



Date: January 7, 2020

DCTS Action Memo 2020-02

To: County Departments of Community Programs  
County Departments of Health and Human Services  
County Departments of Human Services

From: Rose Kleman, Administrator, Division of Care and Treatment Services  
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## Medicaid-funded Crisis Intervention Services Regional Designation

### Document summary

This memo sets forth the implementation criteria required in 2019 Wisconsin Act 9 that amended Wis. Stat. § 49.45 (41) that requires the Department of Health Services (DHS) to reimburse crisis intervention providers for medical assistance (MA) eligible services provided after January 1, 2020, an amount equal to the total federal and nonfederal share of costs, minus a county maintenance of effort contribution, if the county elects to provide those services on a regional basis according to criteria established by DHS. This memo outlines the criteria and application process for regional designation and outlines the DHS process for determining the maintenance of effort for crisis intervention services equal to 75% of the county's annual average of expenditures for crisis intervention services under MA. Counties must submit an application for regional designation by February 28, 2020, for the earliest consideration as of January 1, 2020, implementation. Counties applying in that timeline will be notified of their regional designation status by March 31, 2020. Counties applying for regional designation on or after March 1, 2020, will be notified of their regional designation status within 30 days of submission.

### Background

The goal of this initiative is to expand access to crisis services across the state and in particular for Medicaid recipients. In establishing regional criteria, counties will continue to provide local crisis response in order to align with their locally established partnerships with local law enforcement in carrying out their respective roles in the statutorily mandated emergency detention process. In addition, counties may provide some crisis services through regional partnerships to enhance and support local structures and systems, and provide better overall statewide response over time for crisis access, consistency, and coordination.

If a county elects to request a regional designation to provide crisis intervention services under the MA program, the county will annually contribute an amount equal to 75 percent of the annual average of the county's expenditures for crisis intervention services.

### Regional designation criteria

The current Medicaid requirements for reimbursement remain unaffected by this budget item, including that the DHS Division of Quality Assurance certify a county under Wis. Admin. Code ch. DHS 34,

Subchapter III, and that the DHS Division of Medicaid Services certify the county as a Medicaid provider.

At least one of the following additional criteria must be met for a county to meet regional designation requirements:

1. Participation in a regional 24/7 crisis call center

Counties may contract with a regional provider of crisis call center services in a manner that will ensure that call center services are available 24/7. Contracted services may be offered outside of normal business hours or at peak crisis times to act as a back-up to the county crisis line. Some examples of existing call center collaborations include:

- Contracting with a regional provider such as Northwest Connections or Family Services to answer and respond to some or all crisis calls.
- Participating in a regional grant such as the Collaborative Crisis Intervention Services to Youth that utilizes a regional call center.

2. Shared service with at least one other county

Counties must share at least one service such as the following:

- A crisis stabilization service or facility
- Staffing
- Prescribers
- Training
- Telehealth services
- Electronic health records/documentation

Some examples of existing collaborations utilizing this method include:

- Crisis in-home youth stabilization services that coordinate a service area across multiple counties.
- Stabilization facilities that allow placement of residents outside of the county where the facility is located or a written agreement between counties that allows a county to use a facility located in a different county.
- Utilizing staff or prescribers who work across multiple counties.
- Membership in the Behavioral Health Training Partnership at the UW-Green Bay to provide crisis training for staff.

3. Established as a Wis. Stat. § 51.42 multi-county program

Currently identified as:

- Forest, Oneida, and Vilas counties (Human Service Center)
- Langlade, Lincoln, and Marathon counties (North Central Healthcare)
- Grant and Iowa counties (Unified Community Services)

4. Single county region under Comprehensive Community Services

This is a single county with a population exceeding 350,000. Currently identified as:

- Dane County
- Milwaukee County
- Waukesha County

<b>Medicaid-funded Regional Designation Requirements</b>	
Existing	Wisconsin Admin. Code ch. DHS 34, Subchapter III certified provider
Existing	Medicaid certified provider
New	One of the following: 1) Participate in a regional 24/7 crisis call center 2) Shared Service with at least one other county 3) Wisconsin Stat. § 51.42 multi-county program 4) Single county region under Comprehensive Community Services

**Application process**

Counties that wish to be recognized as meeting the criteria for a region must identify which regional collaboration criteria will be met, provide a description of how and when they meet that criteria, and identify their regional partners. This information must be submitted to the Division of Care and Treatment Services.

Applications must be submitted by February 28, 2020, and demonstrate how counties are in compliance or working toward compliance with the regional designation criteria. If the application meets these requirements and is approved by DHS, general purpose revenue (GPR) reimbursement on billing claims for crisis services will be retroactive to January 1, 2020, or the date by which the county attests it meets the regional designation criteria, whichever is later. The application will be reviewed and approved by DHS within 30 days of submission.

Counties applying for a regional designation on or after March 1, 2020, will be notified of their regional designation status within 30 days of submission.

The county regional designation status must be recertified at the time of Division of Quality Assurance Wis. Admin. Code ch. DHS 34 recertification.

DHS will be seeking to strengthen the regional designation criteria in future years in the best interests of the state.

**Funding and billing**

County agencies providing crisis intervention services will continue to receive the full federal share for crisis intervention interim claims submissions as well as 82.98% of the federal share for crisis intervention cost settlements through the annual Wisconsin Medicaid Cost Reporting process.

Effective for costs accrued for dates of service on and after January 1, 2020, DHS will contribute GPR for a portion of the non-federal share of crisis intervention costs delivered by county providers with a regional designation. According to the 2019 Wisconsin Act 9, DHS must establish a maintenance of effort, referred to as a county contribution cap, for which DHS will contribute GPR for every allowable dollar of crisis intervention services that a county spends above the cap if the county has met DHS criteria for regional designation. DHS will calculate each county agency’s contribution cap by taking 75% of the average allowable crisis intervention costs for calendar years 2016, 2017, and 2018. This will be the county contribution maintenance of effort for calendar year 2020 and thereafter.

Although the Medicaid fiscal agent is in the process of enhancing the Medicaid claims system such that effective January 1, 2020, DHS will have the ability to pay GPR on all crisis intervention service provider claims, the system will not yet be able to distinguish between those counties who meet the criteria for regional designation and those that do not. In other words, the system enhancement is an “all or nothing” solution as of January 1, 2020. At that time Medicaid will pay all county claims as if the regional designation criteria have been met and thus, all counties will receive the additional GPR payments. However, counties will be required to repay those GPR funds until the date on which the county attests to meeting the regional designation criteria or until the system changes necessary to distinguish between counties with and without a regional designation are in place, whichever is later.

It is anticipated that by calendar year 2021 dates of service, the Medicaid fiscal agent will have made further systems changes to be able to pay GPR only to counties that meet the regional designation criteria.

In an effort to expedite the distribution of GPR to counties, beginning January 1, 2020, DHS will begin to pay out 25% of the non-federal share for crisis intervention services upon interim claims submission. Each county agency will be responsible for the remaining 75% of the non-federal share county contribution/maintenance of effort for both crisis intervention interim claims submissions. Upon cost settlement for calendar year 2020, occurring at the end of calendar year 2021, DHS will ensure that the county share of costs has met or exceeded the county contribution cap/maintenance of effort and will distribute any potential remaining GPR at that time. At the same time, Medicaid would recoup GPR paid to counties for any period in calendar year 2020 during which the regional designation criteria were unmet.

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