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July 15, 2019

Sandra Rowe  
Chief Legal Counsel  
Department of Health Services  
1 West Wilson Street  
Madison, WI 53703

*Comments submitted via email*

**RE: Comments on DHS Guidance Documents Released for Review on June 24, 2019**

Dear Ms. Rowe:

The Wisconsin Hospital Association (WHA) appreciates the Department of Health Services' (DHS) significant effort to catalogue and post in a single location the 981 DHS guidance documents to fulfill new requirements under s. 227.112 to seek public comment on such guidance documents.

Given the breadth and depth of the 981 guidance documents and the short 21-day comment period specified in the statute, meaningfully reviewing and individually commenting on these guidance documents is not practical for WHA in the time period specified. However, WHA appreciates DHS's effort in compiling these documents in a single location easily browsable by health care providers, and we offer a general comment and proposal regarding existing DHS guidance documents and regulations in the aggregate. WHA also recognizes and appreciates DHS's prior and ongoing practice of contacting and soliciting input from WHA prior to release of important new or modified guidance that impacts our members.

DHS's compilation of its 981 guidance documents illustrates the compliance complexity and costs on health care providers, patients, as well as regulators.

In the aggregate, compiling all 981 DHS guidance documents illustrates the significant complexity and compliance challenges that health care providers, patients, and others face in navigating the health care regulatory environment in Wisconsin. Just as DHS is expending significant time and resources to catalogue and review all 981 of its guidance documents, health care providers also expend significant time and resources to track, review and maintain compliance with not only these guidance documents but also Wisconsin statutes and regulations governing health care.

Regulatory and compliance complexity and burden adds additional overhead costs to the health care system, reduces time spent by clinicians on clinical care, and stymies innovation in the delivery of health care services. Over decades, individual instances of often well-intentioned rules and guidance documents have accumulated, incrementally adding to direct costs and opportunity costs. Oftentimes, new rules or guidance are considered in silos, with perceived small incremental costs. Overall, more attention needs to be given to regulatory impacts on the complete health care delivery system and how hundreds of perceived small incremental costs quickly add up to significant cost and complexity.

WHA offers to partner with DHS to begin a long term effort to conduct a systemic review and simplification of DHS regulations by topic area.

To address these costs to health care providers, patients, and DHS, WHA encourages DHS to begin a long-term effort to systematically review and simplify DHS's rules and guidance documents by topic area. WHA has previously partnered with DHS in regulatory simplification and clarification efforts in the past – for example DHS 124 hospital regulations, advanced practice clinician orders for Medicaid, and telemedicine guidance. Ongoing efforts with DHS staff include updates to DHS 75 substance abuse treatment regulation updates as well as the need to address DHS 35 mental health clinic regulation confusion that has been a barrier to integrated mental health care delivery. Additionally, WHA is completing a comprehensive review of DHS rules to impacting advanced practice clinician practice. WHA would be happy to partner with DHS on a broader and systemic-focused effort to review, simplify and post in a single location Wisconsin's health care regulations and guidance.

Again, WHA appreciates DHS's significant effort in gathering these guidance documents and meeting the new s. 227.112 comment requirements. Reducing regulatory complexity and costs is important to reducing health care costs, enabling innovation, and freeing clinicians to use their time to provide patient care. WHA stands ready to assist DHS in undertaking a systemic review and simplification of Wisconsin's health care regulations and guidance.

Sincerely,



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