

Revised Wis. Admin. Code ch. DHS 75 Implementation

Webinar Series: Session 1

Orientation to the revised administrative rule

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WISCONSIN DEPARTMENT
of **HEALTH SERVICES**

Revised Wis. Admin. Code ch. DHS 75

Nothing stated during this webinar series is intended to interpret administrative rule language. The information provided in today's presentation and subsequent presentations 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.

Wisconsin Administrative Code Chapter DHS 75

This rule establishes standards for community substance use services in Wisconsin.

Wisconsin Administrative Code Chapter DHS 75

- [The revised \(new\) rule was published on October 25, 2021.](#)
(Scroll past the current rule to see the text of the revised rule.
The text of the revised rule is in bold.)
- The new rule is effective on October 1, 2022.

Statutory Authority and Purpose

[Wis. Stat. § 227.11\(2\)\(a\)](#) – DHS is authorized to “promulgate rules interpreting the provisions of any statute it enforce[s] or administer[s], if . . . necessary to effectuate the purpose of the statute” and rulemaking authority is explicitly conferred on the agency by the legislature.”

Statutory Authority and Purpose

Grants of rulemaking authority for Wis. Admin. Code ch. DHS 75:

- [Wis. Stat. § 46.973\(2\)](#) – DHS may administer “programs concerned with treatment and rehabilitation of drug dependent persons and persons who abuse drugs. . . . These programs may include . . . development of standards and provision of consultation for local drug dependence and drug abuse programs.”
- [Wis. Stat. § 51.42\(7\)\(b\) 1.- 11.](#) – DHS is authorized to promulgate rules that “[g]overn the administrative structure deemed necessary” for community mental health, alcoholism, and drug abuse services, and “prescribe such other standards and requirements as may be necessary to carry out . . . section [51.42],” amongst other specific grants.

Statutory Authority and Purpose

Grants of rulemaking authority for Wis. Admin. Code ch. DHS 75:

- [Wis. Stat. § 51.4224](#) – DHS required to certify “opioid treatment systems”
- [Wis. Stat. § 51.45\(1\) – \(9\)](#) – DHS shall establish and certify comprehensive and coordinated programs for treatment for alcoholism and drug dependency. DHS has authority to set minimum standards for certification and “promulgate rules for acceptance of persons into treatment programs, considering available treatment resources and facilities, for the purpose of early and effective treatment. . . .”

History of Wis. Admin. Code ch. DHS 75

- Established in 2000
- Replaced rules for certification of community alcohol and drug abuse prevention and treatment programs that were codified in [Wis. Admin. Code ch. DHS 61](#)

History of Wis. Admin. Code ch. DHS 75

While minor amendments to parts of the rule have been made over the years, as recently as 2019, the rule has not been substantially revised since 2010.

Why was the rule revised?

- [2017 Executive Order #228](#)

Recommendations from Governor Walker's Task Force on Opioid Abuse, including on-site naloxone, evidence-based practices for opioid use disorder treatment, and simplified and streamlined regulations to increase access to care

- Improve opioid use disorder treatment standards and integrate mental health and substance use care

- Update language

Remove stigmatizing or outdated terminology and align language with updated state and federal policies

Rule Revision Process

- [Statement of scope to begin repeal and recreate of Wis. Admin. Code ch. DHS 75](#)
- Listening sessions
- Draft new Wis. Admin. Code ch. DHS 75
- Advisory committee reviews draft
- Formalize draft as proposed rule order
- Post proposed rule order for economic impact public comment period

Rule Revision Process

- Create economic impact analysis
- Submit proposed rule order and economic impact analysis to Legislative Council for review
- Public hearing on revised proposed rule order
- Finalize proposed rule order and create rulemaking report
- Governor's final approval
- Legislature approval (standing committees, Joint Committee for Review of Administrative Rules)
- Promulgation (if no objection from legislature)

Revised Wis. Admin. Code ch. DHS 75

- Review of the structure of new rule
- Review of the subchapters
- Review of how to read the revised rule
- Review of where to begin

Wis. Admin. Code § DHS 75.02 - Applicability

This chapter shall apply to all of the following:

- A publicly or privately operated facility providing substance use treatment services, in accordance with Wis. Stat. § 51.01 (19) and Wis. Stat. § 51.45 (8) (c).
- A publicly or privately operated facility providing substance use treatment services approved by the state opioid treatment authority.

Wis. Admin. Code § DHS 75.02 - Applicability

This chapter shall apply to all of the following:

- A substance use service that receives funds under Wis. Stat. ch. 51 is funded through the department as the federally designated single state agency for substance use services, receives substance abuse prevention and treatment funding or other funding specifically designed for providing services under Wis. Admin. Code chs. §§ DHS 75.14 to 75.15, where certification is required by a contract with the department.
- An intoxicated driver service described in Wis. Admin. Code ch. § DHS 75.15.
- A publicly or privately operated service that requests certification by the department.

Wis. Admin. Code § DHS 75.02 - Applicability

- The provision of substance use treatment services to a patient in the state of Wisconsin via telehealth, regardless of the location of the program or facility, shall constitute the practice of substance use services in the state of Wisconsin and shall meet the requirements of this chapter.
- This chapter shall not apply to a general medical service that delivers substance use treatment services as an adjunct to general medical care, unless that service meets the definition of a “program” under 42 CFR 2.11.

Language

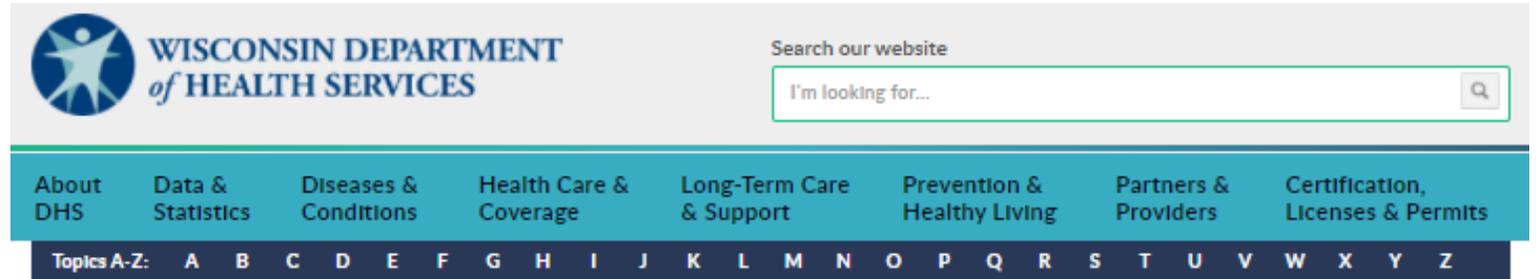
- Specificity and consistency

Example: “**Clinical staffing** applies to all **clinical staff** of a **service**, and includes the **clinical supervisor** and **medical personnel**. **Clinical staffing** is facilitated at intervals appropriate to the individual’s needs and as prescribed based on the level of care.

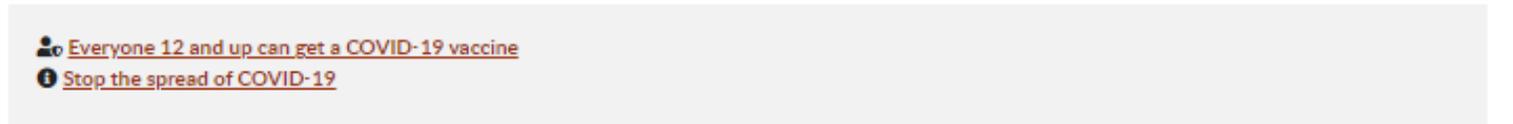
- “Substance abuse”
- Use of “shall” or “may”

Questions

Questions related to the revised rule should be submitted through the online form linked to the [Revised DHS 75 Implementation](#) page on the DHS website



www.dhs.wisconsin.gov/rules/dhs75-implementation.htm



Revised DHS 75 Implementation

Revised DHS 75 Implementation

Improving substance use services

The new Wis. Admin. Code ch. DHS 75 was published October 25, 2021. 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. With a goal of supporting access to services throughout the state, the new rule eases requirements for providers in many areas while maintaining safety and quality of care standards.

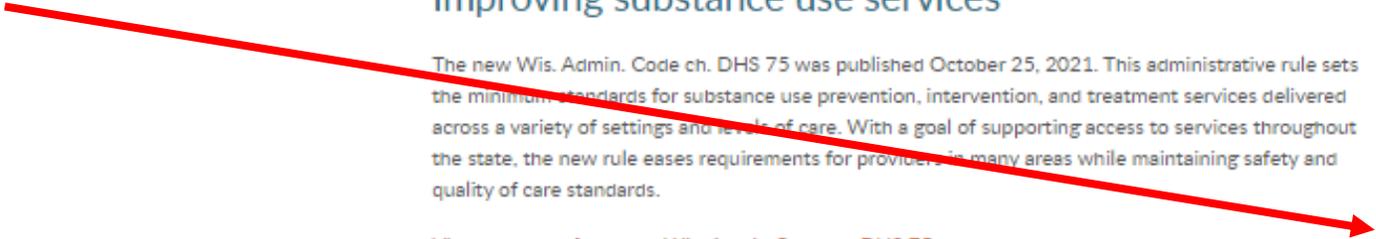
[View the text of the new Wis. Admin Code ch. DHS 75](#)

(Note: Scroll past the current rule to see the text of the revised rule. The text of the revised rule is in bold.)

Key revisions

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](#).



Email Updates

Join the Revised DHS 75 Implementation email list to get updates and other important information.

There's a link to sign up for this email list on the [Revised DHS 75 Implementation](https://www.dhs.wisconsin.gov/rules/dhs75-implementation.htm) page on the DHS website

The screenshot shows the Wisconsin Department of Health Services website. At the top, there is a search bar and 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'. Below the navigation is a 'Topics A-Z' index. The main content area is titled 'Revised DHS 75 Implementation' and includes a sub-heading 'Improving substance use services'. A red arrow points from the text on the left to the 'Join our email list' link in the 'Keep in touch' section, which is circled in red. The link text is: 'Join our [email list](#) to receive information about implementation of the revised Wis. Admin. Code ch. DHS 75'. Below this is another link: 'If you have questions, [complete this online form](#)'.

Next Webinar

Friday, December 10, 2021

11:45 a.m. to 1:00 p.m.

Topic: DHS 75 Levels of care

Webinar Schedule

- Find the draft schedule on the Revised DHS 75 Implementation page on the DHS website.
- Webinars on specific topics
 - Read section or subchapter prior to meeting
 - Submit questions through the online form prior to the meeting
 - Ask questions during the Q&A portion of the webinar
 - Focus on the sessions applicable to your agency
 - Access recorded sessions on the DHS website as needed