

# Revised Wis. Admin. Code ch. DHS 75 Implementation

Special Webinar Training

## Conversion Process and Certification Requirements

Division of Quality Assurance  
August 31, 2022



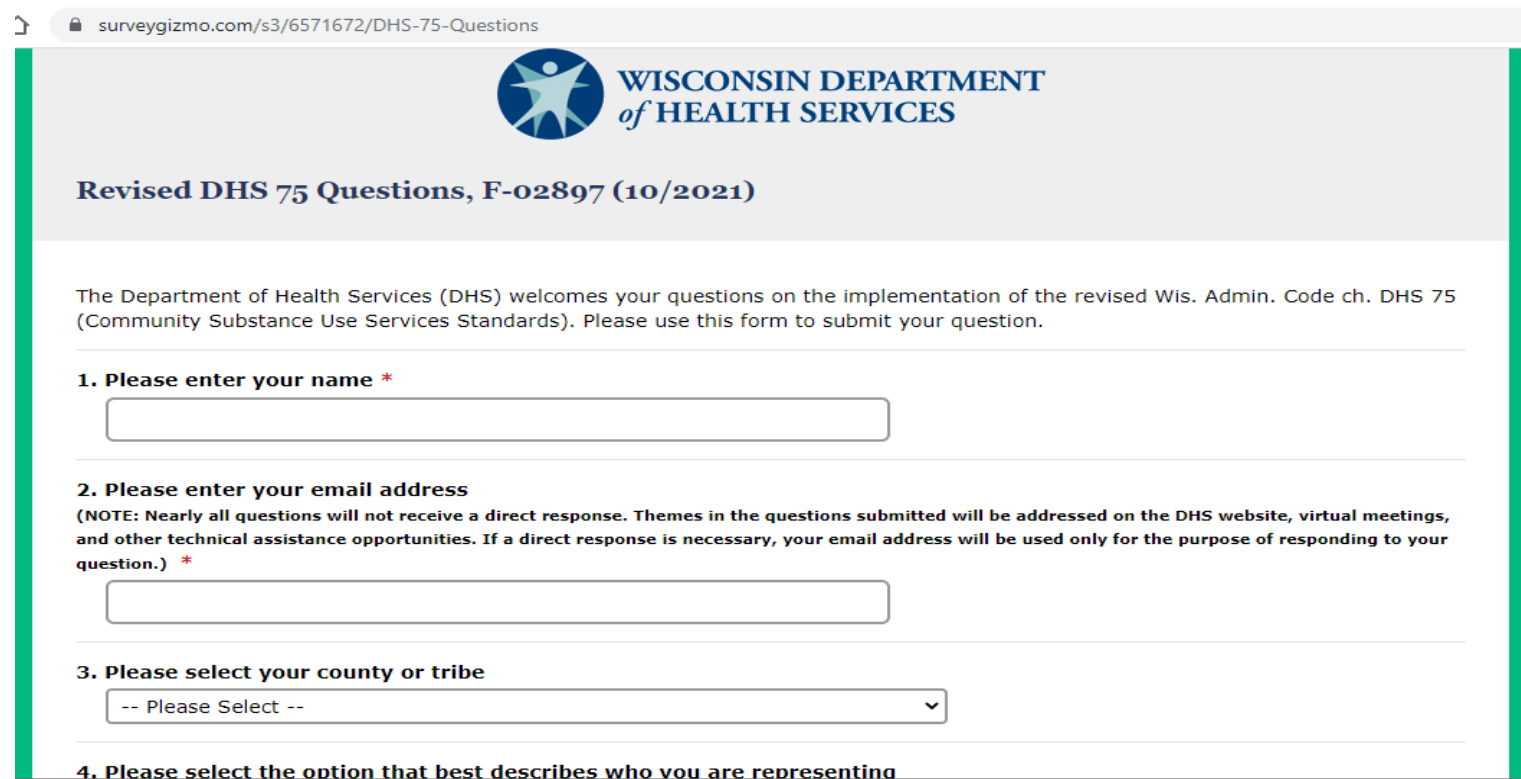
**WISCONSIN DEPARTMENT**  
*of* **HEALTH SERVICES**

# 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.

# Questions? Use online form.



surveygizmo.com/s3/6571672/DHS-75-Questions

 **WISCONSIN DEPARTMENT**  
*of* **HEALTH SERVICES**

**Revised DHS 75 Questions, F-02897 (10/2021)**

The Department of Health Services (DHS) welcomes your questions on the implementation of the revised Wis. Admin. Code ch. DHS 75 (Community Substance Use Services Standards). Please use this form to submit your question.

**1. Please enter your name \***

**2. Please enter your email address**  
(NOTE: Nearly all questions will not receive a direct response. Themes in the questions submitted will be addressed on the DHS website, virtual meetings, and other technical assistance opportunities. If a direct response is necessary, your email address will be used only for the purpose of responding to your question.) \*

**3. Please select your county or tribe**

**4. Please select the option that best describes who you are representing**

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

# Agenda

- Conversion process
- Non-expiring certificates
- Adding and changing services
- Biennial fees
- Waivers and variances
- Community-based residential facilities
- Regulatory enforcement
- Renewals
- Reporting requirements

# DHS goals for DHS 75

- Sets minimum standards for prevention, intervention, treatment services
- Reflects evidence-based practices

# DHS goals for DHS 75 implementation

- Continuity of service is top priority during the transition to the revised rule.
- Reasonable regulatory oversight will be exercised during the transition to the revised rule.

# Conversion – automatic (“do nothing”)

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

Current 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)

# Conversion options – Notify DHS

Available change options via email notification for October 1, 2022, implementation only. Email request to [DHS DQA Mental Health AODA](#)

- DHS 35 & DHS 75.13 → DHS 75.50 instead of DHS 35 and DHS 75.49
- DHS 75.13 only → DHS 75.51 instead of DHS 75.49



# Intoxicated Driver Program assessment agencies

- All providers have a current DHS 75 certificate
  - Assessment location listed as branch office
  - DHS 75.15 and 75.15(8) print on certificate
- Email application, staff roster, and supporting documentation to [DHS DQA Mental Health and Substance Use Certification](#)
- Request technical assistance from [Katie Behl](#), the Intoxicated Driver Program coordinator in the Division of Care and Treatment Services

# Opioid treatment programs

- Two certificates
  - Current certificate will convert to DHS 75.59 service
  - New certificate will have all other certified services with automatic conversions already covered, including DHS 75.13 service converting to required DHS 75.50
- Revised DHS 75 does not include opioid treatment programs for biennial fees or non-expiring certificates

# Dropped certified services

- These services are no longer certified effective October 1, 2022.
  - DHS 75.05 Emergency Outpatient
  - DHS 75.06 Medically Managed Inpatient
  - DHS 75.08 Ambulatory Detoxification
- Contact the [Division of Care and Treatment Services](#) if you need technical assistance.

# Non-expiring certificates

- Certificates will not print “end-dates.”
- Updates will only be sent when printed information on the certificate changes.
  - Service changes
  - Branch changes
- This applies to all services listed on the certificate including mental health services.

Non-expiring certificates for mental health administrative codes are also planned. ([Statement of Scope 113-20](#))

# Adding or changing services

- Submit new application, supporting documentation, and fees as specified
- Complete desk survey process if existing provider

## DHS 75.60 office-based opioid treatment (new)

- Desk review process to allow October 1, 2022, certification as required
- On-site visits conducted after October 1, 2022, including staff record reviews

If stopping service, submit written notification to [DHS DQA Mental Health and Substance Use Certification](#)

# Biennial fees and conversion

- This information does not apply to DHS 75.59 opioid treatment programs that will continue to be billed annual fees.
- Conversion to biennial fee is based on current two-year certification period.
- There is no fee increase.
- Invoices to be sent for any additional fees due after October 1, 2022.
  - Due dates for additional fees will match the current annual cycle providers have.
  - Potential adjustments for providers who paid fees for October and November renewals

# Biennial fees and conversion examples

- Provider paid annual fee for certification period of July 1, 2022, through June 30, 2024.
  - Biennial fee cycle will be established as July 1, 2022, through June 30, 2024.
  - Invoice will be sent for year two fees with due date of April 30, 2023. Renewal information sent April 1, 2024, will request full biennial fee.
- Provider paid annual fee for certification period of July 1, 2021, through June 1, 2023.
  - No additional fees are due.
  - Renewal information sent April 1, 2023, will request full biennial fee.

# Biennial fees – new providers or services

- New providers will pay the biennial fee with their application.
- Existing providers adding services will determine if full or half of fee for new service or new branches is requested
- Fee will be determined by “submission date.”
- Example with application submitted December 15, 2022:
  - Existing provider with biennial fee cycle of July 1, 2022, through June 30, 2024: Full biennial fee to be submitted as specified on application, currently \$1100.00
  - Existing provider with biennial fee cycle of July 1, 2021, through July 1, 2023: One half of biennial fee to be submitted with application, currently \$550.00



# Waivers and variances

- All current DHS 75 waivers and variances end on September 30, 2022.
- The revised DHS 75 was rewritten to address most of the waivers and variances that are in place today.
- Minor telehealth adjustments are being made under clearinghouse rule [CR 22-053](#)
- The process is defined on the [Waivers and Variances: Behavioral Health page on the DHS website](#).

# Community-based residential facilities

- Residential programs are no longer required to have a community-based residential facility (CBRF) license
- 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:

- How will decision on licensure impact contracts with Department of Corrections, counties, or managed care organizations (MCOs)?
- How will decision on licensure impact residents? All residents must be patients of the DHS 75 residential/inpatient service if CBRF license is dropped.

# Regulatory enforcement

- 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](#))

# Regulatory enforcement – Notice of Finding

DEPARTMENT OF HEALTH SERVICES  
Division of Quality Assurance  
F-62583 (08/2022)

STATE OF WISCONSIN

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## BUREAU OF ASSISTED LIVING NOTICE OF FINDING

This form is used to identify isolated incidents of non-compliance with regulatory requirements. No plan of correction or self-attestation of compliance is required. Failure to address these concerns may lead to systemic problems that could result in negative outcomes to the consumer.

Facility Name [REDACTED]	Facility License or Certification Number [REDACTED]
Facility Address [REDACTED]	
Surveyor Name [REDACTED]	Date of Survey [REDACTED]
Requirement [REDACTED]	
Description [REDACTED]	

# Renewals

- Applications for renewals are no longer required.
- Program and fee schedule will be sent 90 days prior to end of biennial fee cycle.
  - Add info to report
  - Use “red” to make any necessary changes
  - Sign attestation statement
- Return statement and fee check to Behavioral Health Certification Section as specified.
- Adding services and branches will be processed separately.

# Renewals – Program report example

## Behavioral Health Certification Section Program Report

The Behavioral Health Certification Section's data system reflects the following information related to the program's certification. Please review all information for accuracy, **document in red** any changes and provide the requested information.

While this Program Report serves to ensure the Department has updated information on your certified program, notification of program changes should be ongoing. The program is responsible for notifying the Department of changes in administration, ownership or control, any change in service location, clinic name, or services, and any change in the certified program's policies or practices that may affect clinic compliance by no later than the effective date of the change. Advance notification should be given to the Department if the change requires Department approval.

**Certifications are non-transferable; if changing ownership a new certification will be required.**

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<b>Program Name</b>	<b>Certification #</b>	<b>Certification Type</b>	<b>County</b>
BEHAVIORAL HEALTH ABC	9999	NON-EXPIRING	Kenosha

**Facility Address:** 999 GREEN ST  
KENOSHA, WI 53142

**Mailing Address:** 123 WILSON ST  
MADISON, WI 53703

# Renewals – Program report example

**Phone:** (262) 942-9999

**Fax:** (262) 942-9999

**Entity Owner:** Cindys Behavioral Health LLC

**Legal Representative / Board Member:** NEED TO SUBMIT INFORMATION

**FEIN:** 391112223

## Contact

**Name:** Casper Ghost

**Phone:** (262) 646-9999

**Email:** Casper.Ghost@cindysbh.org

## Record Custodian

**Name:** Mark Records

**Phone:** (262) 646-8888

**Email:** Mark.Records@cindysbh.org

## Client Rights Specialist

**Name:** Kelly Rights

**Phone:** (262) 777-7777

**Email:** Kelly.Rights@cindysbh.org

## Accreditation Organizations (other than DQA):

**Accreditation ID:**

## Approved Service(s):

DHS 75.52	CSUS - Day Treatment
DHS 75.49	CSUS - Outpatient Treatment
DHS 40.03(10)	Mental Health - Day Treatment for Youth Community Based
DHS 35 DHS	Mental Health - Outpatient Clinic
61.75	Mental Health-Day Treatment

# Renewals – Program report example

## ATTESTATION:

I hereby attest that all staff of the program know and understand the rights of the clients they serve and the procedures of the informal and formal resolution grievance process and have read Wis. Admin. Code chs. DHS 92 and DHS 94. The above named program has appropriate policies to ensure patient rights, confidentiality, informed consent and any other required policies and procedures identified in the administrative codes by which the program is certified. The program has a designated client rights specialist who is trained in compliance with the requirements of Wis. Admin. Code chs. DHS 92, DHS 94, and Wis. Stat. Ch. 51. The program is in compliance with all applicable Wis. Administrative Codes and Wis. Statutes.

The signatory of this document is duly authorized by the certificate holder to sign this agreement on its behalf. The certificate holder hereby accepts responsibility for knowing and ensuring compliance with all licensing, certification, operational, and any other requirements for this facility. I attest under penalty of law that the information provided above is truthful and accurate to the best of my knowledge. I understand that knowingly providing false information or omitting information may result in denial of certification, a fine of up to \$10,000 or imprisonment not to exceed 6 years or both in accordance with Wis. Stat. §946.32.

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Name and Title (print)



# DHS 75 Subchapter II - Miscellaneous

- Change of ownership, [DHS 75.07](#)
- Agency closure, [DHS 75.08](#)
- Investigation, notification, and reporting requirements, [DHS 75.10](#)
  - Death reporting, [DHS 75.10\(1\)](#)
  - Caregiver misconduct, [DHS 75.10\(2\)](#)
  - Notification of changes affecting client, [DHS 75.10\(3\)](#)
  - Documentation, [DHS 75.10\(4\)](#)

# Summary

- Conversion
- Non-expiring certificates
- Adding and changing services
- Biennial fees
- Waivers and variances
- Community-based residential facilities
- Regulatory enforcement
- Renewals
- Reporting requirements



QUESTIONS

# Questions? Use online form.

The screenshot shows the Wisconsin Department of Health Services website. At the top left is the logo and name. To the right is a search bar. Below is a navigation menu with categories like 'About DHS', 'Data & Statistics', 'Diseases & Conditions', 'Health Care & Coverage', 'Long-Term Care & Support', 'Prevention & Healthy Living', 'Partners & Providers', and 'Certification, Licenses & Permits'. A 'Topics A-Z' bar follows. The main content area features a breadcrumb trail for 'Revised DHS 75 Implementation' and a heading 'Revised DHS 75 Implementation'. Below this is a section titled 'Improving substance use services' with a paragraph of text and a link to 'View the text of the new Wis. Admin Code ch. DHS 75 (PDF)'. A sidebar on the right contains a 'Keep in touch' section with a link to an 'email list' and a circled link that says 'If you have questions, complete this online form'. At the bottom of the sidebar is a logo for 'Attention DQA'.

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