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DCTS Information Memo 2020-05

To: Subscribers of the DCTS Information Memo Series Email Distribution List

From: Rose Kleman, Administrator

### **Behavioral Health Administrative Rule Compliance - Technical Assistance**

The purpose of this memorandum is to provide clarification and offer technical assistance support to certified mental health and substance use treatment providers regarding treatment services impacted by the [COVID-19 pandemic](#) and [2019 Wisconsin Act 56, Coverage of Medical Assistance Services Provided by Telehealth](#).

On March 12, 2020, Governor Tony Evers declared a public health emergency with Executive Order #72. On April 3, 2020, [Emergency Order #21](#) was issued. On May 4, 2020, [Emergency Order #35](#) was issued. As a result of these orders, several administrative code provisions relevant to behavioral health providers were suspended and companion orders were issued. Executive Order #72 ended on May 10, 2020. All emergency orders that impacted behavioral health providers also ended on that date.

On November 25, 2019, 2019 Wisconsin Act 56 was enacted, which allows the use of telehealth services for behavioral health treatment. This act excludes telephonic services as a telehealth service, but allows for the expanded use of telehealth treatment delivery and possible telephonic services by promulgating administrative code. DHS has started work on the administrative rule changes needed to be in compliance with 2019 Wisconsin Act 56 as it relates to telehealth services.

For more information on telehealth policy changes in response to the COVID-19 pandemic, see [ForwardHealth's Telehealth Resources for Providers](#).

Effective May 11, 2020, the state public health emergency ended and administrative code suspensions and companion orders in Emergency Order #21 and Emergency Order #35 ended. Certified mental health and substance use treatment providers may request a waiver or variance to applicable administrative code for delivering treatment services to address any current situations they encounter in delivering treatment under current administrative rules. [The DHS website has information on how to request a waiver or variance](#).

Bureau of Prevention Treatment and Recovery staff are available to provide technical assistance on behavioral health administrative rule compliance.

<b>Administrative rule</b>	<b>Staff contact</b>
DHS 34 (Emergency mental health)	<a href="#">Brad Munger</a>
DHS 35 (Outpatient mental health)	<a href="#">Amanda Lake Cismesia</a>
DHS 36 (Comprehensive Community Services)	<a href="#">Danielle Graham-Heine</a> <a href="#">Langeston Hughes</a>
DHS 40 (Youth mental health day treatment)	<a href="#">Abraham Morris</a>
DHS 61 (Inpatient mental health, day treatment, youth mental health inpatient)	<a href="#">Amanda Lake Cismesia</a>
DHS 63 (Community Support Programs)	<a href="#">Brad Munger</a>
DHS 75 (Outpatient substance use treatment)	<a href="#">Amanda Lake Cismesia</a>
DHS 75 (Residential and inpatient substance use treatment)	<a href="#">Saima Chauhan</a>
DHS 75.15 (Opioid treatment providers)	<a href="#">Elizabeth Collier</a>

## **CENTRAL OFFICE CONTACT**

Administrator's Office  
Division of Care and Treatment Services  
Department of Health Services  
1 W. Wilson St., Room 850  
Madison, WI 53703  
[dhswebmaildcts@dhs.wisconsin.gov](mailto:dhswebmaildcts@dhs.wisconsin.gov)

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