

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

Webinar Series: Session 10

## Clinical Consultation/Clinical Staffing and Supervision

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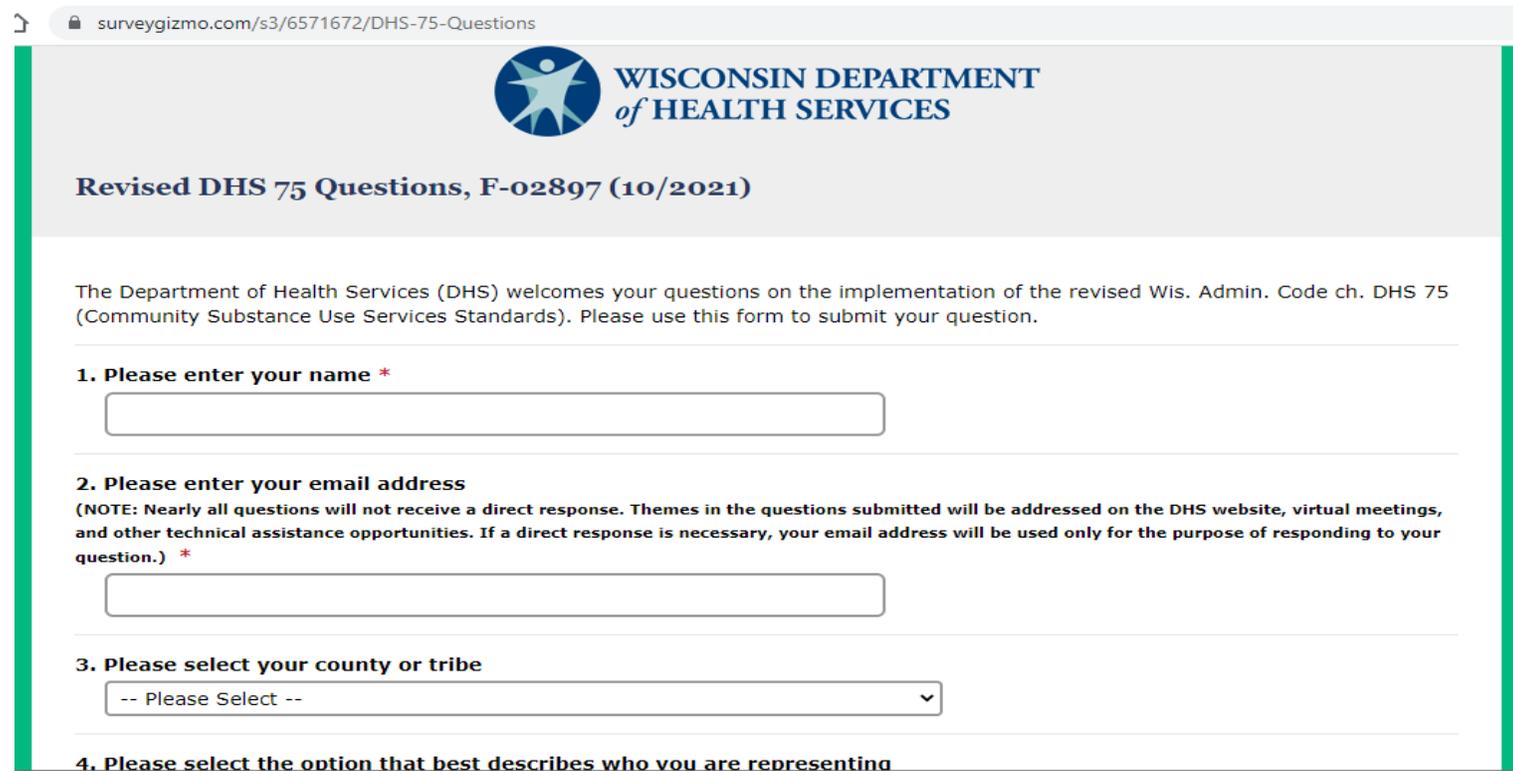
**WISCONSIN DEPARTMENT**  
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# Disclaimer

Nothing stated during this webinar series 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

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**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>

# Definitions

- **DHS 75.03(15)** “Clinical consultation” means the review of a patient's plan of care or collaborative discussion of specific aspects of a patient's risks, needs, and functioning, between a clinical supervisor and other clinical staff of a service, another licensed professional, or both.
- **DHS 75.03(18)** “Clinical staffing” means the review of a patient's plan of care or collaborative discussion of specific aspects of a patient's risks, needs, and functioning, with other clinical staff of a service.

# Definitions

- **DHS 75.03(19)** “Clinical supervisor” means any of the following:
  - (a) An individual who meets the qualifications provided in [SPS 160.02 \(7\)](#).
  - (b) An individual who meets the qualifications in [2017 Wisconsin Act 262](#) and is practicing within their scope of their education, training, and experience.
- **DHS 75. 03(20)** “Clinical supervision” means the process as defined in [SPS 160.02 \(6\)](#).

# General requirements for service staff

## **DHS 75.18(2) Clinical Supervisor**

- (a) A service shall have a clinical supervisor, either on staff or through a contracted agreement, to provide clinical supervision or clinical consultation to clinical staff of a service, as required within this chapter, and consistent with applicable professional licensure and certification requirements.
- (b) The clinical supervisor is responsible for professional development of clinical staff, and for ensuring delivery of appropriate clinical services to patients of a service.
- (c) Any staff who provides clinical supervision shall be a clinical supervisor, as defined in [DHS 75.03 \(19\)](#). A clinical supervisor who is on staff of the service and meets the requirements of a substance use counselor or mental health professional may provide direct counseling services in addition to supervisory responsibilities.

# Personnel requirements

## **DHS 75.19(3) Clinical Supervision**

A service shall have written policies and procedures for the provision of clinical supervision to unlicensed staff, qualified treatment trainees, and recovery support staff. Clinical supervision for substance use counselors, mental health professionals in-training, and qualified treatment trainees shall be in accordance with requirements in [SPS 162](#), [MPSW 4](#), [MPSW 12](#), and [MPSW 16](#), and [Psy 2](#). A record of clinical supervision shall be made available to the department upon request.

# Patient case records

## **DHS 75.20(1)(b)(17)**

Clinical consultation and staffing notes, as applicable.

# Services for minors

## **DHS 75.22(2) Statutory Requirements**

A service that delivers treatment services to minors shall adhere to all applicable requirements outlines in Wis. Stat. §§ 51.13, 51.138, 51.14, 51.47 and 51.48.

Providers delivering and or supervising a service that delivers treatment services to minors should ensure clinical staff have documented training or supervised experience in the areas of adolescent development, family systems, child abuse and neglect, and involuntary treatment laws for minors.

# Service operations

## **DHS 75.24(6) Service delivery for intoxicated individuals**

A service shall have written policies and procedures regarding clinically-appropriate response and services for individuals that present with symptoms of acute intoxication, withdrawal, or at risk of withdrawal. The policies and procedures shall include:

The process for obtaining medical consultation, when indicated.

# Clinical assessment

## **DHS 75.24(11)(d)(6)**

The clinical assessment shall include any collateral information gathered during the clinical assessment. Collateral information may include one of more of the following:

- Consultation with the patient's physician or other medical or behavioral health provider.
- Consultation with the Department of Corrections or child protective services when applicable.

# Clinical assessment

## **DHS 75.24(11)(k)**

For assessments completed by a substance use counselor in-training or a graduate student QTT, the assessment and recommendations shall be reviewed and signed by the clinical supervisor within 7 days of the assessment date.

# Treatment plan

## **DHS 75.24(13)(k)**

Treatment plan reviews and updates completed by a substance abuse counselor in-training or graduate student QTT shall be reviewed and signed by the clinical supervisor within 14 days of the review and update.

# Clinical consultation

## **DHS 75.24(14)**

- (a) A service shall have a written policy and procedure that outlines the structure for clinical consultation. [DHS 75.24\(14\)\(b\)](#)
- (b) Clinical consultation applies to all clinical staff of a service.
- (c) Clinical consultation shall be documented in the patient's case record.
- (d) Clinical consultation for unlicensed staff shall be completed with a clinical supervisor and shall be documented with the clinical supervisor's signature. Clinical consultation for licensed professionals may occur with a clinical supervisor or another licensed professional who is a staff of the service.

# Clinical consultation

## **DHS 75.24(14)(e)**

Clinical consultation is required for any of the following:

1. When a patient's substance use or mental health poses a significant risk to the individual, their family, or the community.
2. When a safety plan has been developed, per [DHS 75.24 \(4\)](#).
3. When an individual's symptoms, pattern of substance use, risk level, or placement criteria indicate transfer to a higher level of care.

# Clinical consultation

## **DHS 75.24(14)**

- (f)** When a safety plan requires ongoing monitoring, clinical consultation shall be completed at clinically-determined intervals until the risk level is reduced or appropriately managed with services or collateral supports.
- (g)** When the recommended level of care cannot be determined, or is not available, or the individual has declined the recommended level of care, clinical consultation shall be completed at clinically-determined intervals until the appropriate level of care is determined, or obtained, or the individual's risk level decreases.

# Clinical staffing

## DHS 75.24(15)

- (a)** A service shall have a written policy and procedure that outlines the structure for clinical staffing.
- (b)** 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.
- (c)** For clinical staffing required under [DHS 75.49](#) to [75.59](#), the following shall apply:
  1. Clinical staffing shall include the clinical supervisor of the service.
  2. Clinical staffing shall include a patient's prescriber or medical personnel, if applicable.
  3. Clinical staffing may be combined with treatment plan review and level of care review.
  4. Clinical staffing shall be documented in the patient's clinical record.

# Clinical staffing

## **DHS 75.51 Intensive Outpatient Treatment Services**

Required every 14 days for each patient.

## **DHS 75.52 Day Treatment or Partial Hospitalization Service**

Required every 14 days for each patient.

Source: [DHS 75.48 \(1\) Service requirements by level of care, outpatient, \(n\) clinical staffing](#)

# Clinical staffing frequency

## **DHS 75.53 Transitional Residential Treatment Service**

Required every 30 days for each patient.

## **DHS 75.54 Medically Monitored Residential Treatment Service**

Required every 7 days for each patient.

## **DHS 75.55 Medically Managed Inpatient Treatment Service**

Required daily for each patient.

## **DHS 75.56 Adult Residential Integrated Behavioral Health Stabilization Service**

Required daily for each patient.

Source: [DHS 75.48 \(2\) Service requirements by level of care, residential, \(p\) clinical staffing frequency](#)

# Medical director requirements

## **DHS 75.51 Intensive Outpatient Treatment Service**

Required either as an employee of the service or through a written agreement to provide medical oversight and *consultation* regarding clinical operations of the service.

# Medical director requirements

## **DHS 75.52 Day Treatment or Partial Hospitalization Treatment Service**

Required either as an employee of the service or through a written agreement to provide medical oversight and *consultation* regarding clinical operations of the service.

# Medical director requirements

## **DHS 75.54 Medically Monitored Residential Treatment Service**

Required either as an employee of the service or through a written agreement, to provide medical oversight and *consultation* regarding the clinical operations of the service.

## **DHS 75.55 Medically Managed Inpatient Treatment Service**

Required either as an employee of the service or through a written agreement, to provide medical oversight and *consultation* regarding the clinical operations of the service.

# Medical director requirements

## **DHS 75.56 Residential Integrated Behavioral Health Stabilization Service**

Required either as an employee of the service or through a written agreement, to provide medical oversight and *consultation* regarding the clinical operations of the service.

# Physician requirements

## **DHS 75.53 Transitional Residential Treatment Service**

Requires a prescriber knowledgeable in addiction treatment available to provide medical and clinical *consultation*, either as an employee of the service or through a written agreement.

# Physician requirements

## **DHS 75.55 Medically Managed Inpatient Treatment Service**

1. Requires a physician available to provide *consultation*, medication management, and medication–assisted treatment services.
2. Requires a *consulting psychiatrist*, or a *consulting clinical psychologist* licensed under Wis. Stat. ch. 455, who will be available as needed, with a written agreement to that effect.

# Physician requirements

## **DHS 75.56 Adult Residential Integrated Behavioral Health Stabilization Service**

1. Requires a psychiatrist either as an employee of the service or through a written agreement, to provide treatment services for patients with mental health disorders.
2. Requires a prescriber knowledgeable in addiction treatment available on a 24-hour basis.

# Additional assessment requirements

## **DHS 75.53 Transitional Residential Treatment Service**

1. For patients continuously enrolled in services, an assessment update shall be completed not less than every six months.
2. The service shall have a written and documented procedure for reviewing assessments and level of care placement during clinical consultation or clinical supervision that occurs within 7 days of the assessment.

# Additional assessment requirements

## **DHS 75.54 Medically Monitored Residential Treatment Service**

A physician, physician assistant, registered nurse, or clinical supervisor shall review and co-sign the assessment and level of care placement within 7 days of the assessment.

# Additional assessment requirements

## **DHS 75.55 Medically Managed Inpatient Treatment Service**

A prescriber shall review and co-sign the assessment and level of care placement within 2 working days following the assessment.

# Additional assessment requirements

## **DHS 75.56 Adult Residential Integrated Behavioral Health Stabilization Service**

The clinical assessment and level of care placement shall be reviewed at the next *clinical consultation* staffing following the assessment.

# Requirements for Withdrawal Management

## **DHS 75.57 Residential Withdrawal Management Service**

### **Medical director**

Required either as an employee of the service or through a written agreement, to provide medical oversight and *consultation* regarding the clinical operations of the service.

Source: [DHS 75.48 \(3\) Service requirements by level of care, withdrawal management, \(b\) medical director](#)

# Requirements for Withdrawal Management

## **DHS 75.57 Residential Withdrawal Management Service**

### **Additional personnel requirements**

Requires a substance abuse counselor to provide *consultation* for each patient prior to discharge.

Source: [DHS 75.48 \(3\) Service requirements by level of care, withdrawal management, \(e\) additional personnel requirements](#)

# Requirements for Withdrawal Management

## **DHS 75.58 Residential Intoxication Monitoring Service**

### **Additional personnel requirements**

1. Requires at least one staff person trained in the recognition of withdrawal symptoms available on-site on a 24-hour basis.
2. Requires a substance abuse counselor to provide consultation for each patient prior to discharge.

# Requirements for Withdrawal Management

**DHS 75.57 Residential Withdrawal Management Service**  
**Clinical staffing frequency.** Required daily for each patient.

**DHS 75.58 Residential Intoxication Monitoring Service**  
**Clinical staffing frequency.** Required daily for each patient.

Source: [DHS 75.48 \(3\) Service requirements by level of care, withdrawal management, \(j\) clinical staffing frequency](#)

# Opioid Treatment Program

## **DHS 75.59(5)(f) Supervision of counseling staff.**

The service shall provide for ongoing clinical supervision of the counseling staff in accordance with SPS 162.01. The service shall employ one full-time clinical supervisor at an equivalent of 40 hours per week for every 10 counselors employed. The clinical supervisor shall not carry a caseload greater than 30 patients to ensure access to prompt and adequate care of those patients while balancing their clinical supervision responsibilities.

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## 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](#) (PDF)

#### Key revisions

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**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](#).

**Attention DQA**  
regulated entities

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

# Links in the Chat

- Revised DHS 75 implementation page on DHS website  
<https://www.dhs.wisconsin.gov/rules/dhs75-implementation.htm>
- Online form for questions regarding the revised DHS 75  
<https://www.surveygizmo.com/s3/6571672/DHS-75-Questions>
- National CLAS (Culturally and Linguistically Appropriate Services) Standards  
<https://thinkculturalhealth.hhs.gov/clas>
- Qualified Treatment Trainee (QTT) Grants Program  
<https://www.uww.edu/orsp/research-centers-and-initiatives/citee/qtt/qtt-about>

# Links in the Chat

To view the current rule with the text of the new rule go here:

<https://docs.legis.wisconsin.gov/code/register/2021/790b/insert/dhs75.pdf>

(The text of the new rule is bolded in this PDF.)