



Date: July 27, 2015

DQA Memo 15-010

To: Area Administrators/Assistant Administrators  
Bureau Directors  
Certified Outpatient Mental Health Clinics  
Community Mental Health Providers  
County Departments of Human Services Directors  
County Mental Health Coordinators  
Tribal Chairpersons/Human Service Coordinators  
[Hospitals](#)

From: Otis Woods, Administrator  
Division of Quality Assurance

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Division of Mental Health and Substance Abuse Services

Via: Crenear Mims, Director  
Bureau of Health Services

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Bureau of Prevention, Treatment and Recovery

**Variance Needed for Physician Assistant to Practice  
in Certified Mental Health Programs**

This memo replaces DQA-DMHSAS Memo 08-004 issued March 4, 2008 and repeals a formerly approved statewide variance to permit a physician assistant (PA) to supplement the services of a psychiatrist in a certified mental health program. A certified mental health program that wishes to use or continue to use a physician assistant to practice in applicable programs must apply for a variance of the applicable code as described below.

Wis. Admin. Code, chs. DHS 40, 61 and 63 do not list PAs as program personnel. Chapter Med 8 of the Wisconsin Administrative Code outlines the education, training, and experience requirements that a PA must meet. Wis. Admin. Code ch. DHS 35 replaced ch. DHS 61.91. Wis. Admin. Code § DHS 35.03(16) identifies the PA as an optional prescriber in outpatient mental health clinics. The PA is also identified in Wis. Admin. Code, chs. DHS 34 and 36.

## Request for a Variance

A program certified under Wis. Admin. Code, chs. DHS, 40, 61 or 63 that wishes to request a variance of a requirement in the Wisconsin Administrative Code, please submit the request to:

DHS/DQA/Behavioral Health Certification Section  
P.O. Box 2969  
Madison Wisconsin 53701-2969

Include the following in the variance request:

1. The rule from which the variance is requested;
2. The time period for which the variance is requested;
3. Any alternative action that includes the following:
  - PAs included as Program Personnel will practice as allowed in Wis. Admin. Code §§ Med 8.07, 8.08, and 8.10. Notification of the beginning date of PA services must be provided to the Behavioral Health Certification Section surveyor, prior to the provision of services by a PA, but subsequent to the approval of the variance request.
  - The program shall develop and implement a policy detailing the relationship between the psychiatrist and the PA to ensure that the PA is supplementing, not supplanting, the psychiatrist. The policies and procedures must address the provisions of Med 8.08 (2), the assessments and services the PA may perform in the clinic in accordance with Med 8.07 (2). In Community Support Programs (CSP), the psychiatrist will be responsible for the initial in-depth psychiatric assessment of all CSP clients, including the development of a working diagnosis and assuring the need for CSP services. The CSP psychiatrist will also be responsible for assessing the need for further medical evaluation, and for making the initial determination for medical/pharmacological treatment. The PA may conduct the aforementioned activities in collaboration with a psychiatrist and in accordance with Med 8.07, 8.08, and 8.10. A copy of the policy must be submitted to the Behavioral Health Certification Section with the variance request letter for review to determine if the variance should be granted.
  - Documentation, in keeping with the provisions of the applicable provider requirements and Med 8.07, 8.08, and 8.10, must be completed and available for review when requested, by DQA staff.
  - The program shall notify the department of any change in the program's policies or practices that may affect program compliance. If the PA no longer provides services, the variance will cease to be effective on the last date of employment or contracted services from the PA.
4. The reason for the request; and

5. Assurances that the variance will not diminish the effectiveness of the program, violate the purposes of the program, or adversely affect clients' health and welfare.

For additional information regarding submitting a request for a variance, please refer to DQA Memo 15-006.

Note: A physician assistant's practice may not exceed his or her educational training or experience and may not exceed the scope of practice of the supervising physician [reference Med 8.07(1)]. Based on the intensity of these levels of care, a psychiatrist must be the supervising physician.

Note: Granting of any of these variances does not constitute granting a variance s. 49.45 (2) (b) 6. f., Stats., of the Medical Assistance (Title XIX) requirements. The Division of Quality Assurance does not have the authority to grant waivers or variances for Medical Assistance rules.

### **Questions**

If you have questions about this information, please contact the Behavioral Health Certification Section at (608)261-0656 or via email at [DHSDQAMentalHealthAODA@dhs.wisconsin.gov](mailto:DHSDQAMentalHealthAODA@dhs.wisconsin.gov).