance resolution procedure option that the professional makes available to the patient, as required under s. 457.04 (8).

SECTION 1443h. 51.61 (2) of the statutes is amended to read:

51.61 (2) A patient's rights guaranteed under sub. (1) (p) to (t) may be denied for cause after review by the director of the facility, and may be denied when medically or therapeutically contraindicated as documented by the patient's physician ~~or~~, licensed psychologist, or licensed mental health professional in the patient's treatment record. The individual shall be informed in writing of the grounds for withdrawal of the right and shall have the opportunity for a review of the withdrawal of the right in an informal hearing before the director of the facility or his or her designee. There shall be documentation of the grounds for withdrawal of rights in the patient's treatment record. After an informal hearing is held, a patient or his or her representative may petition for review of the denial of any right under this subsection through the use of the grievance procedure provided in sub. (5) or, alternatively for review of the denial of a right by a licensed mental health professional who is not affiliated with a county

department or treatment facility, through the use of one of the grievance resolution procedure options required under s. 457.04 (8). Alternatively, or in addition to the use of such the appropriate grievance procedure, a patient or his or her representative may bring an action under sub. (7).

SECTION 1443k. 51.61 (5) (e) of the statutes is created to read:

51.61 (5) (e) A licensed mental health professional who is not affiliated with a county department or treatment facility shall notify in writing each patient to whom the professional provides services of the procedure to follow to resolve a grievance. The notice shall provide an option that the professional makes available to the patient, as required under s. 457.04 (8). Paragraphs (a) and (b) do not apply to this paragraph.

SECTION 1443m. 51.61 (9) of the statutes is amended to read:

51.61 (9) ~~The~~ Except for grievance resolution procedure options specified under s. 457.04 (8) (a), (b), and (c), the department shall promulgate rules to implement this section.

SECTION 3197r. 632.89 (1) (dm) of the statutes is created to read:

632.89 (1) (dm) “Licensed mental health professional” means a clinical social worker who is licensed under ch. 457, a marriage and family therapist who is licensed under s. 457.10, or a professional counselor who is licensed under s. 457.12.

SECTION 3197s. 632.89 (1) (e) 3. of the statutes is repealed and recreated to read:

632.89 (1) (e) 3. A psychologist licensed under ch. 455.

SECTION 3197t. 632.89 (1) (e) 4. of the statutes is created to read:

632.89 (1) (e) 4. A licensed mental health professional practicing within the scope of his or her license under ch. 457 and applicable rules.

SECTION 9422. Effective dates; Health Services.

(12r) PSYCHOTHERAPY AND ALCOHOL AND DRUG ABUSE SERVICES. The treatment of sections 49.45 (30f) and 49.46 (2) (b) 6. (intro.) and Lr. of the statutes takes effect on January 1, 2011.