

Wis. Admin. Code ch. DHS 75

October 11, 2022



WISCONSIN DEPARTMENT
of HEALTH SERVICES

Disclaimer

Nothing stated during this webinar is intended to interpret administrative rule language. The information provided in today's presentation is intended to assist providers with understanding the revised rule and should not be construed as legal interpretation.

Any formal guidance issued regarding the rule will be identified as such and will follow the approved process.

Today's Agenda

- Introductions
- Background on revisions
- New and eliminated certifications
- Key revisions
- Conversion process
- Medicaid and the revised rule
- Questions

DHS 75 Implementation Overview

- DHS 75 sets the minimum standards for substance use prevention, intervention, and treatment services delivered across a variety of settings and levels of care.
- DHS was directed to revise DHS 75 by the Governor's Task Force on Opioid Abuse and 2017 Executive Order #228.
- The revised rule is the product of years of partner engagement and advocacy to ensure that the rules promulgated by DHS reflect evidence-based practice and support advancements in patient care.
- The revised DHS 75 was implemented October 1, 2022.

DHS 75 Implementation Overview

- The revised DHS 75 aims to ease requirements for providers and increase access to services across the state, while maintaining high-quality standards of care and ensuring patient safety.
- Given the scope of changes included in this revision, DHS is working across divisions to support implementation (Division of Care and Treatment Services, Division of Quality Assurance, and Division of Medicaid Services).
- Continuity of services is the top priority.
- Ensuring uninterrupted payments for providers during the transition is also important.

DHS 75 Implementation Overview

- DHS understood that the revisions in the rule led to a significant transition for providers.
- DHS will work with providers to provide flexibility and support as providers adjust to the requirements in the revised rule.
- Providers are expected to be in compliance with the revised requirements in the rule as of October 1, 2022.
- The Division of Quality Assurance (DQA) will exercise reasonable regulatory oversight during the transition period.

New Services

- **75.15** Intervention service and intoxicated driver services.
- **75.50** Outpatient Integrated behavioral health service
- **75.51** Intensive outpatient treatment service
- **75.56** Adult residential integrated behavioral health stabilization service
- **75.60** Office-based opioid treatment (OBOT)

DHS 75.60(2) Service Description

In this section, "office-based opioid treatment," or "OBOT" service means pharmacotherapy for opioid use disorder, delivered in a stand-alone office-based opioid treatment clinic, a private office, or public sector clinic setting, excluding certified settings exempted in DHS 75.60(1) or otherwise certified under this chapter, by practitioners authorized to prescribe outpatient supplies of medications approved by the FDA for the treatment of opioid addiction or dependence, prevention of relapse of opioid addiction or dependence, or both.

DHS 75.60(1) Applicability

This section shall not apply to office-based opioid treatment occurring in any of the following settings:

- a) A treatment service in which all patients receiving medication for addiction are enrolled in a service otherwise certified under DHS 75.
- b) A state or local correctional facility.
- c) A hospital and their affiliates.
- d) A primary care service.
- e) A service providing medication for addiction to less than 30 patients.

Eliminated Services

- **75.05:** Emergency outpatient services
- **75.06:** medically managed inpatient detoxification
- **75.08:** Ambulatory detoxification service

Level of Care Structure in Revised Rule



Frequency and Intensity

- Prevention services
- Intervention services
- Outpatient services
- Intensive outpatient services
- Day treatment services
- Residential services
- Inpatient services

- Withdrawal management levels of care
- Opioid treatment services

Current DHS 75 and Revised DHS 75 Levels of Care Crosswalk

Current Wis. Admin. Code ch. DHS 75	ASAM Level of Care	Revised Wis. Admin. Code ch. DHS 75
DHS 75.04 Prevention Service		DHS 75.14 Prevention Service
DHS 75.16 Intervention Service	Level 0.5 Early Intervention	DHS 75.15 Intervention Service and Intoxicated Driver Services
DHS 75.13 Outpatient Treatment Service	Level 1 Outpatient Services	DHS 75.49 Outpatient Substance Use Treatment Service
	Level 1 Outpatient Services, Co-Occurring Enhanced	DHS 75.50 Outpatient Integrated Behavioral Health Treatment Service
	Level 2.1 Intensive Outpatient Services	DHS 75.51 Intensive Outpatient Treatment Service
DHS 75.12 Day Treatment Service	Level 2.5 Partial Hospitalization Services or Day Treatment	DHS 75.52 Day Treatment or Partial Hospitalization Treatment Service
DHS 75.14 Transitional Residential Treatment Service	Level 3.1 Clinically-Managed Low Intensity Residential Services	DHS 75.53 Transitional Residential Treatment Service
DHS 75.11 Medically Monitored Treatment Service	Level 3.5 Clinically-Managed Medium Intensity Residential Services	DHS 75.54 Medically Monitored Residential Treatment Service
DHS 75.10 Medically Managed Inpatient Treatment Service	Level 4.0 Medically-Managed Intensive Inpatient Services	DHS 75.55 Medically Managed Inpatient Treatment Service
DHS 75.05 Emergency Outpatient Service		

Current DHS 75 and Revised DHS 75 Levels of Care Crosswalk

Current Wis. Admin. Code ch. DHS 75	ASAM Level of Care	Revised Wis. Admin. Code ch. DHS 75
DHS 75.08 Ambulatory Detoxification Service	Level 1-Withdrawal Management Ambulatory Withdrawal Management without Extended On-Site Monitoring	
DHS 75.09 Residential Intoxication Monitoring Service	Level 3.2- Withdrawal Management Clinically-Managed Residential Withdrawal Management	DHS 75.58 Residential Intoxication Monitoring Service
DHS 75.07 Medically Monitored Residential Detoxification	Level 3.7- Withdrawal Management Medically-Monitored Inpatient Withdrawal Management	DHS 75.57 Residential Withdrawal Management Service
	Level 3.7- Withdrawal Management Medically-Monitored Inpatient Withdrawal Management, Co-occurring Enhanced	DHS 75.56 Adult Residential Integrated Behavioral Health Stabilization Service
DHS 75.06 Medically Managed Inpatient Detoxification	Level 4- Withdrawal Management Medically-Managed Intensive Inpatient Withdrawal Management	
DHS 75.15 Narcotic Treatment Service for Opiate Addiction	Opioid Treatment Services	DHS 75.59 Opioid Treatment Program
	Opioid Treatment Services	DHS 75.60 Office-Based Opioid Treatment Service

Full document available at: <https://www.dhs.wisconsin.gov/dhs75>

New Additions

- Telehealth
- Peer services
- Qualified treatment trainees
- Integrated treatment
- Continuing care
- Concurrent services
- Withdrawal management
- Tobacco use disorder policy

Additional Changes

- Opioid overdose reversal – naloxone requirement
- Aligns with American Society of Addiction Medicine (ASAM) level of care as an industry standard
- Acceptance of clinical assessments completed within the past 30 days from another provider
- Removal of community-based residential facility (CBRF) requirement for residential programs

Community-Based Residential Facilities

- Programs must still meet sections of DHS 83 as specified in DHS 75, Subchapter V.
- Hospitals with a residential or inpatient program are excluded from the requirements defined DHS 75, Subchapter V.
- Business decisions for providers:
 - Need to be aware of contracts with payor sources [Department of Corrections, counties, or managed care organizations (MCOs)]
 - Limits to individuals to be served. All residents must be patients of the DHS 75 residential/inpatient service.

Clinical Supervision and Clinical Oversight

- Outpatient level of care no longer requires a medical director
- Decreased requirements

Conversion Process

- Providers with current DHS 75 certifications were automatically converted to the new certification numbers, with the exception of:
 - Discontinued certifications (Licensed DHS 124 hospitals are able to continue to provide detox/withdrawal services under their hospital licensure).
 - New certifications for intervention service, intensive outpatient service, office-based opioid treatment, and adult residential integrated behavioral health stabilization.
- Providers with previous DHS 75.13 outpatient treatment certification were allowed to choose to convert to the same service or to the outpatient integrated behavioral health treatment service.

Conversion – Automatic

- General letter issued June 24, 2022
- Individual letter issued August 15, 2022

“Old” DHS 75	Revised DHS 75 effective 10/1/22	Service
DHS 75.04	DHS 75.14	Prevention
DHS 75.07	DHS 75.57	Residential Withdrawal Management
DHS 75.09	DHS 75.58	Residential Intoxication Monitoring
DHS 75.10	DHS 75.55	Medically Managed Inpatient Treatment
DHS 75.11	DHS 75.54	Medically Monitored Residential Treatment
DHS 75.12	DHS 75.52	Day Treatment or Partial Hospitalization Treatment
DHS 75.13	DHS 75.49	Outpatient Substance Use Treatment (non-DHS 75.15 providers)
DHS 75.13	DHS 75.50	Outpatient Integrated Behavioral Health Treatment Service (DHS 75.15 providers)
DHS 75.14	DHS 75.53	Transitional Residential Treatment
DHS 75.15	DHS 75.59	Opioid Treatment Program
DHS 75.16	DHS 75.15	Intervention Service (only)

Reasonable Regulatory Oversight

- First renewal survey under the new code
 - If non-compliance is found for code requirements that are new, a Notice of Finding will be issued.
 - If non-compliance is found for code requirements that carried over from the “old” DHS 75, a Statement of Deficiency will be issued.
- Investigative surveys conducted for complaints, referrals, or deaths will issue a Statement of Deficiency if provider is non-compliant.
- Revised DHS 75 specifies Plans of Correction are now due in 10 days ([DHS 75.09\(2\)\(b\)1](#))

Medicaid Reimbursement

- Medicaid is planning to align coverage policy with changes and additions to services in the revised DHS 75.
- For October 1, 2022, Medicaid prioritized non-interruption of existing services.
- Moving forward, Medicaid will begin adding coverage for new services in a prioritized order.

Medicaid's Planned Approach

New coverage implementation plan:

1. Reimbursement for qualified treatment trainees (QTTs) in DHS 75 facilities
2. Drug testing services for DHS 75 facilities
3. Intensive outpatient services standalone benefit
4. Continuing care services reimbursement policy
5. Concurrent services reimbursement policy
6. Office-based opioid treatment provider type and reimbursement
7. Withdrawal management services (biennial budget request to fund new coverage policy)

Projects will be implemented as efficiently as possible.

DHS 35 Mental Health Provider Questions

- Outpatient mental health clinics with DHS 35 certification providing substance use disorder services are required to be certified under Wis. Admin. Code ch. DHS 75 as a substance use service provider [Wis. Stat. § 51.45 (8)(c)].
- Under the revised DHS 75, providers have two options for substance use services certification.
 - DHS 75.49 (outpatient substance use treatment service) in combination with DHS 35
 - DHS 75.50 (outpatient integrated behavioral health treatment service). A DHS 75.50 certification allows providers to operate under one certification to provide mental health, substance use, or co-occurring services and have one set of policies and procedures.

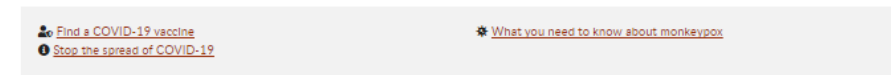
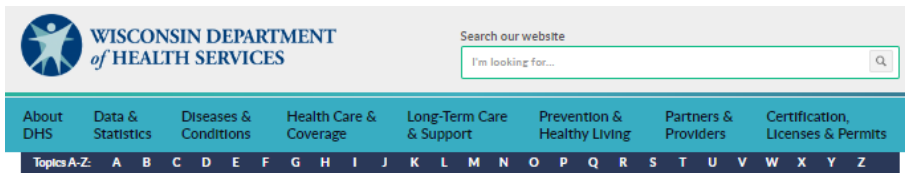
Process for DHS 35 Providers to Apply for DHS 75 Certification

- DHS is extending certification of DHS 35 providers for 120 days (four months) for certificates up for renewal between October 1, 2022, and January 31, 2023. A certificate with the revised certification date will be sent to agencies.
- DHS understands that providers will need to go through a transition to meet the requirements and will work with providers to provide flexibility and support.
- Submit your questions or concerns about obtaining a DHS 75 certification through the online form on the Revised DHS 75 Implementation page on the DHS website.

Questions and Discussion



Online Resources



Revised DHS 75 Implementation

Revised DHS 75 Implementation

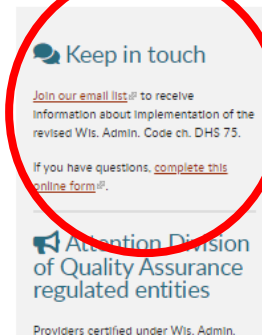
Building a better system of care for substance use services

The revised Wis. Admin. Code ch. DHS 75 took effect October 1, 2022. This administrative rule sets the minimum standards for substance use prevention, intervention, and treatment services delivered across a variety of settings and levels of care.

[View the text of the revised Wis. Admin. Code ch. DHS 75](#)

The revised Wis. Admin Code ch. DHS 75 is the product of years of partner and provider engagement and advocacy to ensure that DHS administrative rules reflect evidence-based practices and support advancement in patient care. This revised Wis. Admin. Code ch. DHS 75 puts the health and well-being of people receiving services for substance use first while easing provider requirements to support greater access to substance use services throughout the state.

DHS staff have been working with providers for the revised regulations since October 2021. Staff continue



- Recorded training webinars
- List of FAQs
- Sign up for email updates
- Submit a question through an online form

<https://www.dhs.wisconsin.gov/dhs75>