

Wis. Admin. Code ch. DHS 75

October 11, 2022



WISCONSIN DEPARTMENT
of HEALTH SERVICES

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 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.
- This 120 day period provides time to update policies and procedures to align with DHS 75.
- DHS staff are available to support the transition with training and technical assistance.
- 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.

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.

Clinical Supervision and Clinical Oversight

- Outpatient level of care no longer requires a medical director
- Decreased requirements for signatures on client records (such as treatment plans).
- Acceptance of clinical assessments completed within the past 30 days from another provider
- Aligns with American Society of Addiction Medicine (ASAM) level of care as an industry standard

New Additions

- Telehealth
- Peer services
- Qualified treatment trainees
- Integrated treatment
- Continuing care
- Concurrent services
- Withdrawal management
- Tobacco use disorder policy
- Opioid overdose reversal – naloxone requirement

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:

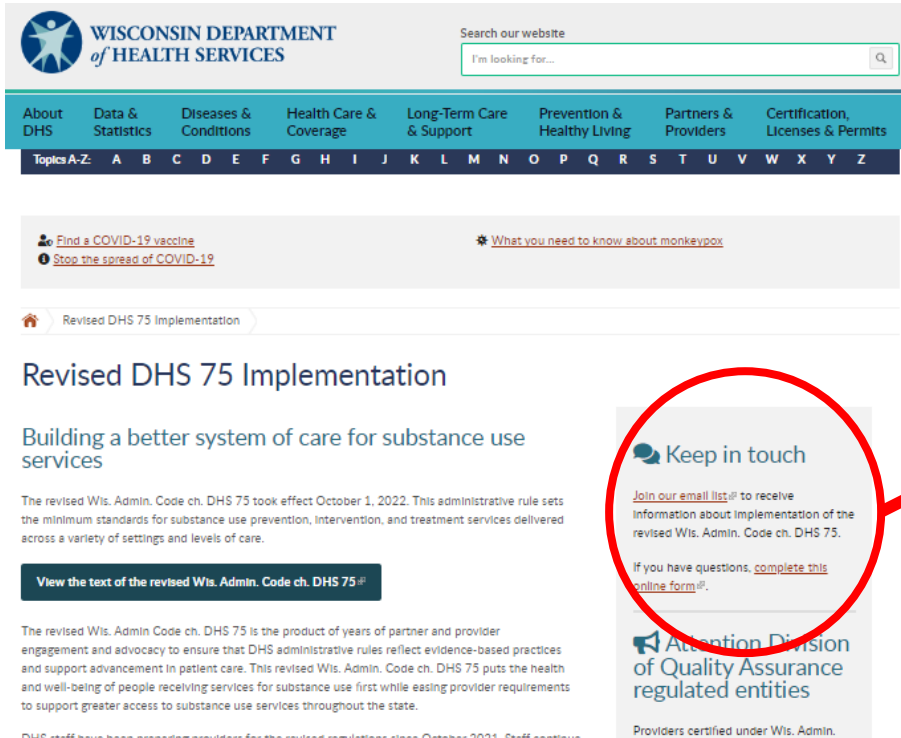
1. Reimbursement for qualified treatment trainees (QTTs) in DHS 75 facilities
2. Drug testing services for DHS 75 facilities
3. Intensive outpatient services standalone benefit
4. Continuing care services reimbursement policy
5. Concurrent services reimbursement policy
6. Office-based opioid treatment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

Projects will be implemented as efficiently as possible.

Questions and Discussion



Online Resources



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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 assisting providers for the revised regulations since October 2021. Staff continue

Keep in touch

[Join our email list](#) to receive information about implementation of the revised Wis. Admin. Code ch. DHS 75.

If you have questions, [complete this online form](#).

Attention Division of Quality Assurance regulated entities

Providers certified under Wis. Admin.

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

<https://www.dhs.wisconsin.gov/rules/dhs75-implementation.htm>