

548

SECTION F

mgd/emw



14            **\*-0030/2.34\* SECTION 1024.** 46.22 (1) (dm) of the statutes is amended to read:  
15            46.22 (1) (dm) *Exchange of information.* Notwithstanding ss. 46.2895 (9), 48.78  
16            (2) (a), 49.45 (4), 49.83, 51.30, 51.45 (14) (a), 55.06 (17) (c), 146.82, 252.11 (7), 253.07  
17            (3) (c) and 938.78 (2) (a), any subunit of the county department of social services  
18            acting under this subsection may exchange confidential information about a client,  
19            without the informed consent of the client, with any other subunit of the same county  
20            department of social services, with a resource center, care management organization  
21            or family care district, or with any person providing services to the client under a  
22            purchase of services contract with the county department of social services or with  
23            a resource center, care management organization or family care district, if necessary  
24            to enable an employe or service provider to perform his or her duties, or to enable the

1 county department of social services to coordinate the delivery of services to the  
2 client.

3 **\*-0271/4.3\* SECTION 1025.** 46.22 (1) (e) 3. a. of the statutes is amended to read:

4 46.22 (1) (e) 3. a. A county department of social services shall develop, under  
5 the requirements of s. 46.036, plans and contracts for care and services, except under  
6 subch. III of ch. 49 and s. 301.08 (2), to be purchased. The department of health and  
7 family services may review the contracts and approve them if they are consistent  
8 with s. 46.036 and to the extent that state or federal funds are available for such  
9 purposes. The joint committee on finance may require the department of health and  
10 family services to submit the contracts to the committee for review and approval.  
11 The department of health and family services may not make any payments to a  
12 county for programs included in the contract that is under review by the committee.  
13 The department of health and family services shall reimburse each county for the  
14 contracts from the appropriations under s. 20.435 (3) (o) and (7) (b), (kw) and (o)  
15 according to s. 46.495.

16 **\*b0616/3.5\* SECTION 1026p.** 46.22 (1g) of the statutes is amended to read:

17 46.22 (1g) ADMINISTRATION OF FOOD STAMPS FOR PARTICIPANTS IN BY A WISCONSIN  
18 WORKS AGENCY. The Wisconsin works agency, as defined in s. 49.001 (9), shall, to the  
19 extent permitted by federal law, and subject to s. 49.143 (2) (e), certify eligibility for  
20 and distribute, if  
21 determined eligible, issue food coupons under s. 49.143 (2) (e) to eligible  
22 participants in the Wisconsin works program under subch. III of ch. 49.

23 **\*-0030/2.35\* SECTION 1029.** 46.23 (3) (e) of the statutes is amended to read:

24 46.23 (3) (e) *Exchange of information.* Notwithstanding ss. 46.2895 (9), 48.78  
25 (2) (a), 49.45 (4), 49.83, 51.30, 51.45 (14) (a), 55.06 (17) (c), 146.82, 252.11 (7), 253.07

1 (3) (c) and 938.78 (2) (a), any subunit of a county department of human services  
2 acting under this section may exchange confidential information about a client,  
3 without the informed consent of the client, with any other subunit of the same county  
4 department of human services, with a resource center, care management  
5 organization or family care district, or with any person providing services to the  
6 client under a purchase of services contract with the county department of human  
7 services or with a resource center, care management organization or family care  
8 district, if necessary to enable an employe or service provider to perform his or her  
9 duties, or to enable the county department of human services to coordinate the  
10 delivery of services to the client.

11 \***-1547/2.1**\* SECTION 1030. 46.266 (1) (d) of the statutes is created to read:

12 46.266 (1) (d) A person in the facility who has been determined under s. 49.45  
13 (6c) (b) to require active treatment for mental illness.

14 \***b0514/1.1**\* SECTION 1030d. 46.266 (3) of the statutes is amended to read:

15 46.266 (3) The total number of beds in skilled nursing facilities or intermediate  
16 care facilities that are funded at any one time under subs. (1) and (2) may not exceed  
17 the number of beds available for the persons specified in sub. (1) (a), minus the  
18 number of beds reduced under sub. (8) (a), plus the number of beds added for persons  
19 who are specified under sub. (1) (c) and (d). The department may redistribute funds  
20 for a vacant bed from one county to another county that is seeking to effect the  
21 placement of a person in an institution for mental diseases.

22 \***-0030/2.36**\* SECTION 1031. 46.27 (1) (bm) of the statutes is amended to read:

23 46.27 (1) (bm) "Private nonprofit agency" means a nonprofit corporation, as  
24 defined in s. 181.0103 (17), which provides ~~comprehensive health care services to~~  
25 elderly persons a program of all-inclusive care for persons aged 65 or older

1 authorized under 42 USC 1395 to 1395ggg and which participates in the On Lok  
2 replication initiative.

3 **\*-0030/2.37\* SECTION 1032.** 46.27 (2) (k) of the statutes is created to read:

4 46.27 (2) (k) Review and approve or disapprove the terms of risk reserve escrow  
5 accounts created under sub. (7) (fr) and approve or disapprove disbursements for  
6 administrative or staff costs from the risk reserve escrow accounts.

7 **\*b0591/3.1\* SECTION 1033g.** 46.27 (4) (am) of the statutes is created to read:

8 46.27 (4) (am) If a local long-term care council in a county assumes under s.  
9 46.282 (3) (b) the duties of the county long-term support planning committee under  
10 this subsection, the county long-term support planning committee for the county is  
11 dissolved.

12 **\*b0591/3.1\* SECTION 1033h.** 46.27 (4) (c) (intro.) of the statutes is amended to  
13 read:

14 46.27 (4) (c) (intro.) The planning committee shall develop, or, if a local  
15 long-term care council has under s. 46.282 (3) (b) assumed the duties of the planning  
16 committee, the local long-term care council shall recommend a community options  
17 plan for participation in the program. The plan shall include:

18 **\*b0591/3.1\* SECTION 1033i.** 46.27 (4) (c) 5. of the statutes is amended to read:

19 46.27 (4) (c) 5. A description of the method to be used by the committee or, if  
20 a local long-term care council has under s. 46.282 (3) (b) assumed the duties of the  
21 planning committee, the local long-term care council to monitor the implementation  
22 of the program.

23 **\*-0030/2.43\* SECTION 1038.** 46.27 (4) (c) 8. of the statutes is renumbered 46.27

24 (4) (c) 1. h. and amended to read:

1           46.27 (4) (c) 1. h. If a pilot project under s. ~~46.271 (2m)~~ 46.281 (1) (d) is  
2 established in the county, a description of how the activities of the pilot project relate  
3 to and are coordinated with the county's proposed program.

4           \*~~0030/2.44~~\* **SECTION 1039.** 46.27 (5) (am) of the statutes is amended to read:

5           46.27 (5) (am) Organize assessment activities specified in sub. (6). The county  
6 department or aging unit shall utilize persons for each assessment who can  
7 determine the needs of the person being assessed and who know the availability  
8 within the county of services alternative to placement in a nursing home. If any  
9 hospital patient is referred to a nursing home for admission, these persons shall work  
10 with the hospital discharge planner in performing the activities specified in sub. (6).  
11 The county department or aging unit shall coordinate the involvement of  
12 representatives from the county departments under ss. 46.215, 46.22, 51.42 and  
13 51.437, health service providers and the county commission on aging in the  
14 assessment activities specified in sub. (6), as well as the person being assessed and  
15 members of the person's family or the person's guardian. This paragraph does not  
16 apply to a county department or aging unit in a county where a pilot project under  
17 s. ~~46.271 (2m)~~ 46.281 (1) (d) is established.

18           \*~~0030/2.45~~\* **SECTION 1040.** 46.27 (6) (a) 3. of the statutes is amended to read:

19           46.27 (6) (a) 3. In each participating county, except in counties where a pilot  
20 project under s. ~~46.271 (2m)~~ 46.281 (1) (d) is established, assessments shall be  
21 conducted for those persons and in accordance with the procedures described in the  
22 county's community options plan. The county may elect to establish assessment  
23 priorities for persons in target groups identified by the county in its plan regarding  
24 gradual implementation. If a person who is already admitted to a nursing home

1 requests an assessment and if funds allocated for assessments under sub. (7) (am)  
2 are available, the county shall conduct the assessment.

3 **\*-0030/2.46\* SECTION 1041.** 46.27 (6g) (intro.) of the statutes is amended to  
4 read:

5 46.27 (6g) FISCAL RESPONSIBILITY. (intro.) Except as provided in s. 51.40, and  
6 within the limitations under sub. (7) (b), the fiscal responsibility of a county for an  
7 assessment, unless the assessment is performed by an entity under s. ~~46.271 (2m)~~  
8 46.281 (1) (d), case plan or services provided to a person under this section is as  
9 follows:

10 **\*b0496/3.1\* SECTION 1041m.** 46.27 (6r) (f) of the statutes is created to read:

11 46.27 (6r) (f) A person who has attained the age of 18 but has not attained the  
12 age of 65 unless that person is engaged in gainful employment or participating in a  
13 program that is certified by the department to provide health and employment  
14 services that are aimed at helping the individual achieve employment goals. The  
15 department may waive this paragraph for any individual for whom its application  
16 would cause undue hardship.

17 **\*-0266/3.1\* SECTION 1042.** 46.27 (6u) (c) 2. of the statutes is amended to read:

18 46.27 (6u) (c) 2. For a person who is determined to be financially eligible under  
19 subd. 1. calculate, by use of the uniform fee system under s. 46.03 (18), the amount  
20 of cost sharing required for receipt of long-term community support services  
21 provided under sub. (5) (b). The county department or aging unit shall require  
22 payment by the person of 100% of the amount calculated under this subdivision,  
23 unless the person is a recipient of medical assistance under s. 49.472. If the person  
24 is a recipient of medical assistance under s. 49.472, the county department or aging  
25 unit may not require any payment from the person under this subdivision.

1           \***-0030/2.47\*** **SECTION 1043.** 46.27 (7) (am) of the statutes is amended to read:

2           46.27 (7) (am) From the appropriation under s. 20.435 (7) (bd), the department  
3 shall allocate funds to each county or private nonprofit agency with which the  
4 department contracts to pay assessment and case plan costs under sub. (6) not  
5 otherwise paid by fee or under s. 49.33 (2) or 49.45. The department shall reimburse  
6 counties for the cost of assessing persons eligible for medical assistance under s.  
7 49.46, 49.468 or 49.47 as part of the administrative services of medical assistance,  
8 payable under s. 49.45 (3) (a). Counties may use unspent funds allocated under this  
9 paragraph to pay the cost of long-term community support services and for a risk  
10 reserve under par. (fr).

11           \***-0030/2.48\*** **SECTION 1044.** 46.27 (7) (b) of the statutes is amended to read:

12           46.27 (7) (b) 1m. From the appropriations under s. 20.435 (7) (bd) and (im), the  
13 department shall allocate funds to each county to pay the cost of providing long-term  
14 community support services under sub. (5) (b) not otherwise paid under s. 49.45 to  
15 persons eligible for medical assistance under s. 49.46 or 49.47 or to persons whom  
16 the county department or aging unit administering the program finds likely to  
17 become medically indigent within 6 months by spending excess income or assets for  
18 medical or remedial care. The average per person reimbursement under this  
19 paragraph may not exceed the state share of the average per person payment rate  
20 the department expects under s. 49.45 (6m). The county department or aging unit  
21 administering the program may spend funds received under this paragraph only in  
22 accordance with the case plan and service contract created for each person receiving  
23 long-term community support services. Counties may use unspent funds allocated  
24 under this paragraph from the appropriation under s. 20.435 (7) (bd) for a risk  
25 reserve under par. (fr).

1           \***-0327/1.1**\* **SECTION 1045.** 46.27 (7) (cj) 3. a. of the statutes is amended to read:

2           46.27 (7) (cj) 3. a. An assessment under sub. (6) has been completed for the  
3 person prior to the person's admission to the community-based residential facility,  
4 whether or not the person is a private pay admittee at the time of admission. The  
5 county may waive this condition in accordance with guidelines established by the  
6 department. If the county waives this condition, the county must meet with the  
7 person or the person's guardian to discuss the cost-effectiveness of various service  
8 options.

9           \***-0030/2.49**\* **SECTION 1046.** 46.27 (7) (fm) of the statutes is amended to read:

10          46.27 (7) (fm) The department shall, at the request of a county, carry forward  
11 up to 10% of the amount allocated under this subsection to the county for a calendar  
12 year if up to 10% of the amount so allocated has not been spent or encumbered by the  
13 county by December 31 of that year, for use by the county in the following calendar  
14 year, except that the amount carried forward shall be reduced by the amount of funds  
15 that the county has notified the department that the county wishes to place in a risk  
16 reserve under par. (fr). The department may transfer funds within s. 20.435 (7) (bd)  
17 to accomplish this purpose. An allocation under this paragraph does not affect a  
18 county's base allocation under this subsection and shall lapse to the general fund  
19 unless expended within the calendar year to which the funds are carried forward.  
20 A county may not expend funds carried forward under this paragraph for  
21 administrative or staff costs, except administrative or staff costs that are associated  
22 with implementation of the waiver under sub. (11) and approved by the department.

23          \***-0030/2.50**\* **SECTION 1047.** 46.27 (7) (fr) of the statutes is created to read:

24          46.27 (7) (fr) 1. Notwithstanding s. 46.036 (3) and (5m), a county may place in  
25 a risk reserve funds that are allocated under par. (am) or (b) or sub. (11) (c) 3. and



1 are not expended or encumbered for services under this subsection or sub. (11). The  
2 county shall notify the department of this decision and of the amount to be placed in  
3 the risk reserve. The county shall maintain the risk reserve in an interest-bearing  
4 escrow account with a financial institution, as defined in s. 69.30 (1) (b), if the  
5 department has approved the terms of the escrow. All interest from the principal  
6 shall be reinvested in the escrow account.

7 2. The annual amount of a county's expenditure for a risk reserve, as specified  
8 in subd. 1., may not exceed 10% of the county's most recent allocation under pars.  
9 (am) and (b) and sub. (11) (c) 3. or \$750,000, whichever is less. The total amount of  
10 the risk reserve, including interest, may not exceed 15% of the county's most recent  
11 allocation under this subsection.

12 3. A county may expend funds maintained in a risk reserve, as specified in subd.  
13 1., for any of the following purposes:

14 a. To defray costs of long-term community support services under this section.

15 b. To meet requirements under any contract that the county has with the  
16 department to operate a care management organization under s. 46.284.

17 c. If approved by a resolution of the county board of supervisors, to transfer  
18 funds to a family care district.

19 d. If approved by the department, for administrative or staff costs under this  
20 section.

21 4. A county that maintains a risk reserve, as specified in subd. 1., shall  
22 annually, on a form prescribed by the department, submit to the department a record  
23 of the status of the risk reserve, including revenues and disbursements.

24 \*~~0030/2.51~~\* SECTION 1048. 46.27 (7) (g) (intro.) of the statutes is amended to  
25 read:

1           46.27 (7) (g) (intro.) The department may carry forward to the next state fiscal  
2 year up to \$500,000 of funds allocated under this subsection and not encumbered by  
3 counties by December 31 or carried forward under par. (fm). The department may  
4 transfer moneys within s. 20.435 (7) (bd) to accomplish this purpose. An allocation  
5 under this paragraph shall not affect a county's base allocation for the program. The  
6 department may allocate these transferred moneys during the next fiscal year to  
7 counties for planning and implementation of resource centers under s. 46.283 or care  
8 management organizations under s. 46.284 and for the improvement or expansion  
9 of long-term community support services for clients whose cost of care significantly  
10 exceeds the average cost of care provided under this section, including any of the  
11 following:

12           \***-1295/2.2\*** SECTION 1049. 46.27 (7g) (c) 3. (intro.) of the statutes is amended  
13 to read:

14           46.27 (7g) (c) 3. (intro.) The court shall reduce the amount of a claim under  
15 subd. 1. by up to \$3,000 the amount specified in s. 861.33 (2) if necessary to allow the  
16 client's heirs or the beneficiaries of the client's will to retain the following personal  
17 property:

18           \***-1295/2.3\*** SECTION 1050. 46.27 (7g) (c) 3. c. of the statutes is amended to read:

19           46.27 (7g) (c) 3. c. Other tangible personal property not used in trade,  
20 agriculture or other business, not to exceed \$1,000 in value the amount specified in  
21 s. 861.33 (1) (a) 4.

22           \***-0260/2.1\*** SECTION 1051. 46.27 (7g) (c) 5. of the statutes is renumbered 46.27  
23 (7g) (c) 5. a. and amended to read:

24           46.27 (7g) (c) 5. a. If the department's claim is not allowable because of subd.  
25 4. and the estate includes an interest in a home, the court exercising probate

1 jurisdiction shall, in the final judgment or summary findings and order, assign the  
2 interest in the home subject to a lien in favor of the department for the amount  
3 described in subd. 1. The personal representative or petitioner for summary  
4 settlement or summary assignment of the estate shall record the final judgment as  
5 provided in s. 863.29, 867.01 (3) (h) or 867.02 (2) (h).

6 **\*-0260/2.2\* SECTION 1052.** 46.27 (7g) (c) 5. b. of the statutes is created to read:

7 46.27 (7g) (c) 5. b. If the department's claim is not allowable because of subd.  
8 4., the estate includes an interest in a home and the personal representative closes  
9 the estate by sworn statement under s. 865.16, the personal representative shall  
10 stipulate in the statement that the home is assigned subject to a lien in favor of the  
11 department for the amount described in subd. 1. The personal representative shall  
12 record the statement in the same manner as described in s. 863.29, as if the  
13 statement were a final judgment.

14 **\*-1295/2.4\* SECTION 1053.** 46.27 (7g) (h) of the statutes is created to read:

15 46.27 (7g) (h) The department may contract with or employ an attorney to  
16 probate estates to recover under this subsection the costs of care.

17 **\*-0028/7.35\* SECTION 1054.** 46.27 (9) (a) of the statutes is amended to read:

18 46.27 (9) (a) The department may select up to 5 counties that volunteer to  
19 participate in a pilot project under which they will receive certain funds allocated for  
20 long-term care. The department shall allocate a level of funds to these counties  
21 equal to the amount that would otherwise be paid under s. 20.435 ~~(5)~~ (4) (b) to nursing  
22 homes for providing care because of increased utilization of nursing home services,  
23 as estimated by the department. In estimating these levels, the department shall  
24 exclude any increased utilization of services provided by state centers for the

1 developmentally disabled. The department shall calculate these amounts on a  
2 calendar year basis under sub. (10).

3 **\*-0030/2.52\* SECTION 1055.** 46.27 (9) (c) of the statutes is amended to read:

4 46.27 (9) (c) All long-term community support services provided under this  
5 pilot project in lieu of nursing home care shall be consistent with those services  
6 described in the participating county's community options plan under sub. (4) (c) 1,  
7 and provided under sub. (5) (b). Unless the department has contracted under s.  
8 ~~46.271 (2m)~~ 46.281 (1) (d) with an entity other than the county department, each  
9 county participating in the pilot project shall assess persons under sub. (6).

10 **\*-0028/7.36\* SECTION 1056.** 46.27 (10) (a) 1. of the statutes is amended to read:

11 46.27 (10) (a) 1. The department shall determine for each county participating  
12 in the pilot project under sub. (9) a funding level of state medical assistance  
13 expenditures to be received by the county. This level shall equal the amount that the  
14 department determines would otherwise be paid under s. 20.435 ~~(5)~~ (4) (b) because  
15 of increased utilization of nursing home services, as estimated by the department.

16 **\*-0028/7.37\* SECTION 1057.** 46.27 (11) (c) 3. of the statutes is amended to read:

17 46.27 (11) (c) 3. Medical assistance reimbursement for services a county, a  
18 private nonprofit agency or an aging unit with which the department contracts  
19 provides under this subsection shall be made from the appropriations under s. 20.435  
20 ~~(5)~~ (4) (o) and (7) (b) and (bd).

21 **\*-0028/7.38\* SECTION 1058.** 46.27 (11) (c) 4. of the statutes is amended to read:

22 46.27 (11) (c) 4. The department may, from the appropriation under s. 20.435  
23 ~~(5)~~ (4) (o), provide reimbursement for services provided under this subsection by  
24 counties that are in excess of the current average annual per person rate, as

1 established by the department, and are less than or equal to the average amount  
2 approved in the waiver received under par. (am).

3 **\*-0327/1.2\* SECTION 1059.** 46.27 (11) (c) 5n. a. of the statutes is amended to  
4 read:

5 46.27 (11) (c) 5n. a. An assessment under sub. (6) has been completed for the  
6 person prior to the person's admission to the community-based residential facility,  
7 whether or not the person is a private pay admittee at the time of admission. The  
8 county may waive this condition in accordance with guidelines established by the  
9 department. If the county waives this condition, the county must meet with the  
10 person or the person's guardian to discuss the cost-effectiveness of various service  
11 options.

12 **\*-0030/2.53\* SECTION 1060.** 46.271 (2m) of the statutes is repealed.

13 **\*-0028/7.39\* SECTION 1061.** 46.275 (5) (a) of the statutes is amended to read:

14 46.275 (5) (a) Medical assistance reimbursement for services a county, or the  
15 department under sub. (3r), provides under this program is available from the  
16 appropriations under s. 20.435 ~~(5)~~ (4) (b) and (o). If 2 or more counties jointly contract  
17 to provide services under this program and the department approves the contract,  
18 medical assistance reimbursement is also available for services provided jointly by  
19 these counties.

20 **\*-0028/7.40\* SECTION 1062.** 46.275 (5) (c) of the statutes is amended to read:

21 46.275 (5) (c) The total allocation under s. 20.435 ~~(5)~~ (4) (b) and (o) to counties  
22 and to the department under sub. (3r) for services provided under this section may  
23 not exceed the amount approved by the federal department of health and human  
24 services. A county may use funds received under this section only to provide services  
25 to persons who meet the requirements under sub. (4) and may not use unexpended

1 funds received under this section to serve other developmentally disabled persons  
2 residing in the county.

3 **\*-0028/7.41\* SECTION 1063.** 46.275 (5) (d) of the statutes is amended to read:

4 46.275 (5) (d) The department may, from the appropriation under s. 20.435 (5)  
5 (4) (o), provide reimbursement for services provided under this section by counties  
6 that are in excess of the current average annual per person rate, as established by  
7 the department, and are less than the average amount approved in the waiver  
8 received under sub. (2).

9 **\*-0327/1.3\* SECTION 1064.** 46.277 (5) (d) 1n. a. of the statutes is amended to  
10 read:

11 46.277 (5) (d) 1n. a. An assessment under s. 46.27 (6) has been completed for  
12 the person prior to the person's admission to the community-based residential  
13 facility, whether or not the person is a private pay admittee at the time of admission.  
14 The county may waive this condition in accordance with guidelines established by  
15 the department. If the county waives this condition, the county must meet with the  
16 person or the person's guardian to discuss the cost-effectiveness of various service  
17 options.

18 **\*-0028/7.42\* SECTION 1065.** 46.278 (6) (d) of the statutes is amended to read:

19 46.278 (6) (d) If a county makes available nonfederal funds equal to the state  
20 share of service costs under the waiver received under sub. (3), the department may,  
21 from the appropriation under s. 20.435 (5) (4) (o), provide reimbursement for services  
22 that the county provides under this section to persons who are in addition to those  
23 who may be served under this section with funds from the appropriation under s.  
24 20.435 (5) (4) (b).

1           \***-0316/1.1\*** SECTION 1066. 46.278 (6) (e) of the statutes is renumbered 46.278  
2 (6) (e) 1. (intro.) and amended to read:

3           46.278 (6) (e) 1. (intro.) The department may provide enhanced reimbursement  
4 for services under the program for an individual who was relocated to the community  
5 by a county department from ~~an~~ one of the following:

6           a. An intermediate care facility for the mentally retarded that closes under s.  
7 50.03 (14).

8           2. a. The enhanced reimbursement rate under ~~this paragraph~~ subd. 1. a. and  
9 b. shall be determined under a formula that is developed by the department.

10          \***-0316/1.2\*** SECTION 1067. 46.278 (6) (e) 1. b. of the statutes is created to read:  
11          46.278 (6) (e) 1. b. An intermediate care facility for the mentally retarded or  
12 a distinct part thereof that has a plan of closure approved by the department and that  
13 intends to close within 12 months.

14          \***b0483/3.2\*** SECTION 1067b. 46.278 (6) (e) 1. c. of the statutes is created to  
15 read:

16          46.278 (6) (e) 1. c. An intermediate care facility for the mentally retarded that  
17 has a plan of closure or significant reduction in capacity approved by the department  
18 and that intends to close or significantly reduce its capacity within 60 months.

19          \***b0483/3.2\*** SECTION 1067c. 46.278 (6) (e) 2. b. of the statutes is created to  
20 read:

21          46.278 (6) (e) 2. b. The enhanced reimbursement rate under subd. 1. c. shall  
22 be 90% of the enhanced reimbursement rate under this subd. 2. a.

23          \***-0030/2.54\*** SECTION 1068. 46.2805 of the statutes is created to read:

24          **46.2805 Definitions; long-term care.** In ss. 46.2805 to 46.2895:

1           (1) “Care management organization” means an entity that is certified as  
2 meeting the requirements for a care management organization under s. 46.284 (3)  
3 and that has a contract under s. 46.284 (2). “Care management organization” does  
4 not mean an entity that contracts with the department to operate one of the  
5 following:

6           (a) A program of all-inclusive care for persons aged 65 or older authorized  
7 under 42 USC 1395 to 1395ggg.

8           (b) A demonstration program known as the Wisconsin partnership program  
9 under a federal waiver authorized under 42 USC 1315.

10          (2) “Eligible person” means a person who meets all eligibility criteria under s.  
11 46.286 (1) or (1m).

12          (3) “Enrollee” means a person who is enrolled in a care management  
13 organization.

14          (4) “Family care benefit” means financial assistance for long-term care and  
15 support items for an enrollee.

16          (5) “Family care district” means a special purpose district created under s.  
17 46.2895 (1).

18          (6) “Family care district board” means the governing board of a family care  
19 district.

20          (7) “Functional and financial screen” means a screen prescribed by the  
21 department that is used to determine functional eligibility under s. 46.286 (1)(a) and  
22 financial eligibility under s. 46.286 (1) (b).

23          (7m) “Local long-term care council” means a local long-term care council that  
24 is appointed under s. 46.282 (2) (a).

25          (8) “Nonprofit organization” has the meaning given in s. 108.02 (19).



1           (9) “Older person” means a person who is aged at least 65.

2           (10) “Resource center” means an entity that meets the standards for operation  
3 under s. 46.283 (3) or, if under contract to provide a portion of the services specified  
4 under s. 46.283 (3), meets the standards for operation with respect to those services.

5           (11) “Tribe or band” means a federally recognized American Indian tribe or  
6 band.

7           \***-0030/2.55\*** SECTION 1069. 46.281 of the statutes is created to read:

8           **46.281 Powers and duties of the department and the secretary;**  
9 **long-term care. (1) DUTIES OF THE DEPARTMENT.** The department shall do all of the  
10 following:

11           (a) Provide training to members of the council on long-term care who are aged  
12 65 or older or who have physical or developmental disabilities or their family  
13 members, guardians or other advocates, to enable these members to participate in  
14 the council’s duties.

15           (b) Provide information to the council on long-term care, including copies of  
16 reports submitted to the department by local long-term care councils, and seek  
17 recommendations of the council.

18           (c) Request from the secretary of the federal department of health and human  
19 services any waivers of federal medicaid laws necessary to permit the use of federal  
20 moneys to provide the family care benefit to recipients of medical assistance. The  
21 department shall implement any waiver that is approved and that is consistent with  
22 ss. 46.2805 to 46.2895. Regardless of whether a waiver is approved, the department  
23 may implement operation of resource centers, care management organizations and  
24 the family care benefit.

25           (d) Before July 1, 2001:

1           1. Establish, in geographic areas in which resides no more than 29% of the  
2 population that is eligible for the family care benefit, a pilot project under which the  
3 department may contract with a county, a family care district, a tribe or band or the  
4 Great Lakes inter-tribal council, inc., or with any 2 or more of these entities under  
5 a joint application, to operate a resource center.

6           2. In geographic areas in which resides no more than 29% of the population that  
7 is eligible for the family care benefit, contract with counties or tribes or bands under  
8 a pilot project to demonstrate the ability of counties or tribes or bands to manage all  
9 long-term care programs and administer the family care benefit as care  
10 management organizations.

11           (e) After June 30, 2001, if the local long-term care council for the applicable  
12 area has developed the initial plan under s. 46.282 (3) (a) 1., contract with entities  
13 specified under par. (d) and, only if specifically authorized by the legislature and if  
14 the legislature appropriates necessary funding, contract as so authorized with one  
15 or more entities in addition to those specified in par. (d) certified as meeting  
16 requirements under s. 46.284 (3) for services of the entity as a care management  
17 organization and one or more entities for services specified under s. 46.283 (3) and  
18 (4).

19           (f) Prescribe and implement a per person monthly rate structure for costs of the  
20 family care benefit.

21           (g) In order to maintain continuous quality assurance and quality  
22 improvement for resource centers and care management organizations, do all of the  
23 following:

24           1. Prescribe by rule and by contract and enforce performance standards for  
25 operation of resource centers and care management organizations.

1           2. Use performance expectations that are related to outcomes for persons in  
2           contracting with care management organizations and resource centers.

3           3. Conduct ongoing evaluations of the long-term care system specified in ss.  
4           46.2805 to 46.2895.

5           4. Require that quality assurance and quality improvement efforts be included  
6           throughout the long-term care system specified in ss. 46.2805 to 46.2895.

7           5. Ensure that reviews of the quality of management and service delivery of  
8           resource centers and care management organizations are conducted by external  
9           organizations and make information about specific review results available to the  
10          public.

11          (h) Require by contract that resource centers and care management  
12          organizations establish procedures under which an individual who applies for or  
13          receives the family care benefit may register a complaint or grievance and  
14          procedures for resolving complaints and grievances.

15          (i) Prescribe criteria to assign priority equitably on any necessary waiting lists  
16          for persons who are eligible for the family care benefit but who do not meet the  
17          criteria under s. 46.286 (3).

18          **(2) POWERS OF THE DEPARTMENT.** The department may develop risk-sharing  
19          arrangements in contracts with care management organizations, in accordance with  
20          applicable state laws and federal statutes and regulations.

21          **(3) DUTY OF THE SECRETARY.** The secretary shall certify to each county, hospital,  
22          nursing home, community-based residential facility, adult family home and  
23          residential care apartment complex the date on which a resource center that serves  
24          the area of the county, hospital, nursing home, community-based residential facility,  
25          adult family home or residential care apartment complex is first available to provide

1 a functional and financial screen. To facilitate phase-in of services of resource  
2 centers, the secretary may certify that the resource center is available for specified  
3 groups of eligible individuals or for specified facilities in the county.

4 **\*-0030/2.56\* SECTION 1070.** 46.281 (1) (a) of the statutes, as created by 1999  
5 Wisconsin Act .... (this act), is repealed.

6 **\*-0030/2.57\* SECTION 1071.** 46.281 (1) (b) of the statutes, as created by 1999  
7 Wisconsin Act .... (this act), is repealed.

8 **\*-0030/2.58\* SECTION 1072.** 46.282 of the statutes is created to read:

9 **46.282 Councils on long-term care. (1) COUNCIL ON LONG-TERM CARE.** The  
10 council on long-term care appointed under s. 15.197 (5) shall do all of the following:

11 (a) Assist the department in developing broad policy issues related to  
12 long-term care services.

13 (b) Assist the department in developing, implementing, coordinating and  
14 guiding long-term care services and systems, including by reviewing and making  
15 nonbinding recommendations to the department on all of the following:

16 1. The department's standard contract provisions for resource centers and care  
17 management organizations.

18 2. The family care benefit, including the per person rate structure for the  
19 benefit.

20 3. The long-term support community options program under s. 46.27.

21 4. The community integration programs under ss. 46.275, 46.277 and 46.278.

22 5. Programs other than those under pars (c) and (d) that provide home and  
23 community-based services.

24 6. The provision of medical assistance services under a fee-for-service system.

1 (c) Monitor patterns of complaints, grievances and appeals related to  
2 long-term care in order to identify issues of statewide importance.

3 (d) Monitor the numbers of persons on waiting lists.

4 (e) Review patterns of utilization of various types of services by care  
5 management organizations.

6 (f) Monitor the pattern of care management organization enrollments and  
7 disenrollments throughout the state.

8 (g) Report annually to the legislature under s. 13.172 (2) and to the governor  
9 on the status, significant achievements and problems of resource centers, care  
10 management organizations and the family care benefit, including all of the following:

11 1. Numbers of persons served.

12 2. Costs of long-term care provided under the family care benefit.

13 3. The number and service areas of resource centers and care management  
14 organizations.

15 4. Waiting list information.

16 5. Results of reviews of quality of services provided by resource centers and  
17 care management organizations.

18 (2) LOCAL LONG-TERM CARE COUNCILS; APPOINTMENT; MEMBERSHIP; TERMS;  
19 COMPENSATION AND TRAINING; OFFICERS. (a) *Appointment by a county.* In a county that  
20 participates in a pilot project under s. 46.281 (1) (d) and before a county participates  
21 in the program under ss. 46.2805 to 46.2895, the following shall be done:

22 1. The county board of supervisors of the county shall appoint a local long-term  
23 care council or the county boards of supervisors of 2 or more contiguous counties shall  
24 appoint a local long-term care council, except as follows:

1           a. In a county with a county executive or a county administrator, the county  
2 executive or county administrator shall appoint the local long-term care council,  
3 other than as provided in subd. 1. b., subject to confirmation by the county board of  
4 supervisors.

5           b. If the lands of any tribe or band are located in the county or contiguous  
6 counties to be served by a local long-term care council, each tribe or band with these  
7 lands shall appoint at least one member of the local long-term care council.

8           2. A county board of supervisors or, in a county with a county executive or a  
9 county administrator, the county executive or county administrator shall appoint  
10 members of the local long-term care council who are required to be older persons or  
11 persons with physical or developmental disabilities or their immediate family  
12 members or other representatives from nominations that are submitted to the  
13 county board of supervisors or the county executive or county administrator by older  
14 persons or persons with physical or developmental disabilities or their immediate  
15 family members or other representatives and by local organizations that represent  
16 older persons or persons with physical or developmental disabilities.

17           (am) *Appointment by a tribe or band or council.* If a tribe or band or the Great  
18 Lakes inter-tribal council, inc., intends to apply for a contract to operate a resource  
19 center or for certification as a care management organization, the tribe or band or  
20 the council shall, as a condition of the application or the certification appoint a local  
21 long-term care council.

22           (b) *Membership.* 1. A local long-term care council that serves a single-county  
23 area shall consist of 17 members, at least 9 of whom are older persons or persons with  
24 physical or developmental disabilities or their immediate family members or other  
25 representatives. The age or disability represented by these 9 members shall

1 correspond to the proportion of numbers of persons, as determined by the  
2 department, receiving long-term care in this state who are aged 65 or older or have  
3 a physical or developmental disability. The total remaining 8 members shall consist  
4 of providers of long-term care services, persons residing in the county with  
5 recognized ability and demonstrated interest in long-term care and up to 3 members  
6 of the county board of supervisors or other elected officials.

7       2. A local long-term care council that serves an area of 2 or more contiguous  
8 counties shall consist of 23 members, at least 12 of whom are older persons or persons  
9 with physical or developmental disabilities or their immediate family members or  
10 other representatives. The age or disability represented by these 12 members shall  
11 correspond to the proportion of numbers of persons, as determined by the  
12 department, receiving long-term care in this state who are aged 65 or older or have  
13 a physical or developmental disability. The total remaining 11 members shall consist  
14 of all of the following:

15       a. Providers of long-term care services.

16       b. Persons residing in the county with recognized ability and demonstrated  
17 interest in long-term care.

18       c. Either up to 4 members of the county boards of supervisors or other elected  
19 officials or, for a council that serves an area of more than 4 contiguous counties, up  
20 to one member of the county board of supervisors of the contiguous counties or up to  
21 one other elected official in each contiguous county area.

22       3. A local long-term care council that is appointed by a tribe or band or by the  
23 Great Lakes inter-tribal council, inc., shall consist of 21 members, at least 11 of  
24 whom are older persons or persons with physical or developmental disabilities or  
25 their family members or other representatives. The age or disability represented by

1 these 11 members shall correspond to the proportion of numbers of persons, as  
2 determined by the department, receiving long-term care in this state who are aged  
3 65 or older or have a physical or developmental disability. The total remaining 10  
4 members shall consist of providers of long-term care services, persons residing in the  
5 county with recognized ability and demonstrated interest in long-term care and up  
6 to 3 members of the governing board of the tribe or band or the Great Lakes  
7 inter-tribal council, inc., that appoints the local long-term care council.

8 4. Vacancies in membership in a local long-term care council shall be filled for  
9 the residue of the unexpired term in the manner that the original appointments are  
10 made. A local long-term care council member may be removed from office for the  
11 following reasons:

12 a. For cause, by a two-thirds vote of each county board of supervisors or  
13 governing body of a tribe or band participating in the appointment, on due notice in  
14 writing and hearing of the charges against the member.

15 b. If the member, when appointed, was a member of the county board of  
16 supervisors or was another elected official and was not reelected to that office, on due  
17 notice in writing.

18 (c) *Terms.* The members of the local long-term care council appointed under  
19 par. (a) shall serve 3-year terms. No member may serve more than 2 consecutive  
20 terms. Of the members first appointed under par. (b) 1., 6 shall be appointed for 3  
21 years; 6 shall be appointed for 4 years; and 5 shall be appointed for 5 years. Of the  
22 members first appointed under par. (b) 2., 8 shall be appointed for 3 years; 8 shall be  
23 appointed for 4 years; and 7 shall be appointed for 5 years. Of the members appointed  
24 under par. (b) 3., one-third shall be appointed for 3 years; one-third shall be  
25 appointed for 4 years; and one-third shall be appointed for 5 years.



1           (d) *Compensation and training.* Members of the local long-term care council  
2 who are older persons, persons with physical or developmental disabilities or the  
3 family members or other representatives of these persons shall receive compensation  
4 from the applicable county for reasonable expenses associated with membership  
5 participation. The county board of supervisors or, in the case of a member appointed  
6 by the governing body of a tribe or band or by the Great Lakes inter-tribal council,  
7 inc., the tribe or band or the Great Lakes inter-tribal council, inc., shall provide  
8 training to these members to enable them to participate effectively.

9           (e) *Officers.* At the first meeting of a local long-term care council, members  
10 shall elect from their number a chairperson, a secretary and other officers as  
11 necessary. Vacancies in these offices shall be filled for the unexpired terms. The  
12 chairperson shall preside at all meetings when present and countersign all actions  
13 taken by the local long-term care council. In case of the absence of the chairperson  
14 for any meeting, the members present shall choose a temporary chairperson.

15           (3) LOCAL LONG-TERM CARE COUNCILS; POWERS AND DUTIES. (a) A local long-term  
16 care council shall do all of the following within the council's area:

17           1. Develop the initial plan for the structure of the county, multicounty or tribal  
18 resource center and care management organization or organizations, including  
19 formulating recommendations to the county board or boards of supervisors and, in  
20 a county with a county executive or a county administrator, to the county executive  
21 or county administrator, to the governing body of the tribe or band or of the Great  
22 Lakes inter-tribal council, inc., if applicable, and to the department on all of the  
23 following:

24           a. Whether or not the county, counties, tribe or band or Great Lakes inter-tribal  
25 council, inc., should exercise its right to apply under s. 46.283 (1) for a contract to

1 operate a resource center or to apply under s. 46.284 (1) for a contract to operate a  
2 care management organization and how the operation should proceed.

3 b. Whether the county should create a family care district to operate a resource  
4 center or under a care management organization.

5 c. Whether local organizations other than the county should serve as  
6 alternatives or in addition to county-operated entities to operate a resource center  
7 or a care management organization and, if so, which organizations should be  
8 considered.

9 d. If applicable, how county-operated functions should interact with a resource  
10 center or care management organization that is operated by a tribe or band or by the  
11 Great Lakes inter-tribal council, inc.

12 2. a. In the years 2000 and 2001, under criteria that the department prescribes,  
13 after consulting with the council on long-term care, evaluate the performance of the  
14 care management organization or organizations in the area of the local long-term  
15 care council and determine whether additional care management organizations are  
16 needed in the area and, if so, recommend this to the department.

17 b. In the year 2002 and thereafter, under criteria that the department  
18 prescribes, evaluate the performance of the care management organization or  
19 organizations in the area of the local long-term care council and determine whether  
20 additional care management organizations are needed in the area and, if so  
21 recommend this to the department.

22 3. Advise the department regarding applications for initial certification or  
23 certification renewal of care management organizations in the area of the local  
24 long-term care council, including providing recommendations for organizations

1 applying for certification or recertification, and assist the department in reviewing  
2 and evaluating the applications.

3 4. Receive information about and monitor complaints from persons served by  
4 the care management organization in the area concerning whether the numbers of  
5 providers of long-term care services used by the care management organization are  
6 sufficient to ensure convenient and desirable consumer choice and provide  
7 recommendations under subd. 3. to the department about this issue.

8 5. Review initial plans and existing provider networks of any care management  
9 organization in the area to assist the care management organization in developing  
10 a network of service providers that includes a sufficient number of accessible,  
11 convenient and desirable services.

12 6. Advise care management organizations about whether to offer optional  
13 acute and primary health care services and, if so, how these benefits should be  
14 offered.

15 7. Review the utilization of various types of long-term care services by care  
16 management organizations in the area.

17 8. Monitor the pattern of enrollments and disenrollments in local care  
18 management organizations.

19 9. Identify gaps in services, living arrangements and community resources and  
20 develop strategies to build local capacity to serve older persons and persons with  
21 physical or developmental disabilities, especially those with long-term care needs.

22 10. Perform long-range planning on policy for older persons and persons with  
23 physical or developmental disabilities.

24 11. Annually review interagency agreements between a resource center and  
25 care management organization or organizations and make recommendations, as

1 appropriate, on the interaction between the resource center and the care  
2 management organization or organizations to assure coordination between or  
3 among them.

4 12. Annually review the number and types of complaints and grievances about  
5 the long-term care system by persons who receive or may receive care under the  
6 system, to determine if a need exists for system changes, and recommend system or  
7 other changes if appropriate.

8 13. Identify potential new sources of community resources and funding for  
9 needed services for older persons and persons with physical or developmental  
10 disabilities.

11 14. Support long-term care system improvements to improve services to older  
12 persons and persons with physical or developmental disabilities and their families.

13 15. Annually report to the department and, before July 1, 2001, to the  
14 long-term care council concerning significant achievements and problems in the  
15 local long-term care system.

16 (b) A local long-term care council may, within the local long-term care council's  
17 area, assume the duties of the county long-term community support planning  
18 committee as specified under s. 46.27 (4).

19 **\*-0030/2.59\* SECTION 1073.** 46.282 (1) of the statutes, as created by 1999  
20 Wisconsin Act .... (this act), is repealed.

21 **\*-0030/2.60\* SECTION 1074.** 46.283 of the statutes is created to read:

22 **46.283 Resource centers.** (1) APPLICATION FOR CONTRACT. (a) After  
23 considering recommendations of the local long-term care council under s. 46.282 (3)  
24 (a) 1., a county board of supervisors and, in a county with a county executive or a

1 county administrator, the county executive or county administrator, may decide all  
2 of the following:

3 1. Whether to authorize one or more county departments under s. 46.21,  
4 46.215, 46.22 or 46.23 or an aging unit under s. 46.82 (1) (a) 1. or 2. to apply to the  
5 department for a contract to operate a resource center and, if so, which to authorize  
6 and what client group to serve.

7 2. Whether to create a family care district to apply to the department for a  
8 contract to operate a resource center.

9 (b) After considering recommendations of the local long-term care council  
10 under s. 46.282 (3) (a) 1., the governing body of a tribe or band or of the Great Lakes  
11 inter-tribal council, inc., may decide whether to authorize a tribal agency to apply  
12 to the department for a contract to operate a resource center for tribal members and,  
13 if so, which client group to serve.

14 (c) Under the requirements of par. (a), a county board of supervisors may decide  
15 to apply to the department for a contract to operate a multicounty resource center  
16 in conjunction with the county board or boards of one or more other counties or a  
17 county-tribal resource center in conjunction with the governing body of a tribe or  
18 band or the Great Lakes inter-tribal council, inc.

19 (d) Under the requirements of par. (b), the governing body of a tribe or band may  
20 decide to apply to the department for a contract to operate a resource center in  
21 conjunction with the governing body or governing bodies of one or more other tribes  
22 or bands or the Great Lakes inter-tribal council, inc., or with a county board of  
23 supervisors.

24 **(2) EXCLUSIVE CONTRACT.** (a) Before July 1, 2001, the department may contract  
25 only with a county, a family care district, the governing body of a tribe or band or the

1 Great Lakes inter-tribal council, inc., or with 2 or more of these entities under a joint  
2 application, to operate a resource center.

3 (b) After June 30, 2001, the department shall contract with the entities  
4 specified under s. 46.281 (1) (d) 1. and may, in addition to contracting with these  
5 entities and subject to approval of necessary funding, contract to operate a resource  
6 center with counties, family care districts, the governing body of a tribe or band or  
7 the Great Lakes inter-tribal council, inc., or under a joint application of any of these,  
8 or with a private nonprofit organization if the department determines that the  
9 organization has no significant connection to an entity that operates a care  
10 management organization and if any of the following applies:

11 1. A county board of supervisors declines in writing to apply for a contract to  
12 operate a resource center.

13 2. A county agency or a family care district applies for a contract but fails to  
14 meet the standards specified in sub. (3).

15 **(3) STANDARDS FOR OPERATION.** The department shall assure that at least all of  
16 the following are available to a person who contacts a resource center for service:

17 (a) Information and referral services and other assistance at hours that are  
18 convenient for the public.

19 (b) A determination of functional eligibility for the family care benefit.

20 (c) Within the limits of available funding, prevention and intervention services.

21 (d) Counseling concerning public and private benefits programs.

22 (e) A determination of financial eligibility and of the maximum amount of cost  
23 sharing required for a person who is seeking long-term care services, under  
24 standards prescribed by the department.

1 (f) Assistance to a person who is eligible for the family care benefit with respect  
2 to the person's choice of whether or not to enroll in a care management organization  
3 and, if so, which available care management organization would best meet his or her  
4 needs.

5 (g) Assistance in enrolling in a care management organization for persons who  
6 choose to enroll.

7 (h) Equitable assignment of priority on any necessary waiting lists, consistent  
8 with criteria prescribed by the department, for persons who are eligible for the family  
9 care benefit but who do not meet the criteria under s. 46.286 (3).

10 (i) Assessment of risk for each person who is on a waiting list, as described in  
11 par. (h), development with the person of an interim plan of care and assistance to the  
12 person in arranging for services.

13 (j) Transitional services to families whose children with physical or  
14 developmental disabilities are preparing to enter the adult service system.

15 (k) A determination of eligibility for state supplemental payments under s.  
16 49.77, medical assistance under s. 49.46, 49.468 or 49.47 or the federal food stamp  
17 program under 7 USC 2011 to 2029.

18 (4) DUTIES. A resource center shall do all of the following:

19 (a) Provide services within the entire geographic area prescribed for the  
20 resource center by the department.

21 (b) Submit to the department all reports and data required or requested by the  
22 department.

23 (c) Implement internal quality improvement and quality assurance processes  
24 that meet standards prescribed by the department.

25 (d) Cooperate with any review by an external advocacy organization.

1           (e) Within 6 months after the family care benefit is available to all eligible  
2 persons in the area of the resource center, provide information about the services of  
3 the resource center, including the services specified in sub. (3) (d), about assessments  
4 under s. 46.284 (4) (b) and care plans under s. 46.284 (4) (c) and about the family care  
5 benefit to all older persons and persons with a physical disability who are residents  
6 of nursing homes, community-based residential facilities, adult family homes and  
7 residential care apartment complexes in the area of the resource center.

8           (f) Provide a functional and financial screen to any resident, as specified in par.  
9 (e), who requests a screen and assist any resident who is eligible and chooses to enroll  
10 in a care management organization to do so.

11           (g) Provide a functional and financial screen to any person seeking admission  
12 to a nursing home, community-based residential facility, residential care apartment  
13 complex or adult family home if the secretary has certified that the resource center  
14 is available to the person and the facility and the person is determined by the  
15 resource center to have a condition that is expected to last at least 90 days that would  
16 require care, assistance or supervision.

17           (h) Provide access to services under s. 46.90 and ch. 55 to a person who is  
18 eligible for the services, through cooperation with the county agency or agencies that  
19 provide the services.

20           (i) Assure that emergency calls to the resource center are responded to  
21 promptly, 24 hours per day.

22           **(5) FUNDING.** From the appropriation accounts under s. 20.435 (4) (b), (bm) and  
23 (pa) and (7) (b), (bd) and (md), the department may contract with organizations that  
24 meet standards under sub. (3) for performance of the duties under sub. (4) and shall  
25 distribute funds for services provided by resource centers.



1           (6) GOVERNING BOARD. A resource center shall have a governing board that  
2 reflects the ethnic and economic diversity of the geographic area served by the  
3 resource center. At least one-fourth of the members of the governing board shall be  
4 older persons or persons with physical or developmental disabilities or their family  
5 members, guardians or other advocates.

6           (7) CONFIDENTIALITY; EXCHANGE OF INFORMATION. No record, as defined in s. 19.32  
7 (2), of a resource center that contains personally identifiable information, as defined  
8 in s. 19.62 (5), concerning an individual who receives services from the resource  
9 center may be disclosed by the resource center without the individual's informed  
10 consent, except as follows:

11           (a) A resource center may provide information as required to comply with s.  
12 16.009 (2) (p) or 49.45 (4) or as necessary for the department to administer the  
13 program under ss. 46.2805 to 46.2895.

14           (b) Notwithstanding ss. 48.78 (2) (a), 49.45 (4), 49.83, 51.30, 51.45 (14) (a), 55.06  
15 (17) (c), 146.82, 252.11 (7), 253.07 (3) (c) and 938.78 (2) (a), a resource center acting  
16 under this section may exchange confidential information about a client, as defined  
17 in s. 46.287 (1), without the informed consent of the client, under s. 46.21 (2m) (c),  
18 46.215 (1m), 46.22 (1) (dm), 46.23 (3) (e), 46.284 (7), 46.2895 (10), 51.42 (3) (e) or  
19 51.437 (4r) (b) in the county of the resource center, if necessary to enable the resource  
20 center to perform its duties or to coordinate the delivery of services to the client.

21           \*~~0030/2.61~~\* SECTION 1075. 46.284 of the statutes is created to read:

22           **46.284 Care management organizations. (1) APPLICATION FOR CONTRACT.**

23           (a) After considering recommendations of the local long-term care council under s.  
24 46.282 (3) (a) 1., a county board of supervisors and, in a county with a county

1 executive or a county administrator, the county executive or county administrator,  
2 may decide all of the following:

3 1. Whether to authorize one or more county departments under s. 46.21,  
4 46.215, 46.22 or 46.23 or an aging unit under s. 46.82 (1) (a) 1. or 2. to apply to the  
5 department for a contract to operate a care management organization and, if so,  
6 which to authorize and what client group to serve.

7 2. Whether to create a family care district to apply to the department for a  
8 contract to operate a care management organization.

9 (b) The governing body of a tribe or band or of the Great Lakes inter-tribal  
10 council, inc., may decide whether to authorize a tribal agency to apply to the  
11 department for a contract to operate a care management organization for tribal  
12 members and, if so, which client group to serve.

13 (c) Under the requirements of par. (a), a county board of supervisors may decide  
14 to apply to the department for a contract to operate a multicounty care management  
15 organization in conjunction with the county board or boards of one or more other  
16 counties or a county-tribal care management organization in conjunction with the  
17 governing body of a tribe or band or the Great Lakes inter-tribal council, inc.

18 (d) Under the requirements of par. (b), the governing body of a tribe or band may  
19 decide to apply to the department for a contract to operate a care management  
20 organization in conjunction with the governing body or governing bodies of one or  
21 more other tribes or bands or the Great Lakes inter-tribal council, inc., or with a  
22 county board of supervisors.

23 (2) CONTRACTS. (a) The department may contract for operation of a care  
24 management organization only with an entity that is certified as meeting the  
25 requirements under sub. (3). No entity may operate as a care management

1 organization under the requirements of this section unless so certified and under  
2 contract with the department.

3 (b) Within each county, the department shall initially contract to operate a care  
4 management organization with the county or a family care district if the county  
5 elects to operate a care management organization and the care management  
6 organization meets the requirements of sub. (3) and performance standards  
7 prescribed by the department. A county that contracts under this paragraph may  
8 operate the care management organization for all of the target groups or for a

9 selected group or groups. With respect to contracts exclusively with counties  
10 to operate a care management organization, all of the following apply:

11 1. Before January 1, 2003, the department may not contract with an  
12 organization other than the county to operate a care management organization in  
13 the county unless any of the following applies:

14 a. The county and the local long-term care council agree in writing that at least  
15 one additional care management organization is necessary or desirable.

16 b. The governing body of a tribe or band or the Great Lakes inter-tribal council,  
17 inc., elects to operate a care management organization within the area and is  
18 certified under sub. (3).

19 2. After December 31, 2002, and before January 1, 2004, the department may  
20 not contract with an organization other than the county to operate a care  
21 management organization in the county unless any of the following applies:

22 a. Subdivision 1. a. or b. applies.

23 b. The county fails to meet requirements of sub. (3) and performance standards  
24 prescribed by the department.

1           c. The county does not have the capacity to serve all county residents who are  
2 entitled to the family care benefit in the client group or groups that the county serves  
3 and cannot develop the capacity. If this subd. 2. c. applies, the department may  
4 contract with an organization in addition to the county.

5           3. After December 31, 2003, the department may contract with counties, family  
6 care districts, the governing body of a tribe or band or the Great Lakes inter-tribal  
7 council, inc., or under a joint application of any of these, or with a private nonprofit  
8 organization that has no significant connection to an entity that operates a resource  
9 center. Proposals for contracts under this subdivision shall be solicited under a  
10 competitive sealed proposal process under s. 16.75 (2m) and, after consulting with  
11 the local long-term care council for the county or counties, the department shall  
12 evaluate the proposals primarily as to the quality of care that is proposed to be  
13 provided, certify those applicants that meet the requirements specified in sub. (3)(a),  
14 select certified applicants for contract and contract with the selected applicants.

15           **(3) CERTIFICATION; REQUIREMENTS.** (a) If an entity meets the requirements  
16 under par. (b) and applicable rules of the department and submits to the department  
17 an application for initial certification or certification renewal, the department shall  
18 certify that the entity meets the requirements for a care management organization.  
19 An application shall include comments about the applicant and recommendations  
20 about the application that are provided by the appropriate local long-term care  
21 council, as specified under s. 46.282 (3) (a) 3.

22           (b) To be certified as a care management organization, an applicant shall  
23 demonstrate or ensure all of the following:

24           1. Adequate availability of providers with the expertise and ability to provide  
25 services that are responsive to the disabilities or conditions of all of the applicant's

1 proposed enrollees and sufficient representation of programmatic philosophies and  
2 cultural orientations to accommodate a variety of enrollee preferences and needs.

3 2. Adequate availability of providers that can meet the preferences and needs  
4 of its proposed service recipients for services at various times, including evenings,  
5 weekends and, when applicable, on a 24-hour basis.

6 3. Adequate availability of providers that are able and willing to perform all  
7 of the tasks that are likely to be identified in proposed enrollees' service and care  
8 plans.

9 4. Adequate availability of residential and day services that are geographically  
10 accessible to proposed enrollees' homes, families or friends.

11 5. Adequate supported living arrangements of the types and sizes that meet  
12 proposed enrollees' preference and needs.

13 6. Expertise in determining and meeting the needs of every target population  
14 that the applicant proposes to serve and connections to the appropriate service  
15 providers.

16 7. Thorough knowledge of local long-term care and other community resources.

17 8. The ability to manage and deliver, either directly or through subcontracts  
18 or partnerships with other organizations, the full range of benefits to be included in  
19 the monthly payment amount.

20 9. Thorough knowledge of methods for maximizing informal caregivers and  
21 community resources and integrating them into a service or care plan.

22 10. Coverage for a geographic area specified by the department.

23 11. The ability to develop strong linkages with systems and services that are  
24 not directly within the scope of the applicant's responsibility but that are important

1 to the target group that it proposes to serve, including primary and acute health care  
2 services.

3 12. Adequate and competent staffing by qualified personnel to perform all of  
4 the functions that the applicant proposes to undertake.

5 (4) DUTIES. A care management organization shall, in addition to meeting all  
6 contract requirements, do all of the following:

7 (a) Accept requested enrollment of any person who is entitled to the family care  
8 benefit and of any person who is eligible for the family care benefit and for whom  
9 funding is available. No care management organization may disenroll any enrollee,  
10 except under circumstances specified by the department by contract. No care  
11 management organization may encourage any enrollee to disenroll in order to obtain  
12 long-term care services under the medical assistance fee-for-service system. No  
13 involuntary disenrollment is effective unless the department has reviewed and  
14 approved it.

15 (b) Conduct a comprehensive assessment for each enrollee, including an  
16 in-person interview with the enrollee, using a standard format developed by the  
17 department.

18 (c) With the enrollee and the enrollee's family or guardian, if appropriate,  
19 develop a comprehensive care plan that reflects the enrollee's values and  
20 preferences.

21 (d) Provide or contract for the provision of necessary services and monitor the  
22 provided or contracted services.

23 (e) Provide, within guidelines established by the department, a mechanism by  
24 which an enrollee may arrange for, manage and monitor his or her family care benefit  
25 directly or with the assistance of another person chosen by the enrollee. The care

1 management organization shall monitor the enrollee's use of a fixed budget for  
2 purchase of services or support items from any qualified provider, monitor the health  
3 and safety of the enrollee and provide assistance in management of the enrollee's  
4 budget and services at a level tailored to the enrollee's need and desire for the  
5 assistance.

6 (f) Provide, on a fee-for-service basis, case management services to persons  
7 who are functionally eligible but not financially eligible for the family care benefit.

8 (g) Meet all performance standards required by the federal government or  
9 promulgated by the department by rule.

10 (h) Submit to the department reports and data required or requested by the  
11 department.

12 (i) Implement internal quality improvement and assurance processes that  
13 meet standards prescribed by the department by rule.

14 (j) Cooperate with external quality assurance reviews.

15 (k) Meet departmental requirements for protection of solvency.

16 (L) Annually submit to the department an independent financial audit that  
17 meets federal requirements.

18 **(5) FUNDING AND RISK-SHARING.** (a) From the appropriation accounts under s.  
19 20.435 (4) (b), (g) and (o) and (7) (b) and (bd), the department shall provide funding  
20 on a capitated payment basis for the provision of services under this section.  
21 Notwithstanding s. 46.036 (3) and (5m), a care management organization that is  
22 under contract with the department may expend the funds, consistent with this  
23 section, including providing payment, on a capitated basis, to providers of services  
24 under the family care benefit.

1           (b) If the expenditures by a care management organization under par. (a)  
2 exceed payments received from the department under par. (a), as determined by the  
3 department by contract, the department may share the loss with the care  
4 management organization, within the limits prescribed under the contract with the  
5 department.

6           (c) If the payments received from the department under par. (a) exceed the  
7 expenditures by a care management organization under par. (a), as determined by  
8 the department by contract, the care management organization may retain a portion  
9 of the excess payments, within the limits prescribed under the contract with the  
10 department, and shall return the remainder to the department.

11           (d) The department may, by contract, impose solvency protections that the  
12 department determines are reasonable and necessary to retain federal financial  
13 participation. These protections may include all of the following:

14           1. The requirement that a care management organization segregate a risk  
15 reserve from other funds of the care management organization or the authorizing  
16 body for the care management organization.

17           2. The requirement that interest accruing to the risk reserve remain in the  
18 escrow account for the risk reserve.

19           3. Limitations on the distribution of funds from the risk reserve.

20           4. The requirement that a care management organization place funds in a risk  
21 reserve and maintain the risk reserve in an interest-bearing escrow account with a  
22 financial institution, as defined in s. 69.30 (1) (b), or invest funds as specified in s.  
23 46.2895 (4) (j) 2. or 3. Moneys in the risk reserve or invested as specified in this  
24 subdivision may be expended only for the provision of services under this section.  
25 If a care management organization ceases participation under this section, the funds



1 in the risk reserve or invested as specified in this subdivision, minus any  
2 contribution of moneys other than those specified in par. (c), shall be returned to the  
3 department. The department shall expend the moneys for the payment of  
4 outstanding debts to providers of family care benefit services and for the  
5 continuation of family care benefit services to enrollees.

6 (e) 1. Subject to subd. 2., a care management organization may enter into  
7 contracts with providers of family care benefit services and may limit profits of the  
8 providers under the contracts.

9 2. The department shall review the contracts in subd. 1., including rates for the  
10 provision of service, to ensure that the contract terms protect services access by  
11 enrollees and financial viability of the care management organization, and may  
12 require contract revision.

13 **(6) GOVERNING BOARD.** A care management organization shall have a governing  
14 board that reflects the ethnic and economic diversity of the geographic area served  
15 by the care management organization. At least one-fourth of the members of the  
16 governing board shall be older persons or persons with physical or developmental  
17 disabilities or their family members, guardians or other advocates who are  
18 representative of the care management organization's enrollee.

19 **(7) CONFIDENTIALITY; EXCHANGE OF INFORMATION.** No record, as defined in s. 19.32  
20 (2), of a care management organization that contains personally identifiable  
21 information, as defined in s. 19.62 (5), concerning an individual who receives services  
22 from the care management organization may be disclosed by the care management  
23 organization without the individual's informed consent, except as follows:

1 (a) A care management organization may provide information as required to  
2 comply with s. 16.009 (2) (p) or 49.45 (4) or as necessary for the department to  
3 administer the program under ss. 46.2805 to 46.2895.

4 (b) Notwithstanding ss. 48.78 (2)(a), 49.45 (4), 49.83, 51.30, 51.45 (14) (a), 55.06  
5 (17) (c), 146.82, 252.11 (7), 253.07 (3) (c) and 938.78 (2) (a), a care management  
6 organization acting under this section may exchange confidential information about  
7 a client, as defined in s. 46.287 (1), without the informed consent of the client, under  
8 s. 46.21 (2m) (c), 46.215 (1m), 46.22 (1) (dm), 46.23 (3) (e), 46.283 (7), 46.2895 (10),  
9 51.42 (3) (e) or 51.437 (4r) (b) in the county of the care management organization, if  
10 necessary to enable the care management organization to perform its duties or to  
11 coordinate the delivery of services to the client.

12 **\*-0030/2.63\* SECTION 1077.** 46.285 of the statutes is created to read:

13 **46.285 Operation of resource center and care management**  
14 **organization.** (1) In order to meet federal requirements and assure federal  
15 financial participation in funding of the family care benefit, a county, a tribe or band,  
16 a family care district or an organization, including a private, nonprofit corporation,  
17 may not directly operate both a resource center and a care management  
18 organization, except as follows:

19 (a) For a pilot project established under s. 46.281 (1) (d) 2., provision of the  
20 services specified under s. 46.283 (3) (b), (e), (f) and (g) shall be structurally separate  
21 from the provision of services of the care management organization by January 1,  
22 2001.

23 (b) The department may approve separation of the functions of a resource  
24 center from those of a care management organization by a means other than those  
25 specified in sub. (2).



1           \*–0030/2.64\* SECTION 1078. 46.286 of the statutes is created to read:

2           **46.286 Family care benefit.** (1) ELIGIBILITY. Except as provided in sub. (1m),  
3 a person is eligible for, but not necessarily entitled to, the family care benefit if the  
4 person is at least 18 years of age; has a physical disability, as defined in s. 15.197 (4)  
5 (a) 2., or infirmities of aging, as defined in s. 55.01 (3); and meets all of the following  
6 criteria:

7           (a) *Functional eligibility.* A person is functionally eligible if any of the following  
8 applies, as determined by the department or its designee:

9           1. The person's functional capacity is at either of the following levels:

10           a. The comprehensive level, if the person has a long-term or irreversible  
11 condition, expected to last at least 90 days or result in death within one year of the  
12 date of application, and requires ongoing care, assistance or supervision.

13           b. The intermediate level, if the person has a condition that is expected to last  
14 at least 90 days or result in death within 12 months after the date of application, and  
15 is at risk of losing his or her independence or functional capacity unless he or she  
16 receives assistance from others.

17           2. The person has a condition that is expected to last at least 90 days or result  
18 in death within 12 months after the date of application and, on the date that the  
19 family care benefit became available in the person's county of residence, the person  
20 was a resident in a nursing home or had been receiving for at least 60 days, under  
21 a written plan of care, long-term care services, as specified by the department, which  
22 were funded under any of the following:

23           a. The long-term support community options program under s. 46.27.

24           b. Home and community-based waiver programs under 42 USC 1396n (c),  
25 including community integration program under s. 46.275, 46.277 or 46.278.

1 c. The Alzheimer's family caregiver support program under s. 46.87.

2 d. Community aids under s. 46.40, if documented by the county under a method  
3 prescribed by the department.

4 e. County funding, if documented by the county under a method prescribed by  
5 the department.

6 (b) *Financial eligibility*. A person is financially eligible if all of the following  
7 apply:

8 1. As determined by the department or its designee, either of the following  
9 applies:

10 a. The person would qualify for medical assistance except for financial or  
11 disability criteria, and the projected cost of the person's care plan, as calculated by  
12 the department or its designee, exceeds the person's gross monthly income, plus  
13 one-twelfth of his or her countable assets, less deductions and allowances permitted  
14 by rule by the department.

15 b. The person is eligible under ch. 49 for medical assistance.

16 2. If subd. 1. b. applies, the person accepts medical assistance unless he or she  
17 is exempt from the acceptance under rules promulgated by the department.

18 **(1m) ELIGIBILITY EXCEPTION.** A person whose primary disabling condition is  
19 developmental disability is eligible for the family care benefit if the person is a  
20 resident of a county or is a member of a tribe or band that has operated, before July  
21 1, 2001, a care management organization under s. 46.281 (1) (d) and meets all other  
22 eligibility criteria under this subsection.

23 **(2) COST SHARING.** (a) A person who is determined to be financially eligible  
24 under sub. (1) (b) shall contribute to the cost of his or her care an amount that is  
25 calculated by the department or its designee after subtracting from the person's

1 gross income, plus one-twelfth of countable assets, the deductions and allowances  
2 permitted by the department by rule.

3 (b) Funds received under par. (a) shall be used by a care management  
4 organization to pay for services under the family care benefit.

5 (c) A person who is required to contribute to the cost of his or her care but who  
6 fails to make the required contributions is ineligible for the family care benefit unless  
7 he or she is exempt from the requirement under rules promulgated by the  
8 department.

9 (3) ENTITLEMENT. (a) Subject to pars. (c) and (d), a person is entitled to and may  
10 receive the family care benefit through enrollment in a care management  
11 organization if he or she meets the requirements of sub. (1) (intro.), is financially  
12 eligible, fulfills any applicable cost-sharing requirements and meets any of the  
13 following criteria:

- 14 1. Is functionally eligible at the comprehensive level.
- 15 2. Is functionally eligible at the intermediate level and is eligible under sub. (1)
- 16 (b) 1. b.
- 17 3. Is functionally eligible at the intermediate level and is determined by an  
18 agency under s. 46.90 (2) or specified in s. 55.05 (1t) to be in need of protective services  
19 under s. 55.05 or protective placement under s. 55.06.
- 20 4. Is functionally eligible under sub. (1) (a) 2.
- 21 5. Is eligible under sub. (1m).

22 (b) An entitled individual who is enrolled in a care management organization  
23 may not be involuntarily disenrolled except as follows:

- 24 1. For cause, subject to the requirements of s. 46.284 (4) (a).

1           2. If the contract between the care management organization and the  
2 department is canceled or not renewed. If this circumstance occurs, the department  
3 shall assure that enrollees continue to receive needed services through another care  
4 management organization or through the medical assistance fee-for-service system  
5 or any of the programs specified under sub. (1) (a) 2. a. to d.

6           3. The department or its designee determines that the person no longer meets  
7 eligibility criteria under sub. (1).

8           (c) Within each county and for each client group, par. (a) shall first apply on the  
9 effective date of a contract under which a care management organization accepts a  
10 per person per month payment to provide services under the family care benefit to  
11 eligible persons in that client group in the county. Within 24 months after this date,  
12 the department shall assure that sufficient capacity exists within one or more care  
13 management organizations to provide the family care benefit to all entitled persons  
14 in that client group in the county.

15           (d) The department shall determine the date, which shall not be later than July  
16 1, 2000, on which par. (a) shall first apply to persons who are not eligible for medical  
17 assistance under ch. 49.

18           (4) DIVESTMENT; RULES. The department shall promulgate rules relating to  
19 prohibitions on divestment of assets of persons who receive the family care benefit,  
20 that are substantially similar to applicable provisions under s. 49.453.

21           (5) TREATMENT OF TRUST AMOUNTS; RULES. The department shall promulgate  
22 rules relating to treatment of trust amounts of persons who receive the family care  
23 benefit, that are substantially similar to applicable provisions under s. 49.454.

24           (6) PROTECTION OF INCOME AND RESOURCES OF COUPLE FOR MAINTENANCE OF  
25 COMMUNITY SPOUSE; RULES. The department shall promulgate rules relating to

1 protection of income and resources of couples for the maintenance of the spouse in  
2 the community with regard to persons who receive the family care benefit, that are  
3 substantially similar to applicable provisions under s. 49.455.

4 (7) RECOVERY OF FAMILY CARE BENEFIT PAYMENTS; RULES. The department shall  
5 promulgate rules relating to the recovery from persons who receive the family care  
6 benefit, including by liens and from estates, of correctly and incorrectly paid family  
7 care benefits, that are substantially similar to applicable provisions under ss. 49.496  
8 and 49.497.

9 \***-0030/2.65\*** SECTION 1079. 46.287 of the statutes is created to read:

10 **46.287 Hearings.** (1) DEFINITION. In this section, “client” means a person  
11 applying for eligibility for the family care benefit, an eligible person or an enrollee.

12 (2) HEARING. (a) 1. Except as provided in subd. 2., a client may contest any of  
13 the following applicable matters by filing, within 45 days of the failure of a resource  
14 center or care management organization to act on the contested matter within the  
15 time frames specified by rule by the department or within 45 days after receipt of  
16 notice of a decision in a contested matter, a written request for a hearing under s.  
17 227.44 to the division of hearings and appeals created under s. 15.103 (1):

18 a. Denial of eligibility under s. 46.286 (1) or (1m).

19 b. Determination of cost sharing under s. 46.286 (2).

20 c. Denial of entitlement under s. 46.286 (3).

21 d. Failure to provide timely services and support items that are included in the  
22 plan of care.

23 e. Reduction of services or support items under the family care benefit.

24 f. Development of a plan of care that is unacceptable because the plan of care  
25 requires the enrollee to live in a place that is unacceptable to the enrollee or the plan



1 of care provides care, treatment or support items that are insufficient to meet the  
2 enrollee's needs, are unnecessarily restrictive or are unwanted by the enrollee.

3 g. Termination of the family care benefit.

4 h. Imposition of ineligibility for the family care benefit under s. 46.286 (4).

5 i. Denial of eligibility or reduction of the amounts of the family care benefit  
6 under s. 46.286 (5).

7 j. Determinations similar to those specified under s. 49.455 (8) (a), made under  
8 s. 46.286 (6).

9 k. Recovery of family care benefit payments under s. 46.286 (7).

10 2. An applicant for or recipient of medical assistance is not entitled to a hearing  
11 concerning the identical dispute or matter under both this section and 42 CFR  
12 431.200 to 431.246.

13 (b) An enrollee may contest a decision, omission or action of a care management  
14 organization other than those specified in par. (a), or may contest the choice of service  
15 provider. In these instances, the enrollee shall first send a written request for review  
16 by the unit of the department that monitors care management organization  
17 contracts. This unit shall review and attempt to resolve the dispute. If the dispute  
18 is not resolved to the satisfaction of the enrollee, he or she may request a hearing  
19 under the procedures specified in par. (a) 1. (intro.).

20 (c) Information regarding the availability of advocacy services and notice of  
21 adverse actions taken and appeal rights shall be provided to a client by the resource  
22 center or care management organization in a form and manner that is prescribed by  
23 the department by rule.

24 \*–0030/2.66\* SECTION 1080. 46.288 of the statutes is created to read:

1           **46.288 Rule-making.** The department shall promulgate as rules all of the  
2 following:

3           (1) Standards for performance by resource centers and for certification of care  
4 management organizations, including requirements for maintaining quality  
5 assurance and quality improvement.

6           (2) Criteria and procedures for determining functional eligibility under s.  
7 46.286 (1)(a), financial eligibility under s. 46.286 (1) (b), cost sharing under s. 46.286  
8 (2) (a) and entitlement under s. 46.286 (3). The rules for determining functional  
9 eligibility under s. 46.286 (1) (a) 1. a. shall be substantially similar to eligibility  
10 criteria for receipt of the long-term support community options program under s.  
11 46.27. Rules under this subsection shall include definitions of the following terms  
12 applicable to s. 46.286:

13           (a) “Primary disabling condition”.

14           (b) “Mental illness”.

15           (c) “Substance abuse”.

16           (d) “Long-term or irreversible”.

17           (e) “Requires ongoing care, assistance or supervision”.

18           (f) “Condition that is expected to last at least 90 days or result in death within  
19 one year”.

20           (g) “At risk of losing independence or functional capacity”.

21           (h) “Gross monthly income”.

22           (i) “Deductions and allowances”.

23           (j) “Countable assets”.

1           (3) Procedures and standards for procedures for s. 46.287 (2), including time  
2 frames for action by a resource center or a care management organization on a  
3 contested matter.

4           \*–0030/2.67\* SECTION 1081. 46.289 of the statutes is created to read:

5           **46.289 Transition.** In order to facilitate the transition to the long-term care  
6 system specified in ss. 46.2805 to 46.2895, within the limits of applicable federal  
7 statutes and regulations and if the secretary of health and family services finds it  
8 necessary, he or she may grant a county limited waivers to or exemptions from ss.  
9 46.27 (3) (e) (intro.), 1. and 2. and (f), (5) (d) and (e), (6) (a) 1., 2. and 3. and (b) (intro.),  
10 1. and 2., (6r) (c), (7) (b), (cj) and (cm) and (11) (c) 5m. (intro.) and 6. and 46.277 (3)  
11 (a), (4) (a) and (5) (d) 1m., 1n. and 2. and rules promulgated under those provisions.

12           \*–0030/2.68\* SECTION 1082. 46.2895 of the statutes is created to read:

13           **46.2895 Family care district.** (1) CREATION. (a) After considering  
14 recommendations of the local long-term care council under s. 46.282 (3) (a) 1., a  
15 county board of supervisors may create a special purpose district that is termed a  
16 “family care district”, that is a local unit of government, that is separate and distinct  
17 from, and independent of, the state and the county, and that has the powers and  
18 duties specified in this section, if the county board does all of the following:

19           1. Adopts an enabling resolution that does all of the following:

20           a. Declares the need for establishing the family care district.

21           b. Specifies the family care district’s primary purpose, which shall be to  
22 operate, under contract with the department, either a resource center under s.  
23 46.283 or a care management organization under s. 46.284, but not both.

24           2. Files copies of the enabling resolution with the secretary of administration,  
25 the secretary of health and family services and the secretary of revenue.

1 (b) The county boards of supervisors of 2 or more counties may together create  
2 a family care district with the attributes specified in par. (a) (intro.) on a multicounty  
3 basis within the counties if the county boards of supervisors comply with the  
4 requirements of par. (a) 1. and 2.

5 (2) JURISDICTION. A family care district's jurisdiction is the geographical area  
6 of the county or counties of the county board or boards of supervisors who created the  
7 family care district.

8 (3) FAMILY CARE DISTRICT BOARD. (a) 1. The county board of supervisors of a  
9 county or, in a county with a county administrator or county executive, the county  
10 administrator or county executive shall appoint the members of the family care  
11 district board, which is the governing board of a family care district under sub. (1)  
12 (a).

13 2. The county boards of supervisors of 2 or more counties shall appoint the  
14 members of the family care district board, which is the governing board of the family  
15 care district under sub. (1)(b). Each county board shall appoint members in the same  
16 proportion that the county's population represents to the total population of all of the  
17 counties that constitute the jurisdiction of the family care district.

18 (b) 1. The family care district board appointed under par. (a) 1. shall consist of  
19 15 persons who are residents of the area of jurisdiction of the family care district.  
20 At least one-fourth of the members shall be representative of the client group or  
21 groups whom it is the family care district's primary purpose to serve or those clients'  
22 family members, guardians or other advocates.

23 2. The family care district board appointed under par. (a) 2. shall consist of an  
24 odd number of members that is at least 15 but not more than 21 persons, all of whom  
25 are residents of the area of jurisdiction of the family care district. At least one-fourth

1 of the members shall be representative of the client group or groups whom it is the  
2 family care district's primary purpose to serve or those clients' family members,  
3 guardians or other advocates.

4 3. Membership of the family care district board under subd. 1. or 2. shall reflect  
5 the ethnic and economic diversity of the area of jurisdiction of the family care district.  
6 Up to one-fourth of the members of the board may be elected or appointed officials  
7 or employees of the county or counties that created the family care district. No  
8 member of the board may have a private financial interest in or profit directly or  
9 indirectly from any contract or other business of the family care district.

10 (c) The members of the family care district board appointed under par. (a) shall  
11 serve 3-year terms. No member may serve more than 2 consecutive terms. Of the  
12 members first appointed, 5 shall be appointed for 3 years; 5 shall be appointed for  
13 4 years; and 5 or, in the case of a board appointed under par. (b) 2., the remainder,  
14 shall be appointed for 5 years. A member shall serve until his or her successor is  
15 appointed, unless removed for cause under s. 17.13.

16 (d) As soon as possible after the appointment of the initial members of the  
17 family care district board, the board shall organize for the transaction of business  
18 and elect a chairperson and other necessary officers. Each chairperson shall be  
19 elected by the board from time to time for the term of that chairperson's office as a  
20 member of the board or for the term of 3 years, whichever is shorter, and shall be  
21 eligible for reelection. A majority of the board shall constitute a quorum. The board  
22 may act based on the affirmative vote of a majority of a quorum.

23 (4) POWERS. Subject to sub. (1)(a) 1. b., a family care district has all the powers  
24 necessary or convenient to carry out the purposes and provisions of ss. 46.2805 to

1 46.2895. In addition to all these powers, a family care district may do all of the  
2 following:

3 (a) Adopt and alter, at pleasure, an official seal.

4 (b) Adopt bylaws and policies and procedures for the regulation of its affairs  
5 and the conduct of its business. The bylaws, policies and procedures shall be  
6 consistent with ss. 46.2085 to 46.2895 and, if the family care district contracts with  
7 the department under par. (d), with the terms of that contract.

8 (c) Sue and be sued.

9 (d) Negotiate and enter into leases or contracts, including a contract with the  
10 department to operate either a resource center or a portion of its functions under s.  
11 46.283 or a care management organization under s. 46.284, but not both a resource  
12 center or its functions and a care management organization.

13 (e) Provide services related to services available under the family care benefit,  
14 to older persons and persons with disabilities, in addition to the services funded  
15 under the contract with the department that is specified under par. (d).

16 (f) Acquire, construct, equip, maintain, improve or manage a resource center  
17 under s. 46.283 or a care management organization under s. 46.284, but not both.

18 (g) Subject to sub. (8), employ any agent, employe or special adviser that the  
19 family care district finds necessary, fix and regulate his or her compensation and  
20 provide, either directly or subject to an agreement under s. 66.30 as a participant in  
21 a benefit plan of another governmental entity, any employe benefits, including an  
22 employe pension plan.

23 (h) Mortgage, pledge or otherwise encumber the family care district's property  
24 or funds.

1 (i) Buy, sell or lease property, including real estate, and maintain or dispose of  
2 the property.

3 (j) Invest any funds not required for immediate disbursement in any of the  
4 following:

5 1. An interest-bearing escrow account with a financial institution, as defined  
6 in s. 69.30 (1) (b).

7 2. Time deposits in any financial institution, as defined in s. 69.30 (1) (b), if the  
8 time deposits mature in not more than 2 years.

9 3. Bonds or securities issued or guaranteed as to principal and interest by the  
10 federal government or by a commission, board or other instrumentality of the federal  
11 government.

12 (k) Create a risk reserve or other special reserve as the family care district  
13 board desires or as the department requires under the contract with the department  
14 that is specified under par. (d).

15 (L) Accept aid, including loans, to accomplish the purpose of the family care  
16 district from any local, state or federal governmental agency or accept gifts, loans,  
17 grants or bequests from individuals or entities, if the conditions under which the aid,  
18 loan, gift, grant or bequest is furnished are not in conflict with this section.

19 (m) Make and execute other instruments necessary or convenient to exercise  
20 the powers of the family care district.

21 **(5) LIMITATION ON POWERS.** A family care district may not issue bonds or levy  
22 a tax or assessment.

23 **(6) DUTIES.** The family care district board shall do all of the following:

24 (a) Appoint a director, who shall hold office at the pleasure of the board.

1 (b) Subject to sub. (8), develop and implement a personnel structure and other  
2 employment policies for employes of the family care district.

3 (c) Assure compliance with the terms of any contract with the department  
4 under sub. (4) (d).

5 (d) Establish a fiscal operating year and annually adopt a budget for the family  
6 care district.

7 (e) Contract for any legal services required for the family care district.

8 (f) Subject to sub. (8), procure liability insurance covering its officers, employes  
9 and agents, insurance against any loss in connection with its property and other  
10 assets and other necessary insurance; establish and administer a plan of  
11 self-insurance; or, subject to an agreement under s. 66.30, participate in a  
12 governmental plan of insurance or self-insurance.

13 **(7) DIRECTOR; DUTIES.** The director appointed under sub. (6) (a) shall do all of  
14 the following:

15 (a) Manage the property and business of the family care district and manage  
16 the employes of the district, subject to the general control of the family care district  
17 board.

18 (b) Comply with the bylaws and direct enforcement of all policies and  
19 procedures adopted by the family care district board.

20 (c) Perform duties in addition to those specified in pars. (a) and (b) as are  
21 prescribed by the family care district board.

22 **(8) EMPLOYMENT AND EMPLOYEE BENEFITS OF CERTAIN EMPLOYES.** (a) A family care  
23 district board shall do all of the following:

24 1. If the family care district offers employment to any individual who was  
25 previously employed by the county, who while employed by the county performed



1 duties relating to the same or a substantially similar function for which the  
2 individual is offered employment by the district and whose wages, hours and  
3 conditions of employment were established in a collective bargaining agreement  
4 with the county under subch. IV of ch. 111 that is in effect on the date that the  
5 individual commences employment with the district, with respect to that individual,  
6 abide by the terms of the collective bargaining agreement concerning the individual's  
7 compensation and benefits until the time of the expiration of that collective  
8 bargaining agreement or adoption of a collective bargaining agreement with the  
9 district under subch. IV of ch. 111 covering the individual as an employe of the  
10 district, whichever occurs first.

11 2. If the family care district offers employment to any individual who was  
12 previously employed by the county and who while employed by the county performed  
13 duties relating to the same or a substantially similar function for which the  
14 individual is offered employment by the district, but whose wages, hours and  
15 conditions of employment were not established in a collective bargaining agreement  
16 with the county under subch. IV of ch. 111 that is in effect on the date the individual  
17 commences employment with the district, with respect to that individual, initially  
18 provide that individual the same compensation and benefits that he or she received  
19 while employed by the county.

20 3. If the family care district offers employment to any individual who was  
21 previously employed by the county and who while employed by the county performed  
22 duties relating to the same or a substantially similar function for which the  
23 individual is offered employment by the district, with respect to that individual,  
24 recognize all years of service with the county for any benefit provided or program

1 operated by the district for which an employe's years of service may affect the  
2 provision of the benefit or the operation of the program.

3 4. If the county has not established its own retirement system for county  
4 employes, adopt a resolution that the family care district be included within the  
5 provisions of the Wisconsin retirement system under s. 40.21 (1). In this resolution,  
6 the family care district shall agree to recognize 100% of the prior creditable service  
7 of its employes earned by the employes while employed by the district.

8 (b) The county board of supervisors of the area of jurisdiction of the family care  
9 district shall do all of the following:

10 1. If the county has established its own retirement system for county employes,  
11 provide that family care district employes are eligible to participate in the county  
12 retirement system.

13 2. Provide that, subject to the terms of any applicable collective bargaining  
14 agreement as provided in par. (a) 1., family care district employes are eligible to  
15 receive health care coverage under any county health insurance plan that is offered  
16 to county employes.

17 3. Provide that, subject to the terms of any applicable collective bargaining  
18 agreement as provided in par. (a) 1., family care district employes are eligible to  
19 participate in any deferred compensation or other benefit plan offered by the county  
20 to county employes, including disability and long-term care insurance coverage and  
21 income continuation insurance coverage.

22 (9) CONFIDENTIALITY OF RECORDS. No record, as defined in s. 19.32 (2), of a family  
23 care district that contains personally identifiable information, as defined in s. 19.62  
24 (5), concerning an individual who receives services from the family care district may

1 be disclosed by the family care district without the individual's informed consent,  
2 except as required to comply with s. 16.009 (2) (p) or 49.45 (4).

3 (10) EXCHANGE OF INFORMATION. Notwithstanding sub. (9) and ss. 48.78 (2) (a),  
4 49.45 (4), 49.83, 51.30, 51.45 (14) (a), 55.06 (17) (c), 146.82, 252.11 (7), 253.07 (3) (c)  
5 and 938.78 (2) (a), a family care district acting under this section may exchange  
6 confidential information about a client, as defined in s. 46.287 (1), without the  
7 informed consent of the client, under s. 46.21 (2m) (c), 46.215 (1m), 46.22 (1) (dm),  
8 46.23 (3) (e), 46.283 (7), 46.284 (7), 51.42 (3) (e) or 51.437 (4r) (b) in the jurisdiction  
9 of the family care district, if necessary to enable the family care district to perform  
10 its duties or to coordinate the delivery of services to the client.

11 (11) OBLIGATIONS AND DEBTS NOT THOSE OF COUNTY. The obligations and debts  
12 of the family care district are not the obligations or debts of the county that created  
13 the family care district.

14 (12) ASSISTANCE TO FAMILY CARE DISTRICT. From moneys in the county treasury  
15 that are not appropriated to some other purpose, the county board of supervisors  
16 under sub. (1) (a) or the county boards of supervisors under sub. (1) (b) may  
17 appropriate moneys to the family care district as a gift or may lend moneys to the  
18 family care district.

19 (13) DISSOLUTION. Subject to the performance of the contractual obligations of  
20 a family care district and if first approved by the secretary of the department, the  
21 family care district may be dissolved by the joint action of the family care district  
22 board and county board of supervisors under sub. (1) (a) or the county boards of  
23 supervisors under sub. (1) (b) that created the family care district. If the family care  
24 district is dissolved, the property of the district shall be transferred to the county  
25 board of supervisors that created the family care district except as follows:

1 (a) If the family care district was created under sub. (1) (b), the county boards  
2 of supervisors shall agree on the apportioning of the family care district's property  
3 before the district may be dissolved.

4 (b) If the family care district operates a care management organization under  
5 s. 46.284, disposition of any remaining funds in the risk reserve under s. 46.284 (5)  
6 (e) shall be made under the terms of the district's contract with the department.

7 **\*-0027/5.20\* SECTION 1083.** 46.29 (1) (intro.) of the statutes is amended to  
8 read:

9 46.29 (1) (intro.) From the appropriation under s. 20.435 (6) ~~(d)~~ (a), the  
10 department shall allocate up to \$10,000 in each fiscal year for operation of the council  
11 on physical disabilities. The council on physical disabilities shall do all of the  
12 following:

13 **\*-0275/5.1\* SECTION 1084.** 46.40 (1) (a) of the statutes is amended to read:

14 46.40 (1) (a) Within the limits of available federal funds and of the  
15 appropriations under s. 20.435 (3) (o) and (7) (b), (kw) and (o), the department shall  
16 distribute funds for community social, mental health, developmental disabilities and  
17 alcohol and other drug abuse services and for services under ss. 46.51, 46.87, 46.985  
18 and 51.421 to county departments under ss. 46.215, 46.22, 46.23, 51.42 and 51.437  
19 and to county aging units, as provided in subs. (2), (2m) and (7) to ~~(8)~~ (9).

20 **\*b0551/3.1\* SECTION 1084m.** 46.40 (1) (am) of the statutes is created to read:

21 46.40 (1) (am) In distributing funds for alcohol and other drug abuse treatment  
22 programs, the department shall ensure that federal funds received by the  
23 department, either directly or indirectly, under the temporary assistance for needy  
24 families block grant under 42 USC 601 et. seq., that are allocated for alcohol and  
25 other drug abuse treatment programs are distributed only for alcohol and other drug

1 abuse treatment programs that serve individuals who have a family income of not  
2 more than 200% of the poverty line, as defined in s. 46.30 (1) (c), and who are eligible  
3 for temporary assistance for needy families under 42 USC 601 et. seq.

4 **\*-0275/5.2\* SECTION 1086.** 46.40 (2) of the statutes is amended to read:

5 46.40 (2) BASIC COUNTY ALLOCATION. ~~For~~ Subject to sub. (9), for social services  
6 under s. 46.495 (1) (d) and services under s. 51.423 (2), the department shall  
7 distribute not more than ~~\$285,081,000~~ \$283,778,800 for fiscal year ~~1997-98~~  
8 1999-2000 and ~~\$284,948,500~~ \$279,886,800 for fiscal year ~~1998-99~~ 2000-01.

9 **\*-0275/5.3\* SECTION 1087.** 46.40 (2m) (a) of the statutes is amended to read:

10 46.40 (2m) (a) *Prevention and treatment of substance abuse.* For prevention  
11 and treatment of substance abuse under 42 USC 300x-21 to 300x-35, the  
12 department shall distribute not more than ~~\$10,493,900 in fiscal year 1997-98 and~~  
13 ~~not more than \$10,224,100 in fiscal year 1998-99~~ \$11,318,700 in each fiscal year.

14 **\*-0275/5.4\* SECTION 1088.** 46.40 (8) of the statutes is amended to read:

15 46.40 (8) ALZHEIMER'S FAMILY AND CAREGIVER SUPPORT ALLOCATION. ~~For~~ Subject  
16 to sub. (9), for services to persons with Alzheimer's disease and their caregivers  
17 under s. 46.87, the department shall distribute not more than \$1,877,000 for each  
18 fiscal year.

19 **\*-0275/5.5\* SECTION 1089.** 46.40 (9) of the statutes is created to read:

20 46.40 (9) TRANSFER OR ADJUSTMENT OF COMMUNITY AIDS ALLOCATIONS. (a)  
21 *Transfer to family care program and adult protective services allocation.* If a care  
22 management organization under s. 46.285 is available in a county, the department  
23 may dispose of the amount allocated under sub. (8) to that county and not more than  
24 21.3% of the amount allocated under sub. (2) to that county as follows:

1           1. By transferring a portion of those amounts, as determined by the  
2 department, to the family care program to fund the services of resource centers under  
3 s. 46.283 (5) and the services of care management organizations under s. 46.284 (4).

4           2. By transferring a portion of those amounts, as determined by the  
5 department, to the county's adult protective services allocation under par. (b).

6           (b) *Adult protective services allocation.* For adult protective services, the  
7 department shall distribute the amounts transferred under par. (a) 2. in each fiscal  
8 year.

9           (c) *Adjustment for medical assistance buy-in program.* If a former recipient of  
10 services funded under the allocation under sub. (2) is a participant in the medical  
11 assistance buy-in program under s. 49.472, the department may decrease that  
12 allocation by the amount that the department estimates it will incur in providing  
13 services to that participant under s. 49.472.

14           **\*b0357/3.9\*** SECTION 1091d. 46.45 (2) (a) of the statutes is amended to read:  
15           46.45 (2) (a) If on December 31 of any year there remains unspent or  
16 unencumbered in the allocation under s. 46.40 (2) an amount that exceeds the  
17 amount received under 42 USC 670 to 679a and allocated under s. 46.40 (2) in that  
18 year, the department shall carry forward the excess moneys and distribute not less  
19 than 50% of the excess moneys to counties having a population of less than 500,000  
20 that are making a good faith effort, as determined by the department, to comply with  
21 s. 46.22 (1) (c) 8. f. for services and projects to assist children and families,  
22 notwithstanding the percentage limit specified in sub. (3) (a). A county shall use not  
23 less than 50% of the moneys distributed to the county under this subsection for  
24 services for children who are at risk of abuse or neglect to prevent the need for child  
25 abuse and neglect intervention services. If a county does not comply with s. 46.22

1 (1)(c) 8. f. before July 1, 2005, the department may recover any amounts distributed  
2 to that county under this paragraph after June 30, 2001, by billing the county or  
3 deducting from that county's allocation under s. 46.40 (2).

4 **\*b0578/2.1\* SECTION 1091m.** 46.46 (2) of the statutes is amended to read:

5 46.46 (2) If the department proposes to use any moneys from the appropriation  
6 account under s. 20.435 (8) (mb) for any purpose other than the purpose specified in  
7 sub. (1), the department shall submit a plan for the proposed use of those moneys to  
8 the secretary of administration by September 1 of the fiscal year after the fiscal year  
9 in which those moneys were received. If the secretary of administration approves the  
10 plan, he or she shall submit the plan to the joint committee on finance by October 1  
11 of the fiscal year after the fiscal year in which those moneys were received. If the  
12 cochairpersons of the committee do not notify the secretary of administration within  
13 14 working days after the date of submittal of the plan that the committee has  
14 scheduled a meeting for the purpose of reviewing the plan, the department may  
15 implement the plan. If within 14 working days after the date of the submittal by the  
16 secretary of administration the cochairpersons of the committee notify him or her  
17 that the committee has scheduled a meeting for the purpose of reviewing the plan,  
18 the department may implement the plan only with the approval of the committee.

19 **\*b0356/2.4\* SECTION 1092d.** 46.47 of the statutes is repealed.

20 **\*-0027/5.21\* SECTION 1093.** 46.48 (3) of the statutes is renumbered 46.481 (1).

21 **\*-0277/4.4\* SECTION 1094.** 46.48 (6) of the statutes is amended to read:

22 46.48 (6) CAREER YOUTH DEVELOPMENT CENTER. The department shall distribute  
23 ~~\$110,000~~ \$80,000 in each fiscal year to the career youth development center in the  
24 city of Milwaukee. ~~Of these amounts, \$80,000 shall be distributed in each fiscal year~~  
25 for the operation of a minority youth substance abuse treatment program and

1     ~~\$30,000 shall be distributed in each fiscal year for drug prevention programs for high~~  
2     ~~school athletes in the Milwaukee public school system.~~

3           \*~~-0027/5.22~~\* **SECTION 1095.** 46.48 (9) of the statutes is renumbered 46.481 (2).

4           \*~~-0320/3.2~~\* **SECTION 1096.** 46.48 (27) of the statutes is renumbered 46.481 (3)

5     and amended to read:

6           46.481 (3) GRANTS TO RUNAWAY PROGRAMS. The department shall distribute  
7     ~~\$100,000~~ \$50,000 in each fiscal year as grants to programs that provide services for  
8     ~~runaways~~ runaway children.

9           \*~~-0027/5.23~~\* **SECTION 1097.** 46.48 (28) of the statutes is renumbered 46.481  
10    (4).

11           \*~~-0320/3.3~~\* **SECTION 1098.** 46.48 (29) of the statutes is amended to read:

12           46.48 (29) ARC COMMUNITY SERVICES, INC. The department shall distribute  
13     ~~\$87,500 in fiscal year 1997-98 and~~ \$175,000 in each fiscal year ~~1998-99~~ to ARC  
14     Community Services, Inc., for a program to provide substance abuse day treatment  
15     services for pregnant and postpartum women and their infants.

16           \*~~-0027/5.24~~\* **SECTION 1099.** 46.481 (intro.) of the statutes is created to read:

17           **46.481 Grants for children's community programs.** (intro.) From the  
18     appropriation under s. 20.435 (3) (bc), the department shall distribute the following  
19     grants for children's community programs:

20           \*~~-0028/7.43~~\* **SECTION 1100.** 46.485 (2g) (intro.) of the statutes is amended to  
21     read:

22           46.485 (2g) (intro.) From the appropriation under s. 20.435 ~~(5)~~ (4) (b), the  
23     department may in each fiscal year transfer funds to the appropriation under s.  
24     20.435 (7) (kb) for distribution under this section and from the appropriation under  
25     s. 20.435 (7) (mb) the department may not distribute more than \$1,330,500 in each



1 fiscal year to applying counties in this state that meet all of the following  
2 requirements, as determined by the department:

3 **\*-0028/7.44\* SECTION 1101.** 46.485 (3r) of the statutes is amended to read:

4 46.485 (3r) Funds that a county does not encumber before 24 months after  
5 June 30 of the fiscal year in which the funds were distributed under sub. (2g) lapse  
6 to the appropriation under s. 20.435 (5) (4) (b).

7 **\*-0275/5.7\* SECTION 1103.** 46.495 (1) (d) of the statutes is amended to read:

8 46.495 (1) (d) From the appropriations under s. 20.435 (3) (o) and (7) (b), (kw)  
9 and (o), the department shall distribute the funding for social services, including  
10 funding for foster care or treatment foster care of a child on whose behalf aid is  
11 received under s. 46.261, to county departments under ss. 46.215, 46.22 and 46.23  
12 as provided under s. 46.40. County matching funds are required for the distributions  
13 under s. 46.40 (2) ~~and~~, (8) and (9) (b). Each county's required match for the  
14 distributions under s. 46.40 (2) and (8) for a year equals 9.89% of the total of the  
15 county's distributions under s. 46.40 (2) and (8) for that year for which matching  
16 funds are required plus the amount the county was required by s. 46.26 (2) (c), 1985  
17 stats., to spend for juvenile delinquency-related services from its distribution for  
18 1987. Each county's required match for the distribution under s. 46.40 (9) (b) for a  
19 year equals 9.89% of that county's amounts described in s. 46.40 (9) (a) (intro.) for  
20 that year. Matching funds may be from county tax levies, federal and state revenue  
21 sharing funds or private donations to the county that meet the requirements  
22 specified in s. 51.423 (5). Private donations may not exceed 25% of the total county  
23 match. If the county match is less than the amount required to generate the full  
24 amount of state and federal funds distributed for this period, the decrease in the

1 amount of state and federal funds equals the difference between the required and the  
2 actual amount of county matching funds.

3 **\*b0673/2.2\* SECTION 1104g.** 46.513 of the statutes is created to read:

4 **46.513 Services for children and families.** From the appropriation under  
5 s. 20.435 (3) (bm), the department shall distribute grants to counties in each fiscal  
6 year to fund services for children and families. The department shall determine the  
7 amount of a county's grant under this section based on the county's proportion of the  
8 state's population as last estimated by the department of administration under s.  
9 16.96. The department of health and family services shall distribute the grants  
10 under this section in the calendar year after the calendar year in which the amount  
11 available for those grants is certified by the department of revenue under s. 77.63 (2).

12 **\*-1550/1.3\* SECTION 1105.** 46.70 (2) of the statutes is amended to read:

13 **46.70 (2)** From the appropriations under s. 20.435 (7) (~~dL~~) (kL) and (o), the  
14 department may make available to any of the 11 federally recognized tribal  
15 governing bodies in this state funds for the purposes stated in sub. (1). Beginning  
16 July 1, 1991, and ending September 30, 1991, the department may award to each  
17 tribal governing body up to \$6,800. Beginning October 1, 1991, and ending  
18 September 30, 1992, the department may award to each tribal governing body up to  
19 \$27,200. Beginning October 1, 1992, and ending June 30, 1993, the department may  
20 award to each tribal governing body up to \$20,400. Receipt of funds is contingent  
21 upon department approval of an application submitted by a tribal governing body.  
22 The department may partially approve any application and provide only part of the  
23 funds requested. Each application shall contain a plan for expenditure of funds,  
24 consistent with the purposes stated in sub. (1).

25 **\*-1551/1.3\* SECTION 1106.** 46.71 (1) (intro.) of the statutes is amended to read:

1           46.71 (1) (intro.) From the appropriation under s. 20.435 (7) (~~dm~~) (km), the  
2 department shall, for the development of new drug abuse prevention, treatment and  
3 education programs that are culturally specific with respect to American Indians or  
4 to supplement like existing programs, allocate a total of not more than \$500,000 in  
5 each fiscal year to all the elected governing bodies of federally recognized American  
6 Indian tribes or bands that submit to the department plans, approved by the  
7 department, that do all of the following:

8           \***-1551/1.4\*** SECTION 1107. 46.71 (2) of the statutes is amended to read:

9           46.71 (2) The amount of funds allocated by the department under sub. (1) may  
10 not exceed the amounts appropriated under s. 20.435 (7) (~~dm~~) (km).

11           \***-0277/4.5\*** SECTION 1108. 46.715 of the statutes is repealed.

12           \***-1695/1.4\*** SECTION 1109. 46.76 (3) of the statutes is repealed.

13           \***-1695/1.5\*** SECTION 1110. 46.765 of the statutes is repealed.

14           \***-0027/5.25\*** SECTION 1111. 46.81 (2) of the statutes is amended to read:

15           46.81 (2) From the appropriation under s. 20.435 (7) (~~dj~~) (dh), the department  
16 shall allocate \$2,298,400 in each fiscal year to aging units to provide benefit  
17 specialist services for older individuals. The department shall ensure that each  
18 aging unit receives funds and shall take into account the proportion of the state's  
19 population of low-income older individuals who reside in a county.

20           \***-0027/5.26\*** SECTION 1112. 46.81 (5) of the statutes is amended to read:

21           46.81 (5) From the appropriation under s. 20.435 (7) (~~dj~~) (dh) the department  
22 shall allocate \$182,500 in each fiscal year to area agencies on aging. Each area  
23 agency on aging shall use the funds for training, supervision and legal back-up  
24 services for benefit specialists within its area.

25           \***-0030/2.69\*** SECTION 1113. 46.82 (3) (a) 19. of the statutes is created to read:

1           46.82 (3) (a) 19. If an aging unit under sub. (1) (a) 1. or 2. and if authorized  
2           under s. 46.283 (1) (a) 1., apply to the department to operate a resource center under  
3           s. 46.283 and, if the department contracts with the county under s. 46.283 (2), operate  
4           the resource center.

5           \*~~0030/2.70~~\* **SECTION 1114.** 46.82 (3) (a) 20. of the statutes is created to read:

6           46.82 (3) (a) 20. If an aging unit under sub. (1) (a) 1. or 2. and if authorized  
7           under s. 46.284 (1) (a) 1., apply to the department to operate a care management  
8           organization under s. 46.284 and, if the department contracts with the county under  
9           s. 46.284 (2), operate the care management organization and, if appropriate, place  
10          funds in a risk reserve.

11          \*~~0317/1.1~~\* **SECTION 1115.** 46.856 of the statutes is renumbered 46.856 (2),  
12          and 46.856 (2) (intro.), as renumbered, is amended to read:

13          46.856 (2) (intro.) From the appropriation under s. 20.435 (7) (bg), the  
14          department shall award a grant to at least one public agency or private nonprofit  
15          organization, ~~as defined in s. 108.02 (19)~~, to do all of the following:

16          \*~~0317/1.2~~\* **SECTION 1116.** 46.856 (1) of the statutes is created to read:

17          46.856 (1) In this section:

18          (a) "Private nonprofit organization" has the meaning given in s. 108.02 (19).

19          (b) "Public agency" means a county, city, village, town or school district or an  
20          agency of this state or of a county, city, village, town or school district.

21          \*~~0027/5.27~~\* **SECTION 1117.** 46.86 (1) of the statutes is amended to read:

22          46.86 (1) From the appropriation ~~under s. 20.435 (7) (ep) and (md)~~, the  
23          ~~department may award funds and from the appropriation~~ under s. 20.435 (7) (md)  
24          the department may award not more than \$125,500 in each fiscal year as grants to  
25          counties and private nonprofit entities for treatment for pregnant women and

1 mothers with alcohol and other drug abuse treatment needs; mothers who have  
2 alcohol and other drug abuse treatment needs and dependent children up to the age  
3 of 5 years; and the dependent children up to the age of 5 years of those mothers. The  
4 grants shall be awarded in accordance with the department's request-for-proposal  
5 procedures. The grants shall be used to establish community-based programs,  
6 residential family-centered treatment programs or home-based treatment  
7 programs. The program under a grant must include alcohol and other drug abuse  
8 treatment services, parent education, support services for the children of the women  
9 who are enrolled in the program, vocational assistance and housing assistance. Any  
10 program funded under this subsection must also provide follow-up aftercare  
11 services to each woman and her children for at least 2 years after the date on which  
12 a woman has left the program.

13 **\*-0320/3.4\* SECTION 1118.** 46.86 (5) of the statutes is amended to read:

14 46.86 (5) From the appropriation under s. 20.435 (7) (md), the department may  
15 not distribute more than ~~\$35,000~~ \$235,000 in each fiscal year as a grant to the ARC  
16 ~~community services center~~ Community Services, Inc., for women and children in  
17 ~~Dane county, to address a projected operation deficit of the center;~~ County, to provide  
18 ~~additional funding for staff of the center and~~ transportation and meal expenses for  
19 chemically dependent women who receive services from the center; ~~and to provide~~  
20 ~~additional funding for staff of the center.~~

21 **\*-1549/2.1\* SECTION 1119.** 46.86 (6) of the statutes is created to read:

22 46.86 (6) (a) From the appropriation under s. 20.435 (7) (md), the department  
23 may award not more than \$1,167,900 in each fiscal year as grants to counties and  
24 private entities to provide community-based alcohol and other drug abuse  
25 treatment programs that do all of the following:

1           1. Meet special needs of women with problems resulting from alcohol or other  
2 drug abuse.

3           2. Emphasize parent education, vocational and housing assistance and  
4 coordination with other community programs and with treatment under intensive  
5 care.

6           (b) The department shall do all of the following with respect to the grants under  
7 par. (a):

8           1. Award the grants in accordance with the department's request-for-proposal  
9 procedures.

10           2. Ensure that the grants are distributed in both urban and rural communities.

11           3. Evaluate the programs under the grants by use of client-outcome  
12 measurements that the department develops.

13           \*~~1604/4.3~~ **SECTION 1120.** 46.93 (2) (intro.) of the statutes is amended to read:

14           46.93 (2) PURPOSE; ALLOCATION. (intro.) From the appropriation under s. 20.434  
15 (1) ~~(b) (ky)~~, the board shall award not more than \$439,300 in each of fiscal years  
16 ~~1997-98 and 1998-99~~ year for grants to organizations to provide adolescent  
17 pregnancy prevention programs or pregnancy services that include health care,  
18 education, counseling and vocational training. Types of services and programs that  
19 are eligible for grants include all of the following:

20           \***b0561/4.3** **SECTION 1120c.** 46.95 (2) (a) of the statutes is amended to read:

21           46.95 (2) (a) The secretary shall make grants from the appropriations under  
22 s. 20.435 (3) (cd) ~~and~~, (hh) and (km) to organizations for the provision of any of the  
23 services specified in sub. (1) (d). Grants may be made to organizations which have  
24 provided those domestic abuse services in the past or to organizations which propose

1 to provide those services in the future. No grant may be made to fund services for  
2 child or unborn child abuse or abuse of elderly persons.

3 **\*b0561/4.3\* SECTION 1120g.** 46.95 (2) (f) (intro.) of the statutes is amended to  
4 read:

5 46.95 (2) (f) (intro.) From the appropriations under s. 20.435 (3) (cd) ~~and~~, (hh)  
6 and (km), the department shall do all of the following:

7 **\*b0561/4.3\* SECTION 1120m.** 46.95 (2) (f) 7. of the statutes is created to read:

8 46.95 (2) (f) 7. Award a grant of \$25,000 in each fiscal year to each of 30  
9 organizations to enhance support services. Funding may be used for such purposes  
10 as case management; children's programming; assisting victims of domestic abuse  
11 to find employment; and training in and activities promoting self-sufficiency.

12 **\*b0561/4.3\* SECTION 1120n.** 46.95 (2) (f) 8. of the statutes is created to read:

13 46.95 (2) (f) 8. Award \$200,000 in grants in each fiscal year to organizations  
14 for domestic abuse services for individuals who are members of underserved  
15 populations, including racial minority group members and individuals with mental  
16 illness or developmental disabilities. A grant to an organization may not exceed  
17 \$60,000.

18 **\*b0561/4.3\* SECTION 1120p.** 46.95 (2) (f) 9. of the statutes is created to read:

19 46.95 (2) (f) 9. Award a grant of \$25,000 in fiscal year 1999–2000 and a grant  
20 of \$50,000 in each fiscal year thereafter to the Wisconsin Coalition Against Domestic  
21 Violence for the cost of a staff person to provide assistance in obtaining legal services  
22 to domestic abuse victims.

23 **\*b0561/4.3\* SECTION 1120r.** 46.95 (2) (g) of the statutes is created to read:

24 46.95 (2) (g) Grants made and moneys expended under this subsection from the  
25 appropriation under s. 20.435 (3) (km) may be used only for the benefit of individuals

1 whose family incomes do not exceed 250% of the poverty line, as defined in s. 49.001  
2 (5).

3 **\*b0584/2.2\* SECTION 1121g.** 46.986 of the statutes is created to read:

4 **46.986 Respite care program. (1) DEFINITIONS.** In this section:

5 (a) “Abuse” means the wilful infliction on a person of physical pain or injury or  
6 unreasonable confinement.

7 (b) “Caregiver” means an individual who lives in the home of a person with  
8 special needs and provides care or supervision for that person.

9 (c) “County department” means a county department under s. 46.215, 46.22,  
10 46.23, 51.42 or 51.437.

11 (d) “Neglect” means an act, omission or course of conduct that, because of the  
12 failure to provide adequate food, shelter, clothing, medical care or dental care,  
13 creates a significant danger to the physical and mental health of a person.

14 (e) “Provider” means an individual or agency that a caregiver selects, with  
15 input to the selection by the person with special needs, if competent, to provide  
16 respite care to the person with special needs.

17 (f) “Respite care” means care that is provided to a person with special needs,  
18 or a person at risk of abuse or neglect, in order to provide temporary relief to the  
19 caregiver of that person or when the caregiver is unable to provide care.

20 (g) “Special need” means a person’s need resulting from an emotional,  
21 behavioral, cognitive, physical or personal condition that necessitates receipt of care  
22 or supervision in order to meet the person’s basic needs or to prevent harm from  
23 occurring to him or her.

24 (h) “Tribe or band” means the governing body of a federally recognized  
25 American Indian tribe or band in this state.



1           (2) PROGRAM. (a) From the appropriation account under s. 20.435 (7) (br), the  
2 department shall contract for the administration of life–span respite care projects  
3 with an organization to which all of the following apply:

4           1. The organization is a private, nonprofit organization, as defined in s. 108.02  
5 (19), that is capable of operating on a statewide basis and has expertise in respite  
6 care issues.

7           2. At least 51% of the members of the organization’s governing board are  
8 consumers of respite care or caregivers.

9           3. The membership of the organization’s governing board includes providers  
10 and elected officials and represents the diverse geographical areas and cultural  
11 groups of the state.

12           (b) The organization with which the department contracts under par. (a) shall  
13 do all of the following:

14           1. After consulting with the department, county departments, tribes or bands,  
15 providers and caregivers, prescribe criteria for the distribution of grants to conduct  
16 life–span respite care projects. The criteria shall include the requirement that grant  
17 funds be equally distributed among 5 administrative regions of the state, as  
18 prescribed by the department.

19           2. Solicit applications from and, using the criteria under subd. 1., award in the  
20 1999–2001 state fiscal biennium up to one grant in each of the 5 administrative  
21 regions prescribed by the department to any of the following to conduct a life–span  
22 respite care project:

23           a. A county department.

24           b. A tribe or band.

25           c. A community–based private, nonprofit entity.

1 d. A community-based private entity that is operated for profit.

2 3. Require that the grantee contribute matching funds to the operation of the  
3 life-span respite care project in the following amounts:

4 a. Ten percent of the amount of the grant awarded by the organization, as direct  
5 services, which shall be used by the grantee to fund payments from caregivers to  
6 providers.

7 b. Fifteen percent of the amount of the grant awarded by the organization, as  
8 in-kind services.

9 4. Oversee grants awarded under subd. 2., and monitor, provide technical  
10 assistance to and evaluate the life-span respite care projects.

11 5. Develop best practice guidelines and a training curriculum that may be used  
12 by life-span respite care projects that are funded under this section and that may be  
13 used, if appropriate, by any other respite care providers in the state.

14 6. Promote the exchange of information and coordination among the state, local  
15 governments, life-span respite care projects, entities serving persons with special  
16 needs, families of persons with special needs and persons in favor of the promotion  
17 of respite care services, to encourage the efficient provision of respite care services.

18 7. Act as a statewide clearinghouse of information about respite care and  
19 existing respite care programs and resources and operate a library of materials that  
20 may be lent to persons or organizations upon request.

21 8. Conduct analyses of respite care policies and proposals, and identify and  
22 promote resolution of respite care policy concerns at legislative, state and local levels.

23 **(3) GRANTS NOT TO SUPPLANT OTHER MONEYS.** Moneys awarded as grants under  
24 sub. (2) (b) may not be used to supplant moneys otherwise available and, prior to  
25 receipt of the grant, dedicated by the grantee to respite care.

1           (4) LIFE-SPAN RESPITE CARE PROJECT REQUIREMENTS. Life-span respite care  
2 projects for which a grant is awarded under sub. (2) (b) 2. shall do all of the following:

3           (a) Operate in a culturally competent manner and be sensitive to the unique  
4 needs and strengths of a person with special needs and his or her family or caregiver.

5           (b) Identify, coordinate and develop resources for respite care that are built, to  
6 the extent possible, on existing community support services.

7           (c) Recruit and screen providers.

8           (d) Identify training resources and organize training programs for providers  
9 that address different populations in need of respite care.

10          (e) Facilitate access by caregivers and families of persons with special needs  
11 to an array of respite care service options for which the person with special needs is  
12 eligible, that are responsive to caregiver and family needs and that are available  
13 before families and primary caregivers reach a crisis situation.

14          (f) Assist caregivers and families of persons with special needs to identify and  
15 coordinate funds and resources available for respite care for which the person with  
16 special needs is eligible, and authorize and provide a variety of funds and resources  
17 to make available additional respite care services for persons with special needs,  
18 under eligibility criteria established by the project.

19          (5) ADVISORY COMMITTEES. Each grantee of moneys to conduct a life-span  
20 respite care project under sub. (2) shall create an advisory committee that shall  
21 advise the project on how the project may best serve persons with special needs and  
22 their caregivers. Consumers of respite care services and caregivers shall comprise  
23 at least 51% of the advisory committee membership and shall be representative of  
24 the diversity of persons who receive services under the project. Other members shall

1 include providers, representatives of local service agencies and members of the  
2 community.

3 (6) By June 1, 2004, the department and the organization with which the  
4 department contracts under sub. (2) (a) shall together evaluate the life–span respite  
5 care projects that are conducted under this section. If, following the evaluation, the  
6 department and the organization together determine that it is feasible to integrate  
7 the life–span respite care projects with any integrated, organized system of  
8 long–term care services that is operated by the department, the department shall,  
9 by July 1, 2004, provide to the department of administration statutory language that  
10 is proposed for inclusion in the 2005–07 biennial budget bill to effect the integration.

11 \*–0277/4.6\* SECTION 1122. 46.99 of the statutes is created to read:

12 **46.99 Brighter futures initiative.** (1) DEFINITION. In this section

13 (a) “Nonprofit corporation” means a nonstock, nonprofit corporation organized  
14 under ch. 181.

15 (b) “Public agency” means a county, city, village, town or school district or an  
16 agency of this state or of a county, city, village, town or school district.

17 (2) AWARDING OF GRANTS. (a) From the appropriations under s. 20.435 (3) (eg),  
18 (km) and (nL), the department, beginning on January 1, 2001, shall distribute  
19 \$2,125,200 in each fiscal year to applying nonprofit corporations and public agencies  
20 operating in a county having a population of 500,000 or more and \$1,229,300 in each  
21 fiscal year to applying county departments under s. 46.22, 46.23, 51.42 or 51.437  
22 operating in counties other than a county having a population of 500,000 or more to  
23 provide programs to accomplish all of the following:

24 1. Prevent and reduce the incidence of youth violence and other delinquent  
25 behavior.

1           2. Prevent and reduce the incidence of youth alcohol and other drug use and  
2 abuse.

3           3. Prevent and reduce the incidence of child abuse and neglect.

4           4. Prevent and reduce the incidence of nonmarital pregnancy and increase the  
5 use of abstinence as a method of preventing nonmarital pregnancy.

6           5. Increase adolescent self-sufficiency by encouraging high school graduation,  
7 vocational preparedness, improved social and other interpersonal skills and  
8 responsible decision making.

9           (b) A nonprofit corporation or public agency that is applying for a grant under  
10 par. (a) shall provide to the department a proposed service plan for the use of the  
11 grant moneys. If the department approves the service plan, the department may  
12 award the grant. The department shall award the grants on a competitive basis and  
13 for a 3-year period.

14           **(3) OUTCOMES EXPECTED.** (a) The department shall provide a set of benchmark  
15 indicators to measure the outcomes that are expected of a program funded under sub.

16 (2) (a). Those benchmark indicators shall measure all of the following among youth  
17 who have participated in a program funded under sub. (2) (a) or (b).

18           1. The rate of participation in violent or other delinquent behavior.

19           2. The rate of alcohol and other drug use and abuse.

20           3. The rate of nonmarital pregnancy and the rate at which abstinence is used  
21 to prevent nonmarital pregnancy.

22           4. The rate of substantiated cases of child abuse and neglect.

23           5. The development of self-sufficiency, as indicated by the rate of high school  
24 graduation, the degree of vocational preparedness, any improvements in social and  
25 other interpersonal skills and in responsible decision making and any other

1 indicators that the department considers important in indicating the development  
2 of adolescent self-sufficiency.

3 6. Any other indicators that the department considers important in indicating  
4 the development of positive behaviors among adolescents.

5 (b) The department shall require a grant recipient under sub. (2) (a) to provide  
6 an annual report showing the status of its program participants in terms of the  
7 benchmark indicators provided under par. (a) and may renew a grant only if the  
8 recipient shows improvement on those indicators.

9 **\*b0526/2.10\* SECTION 1123d.** 46.995 (title) of the statutes is repealed and  
10 recreated to read:

11 **46.995 (title) Tribal adolescent services.**

12 **\*b0526/2.10\* SECTION 1123e.** 46.995 (1) (title) of the statutes is renumbered  
13 46.995 (3) (title) and amended to read:

14 **46.995 (3) (title) DEFINITION ADOLESCENT PREGNANCY PREVENTION SERVICES.**

15 **\*b0526/2.10\* SECTION 1123f.** 46.995 (1) (intro.) of the statutes is renumbered  
16 46.995 (3) (a) (intro.) and amended to read:

17 **46.995 (3) (a) (intro.)** In this ~~section~~ subsection, “high-risk adolescent” means  
18 a person who is at least 13 years of age but under the age of 20 and who is at risk of  
19 becoming an unmarried parent as an adolescent and of incurring long-term  
20 economic dependency on public funds and is characterized by one or more of the  
21 following:

22 **\*b0526/2.10\* SECTION 1123g.** 46.995 (1) (a) of the statutes is renumbered  
23 46.995 (3) (a) 1.

24 **\*b0526/2.10\* SECTION 1123h.** 46.995 (1) (b) of the statutes is renumbered  
25 46.995 (3) (a) 2.

1           **\*b0526/2.10\* SECTION 1123i.** 46.995 (1) (c) of the statutes is renumbered  
2 46.995 (3) (a) 3.

3           **\*b0526/2.10\* SECTION 1123j.** 46.995 (1) (d) of the statutes is renumbered  
4 46.995 (3) (a) 4.

5           **\*b0526/2.10\* SECTION 1123k.** 46.995 (1) (e) of the statutes is renumbered  
6 46.995 (3) (a) 5.

7           **\*b0526/2.10\* SECTION 1123L.** 46.995 (1) (f) of the statutes is renumbered.  
8 46.995 (3) (a) 6.

9           **\*b0526/2.10\* SECTION 1123p.** 46.995 (1m) of the statutes is created to read:  
10 46.995 (1m) TRIBAL ADOLESCENT SERVICES ALLOCATIONS. From the appropriation  
11 account under s. 20.435 (3) (km), the department may allocate \$172,500 in each fiscal  
12 year and, from the appropriation account under s. 20.435 (3) (eg), the department  
13 may allocate \$7,500 in each fiscal year to provide the grants specified in subs. (2), (3)  
14 (b) and (4m) (b).

15           **\*-1548/5.2\* SECTION 1124.** 46.995 (2) (intro.) of the statutes is amended to  
16 read:

17 46.995 (2) ADOLESCENT SELF-SUFFICIENCY SERVICES. (intro.) From the  
18 appropriation account under s. 20.435 (3) (~~eg~~) (ky), the department may allocate  
19 \$582,100 in each fiscal year to provide a grant annually to a public or private entity  
20 or to the elected governing body of a federally recognized American Indian tribe or  
21 band to provide services in counties or to a tribe or band for adolescent parents which  
22 shall emphasize high school graduation and vocational preparation, training and  
23 experience and may be structured so as to strengthen the adolescent parent's  
24 capacity to fulfill parental responsibilities by developing social skills and increasing  
25 parenting skills. The public or private entity seeking to receive a grant to provide

1 these services shall develop a proposed service plan that is approved by the  
2 department. Except with respect to award of a grant to a tribe or band, the  
3 department shall rank individual counties and give priority by this ranking for the  
4 award of grants under this subsection, based on all of the following factors:

5 **\*b0526/2.11\* SECTION 1124g.** 46.995 (2) (intro.) of the statutes, as affected by  
6 1999 Wisconsin Act .... (this act), is renumbered 46.995 (2) and amended to read:

7 46.995 (2) ADOLESCENT SELF-SUFFICIENCY SERVICES. From the ~~appropriation~~  
8 ~~account under s. 20.435 (3) (ky), the department may allocate \$582,100 in each fiscal~~  
9 ~~year to allocations under sub. (1m), the department may provide a grant annually~~  
10 ~~to a public or private entity or in the amount of \$85,000 to the elected governing body~~  
11 ~~of a federally recognized American Indian tribe or band to provide services in~~  
12 ~~counties or to a tribe or band for adolescent parents which shall emphasize high~~  
13 ~~school graduation and vocational preparation, training and experience and may be~~  
14 ~~structured so as to strengthen the adolescent parent's capacity to fulfill parental~~  
15 ~~responsibilities by developing social skills and increasing parenting skills. The~~  
16 ~~public or private entity~~ tribe or band seeking to receive a grant to provide these  
17 services shall develop a proposed service plan that is approved by the department.  
18 ~~Except with respect to award of a grant to a tribe or band, the department shall rank~~  
19 ~~individual counties and give priority by this ranking for the award of grants under~~  
20 ~~this subsection, based on all of the following factors:~~

21 **\*b0526/2.11\* SECTION 1124h.** 46.995 (2) (a) of the statutes is repealed.

22 **\*b0526/2.11\* SECTION 1124i.** 46.995 (2) (b) of the statutes is repealed.

23 **\*b0526/2.11\* SECTION 1124j.** 46.995 (2) (c) of the statutes is repealed.

24 **\*b0526/2.11\* SECTION 1124k.** 46.995 (2) (d) of the statutes is repealed.

25 **\*-1548/5.3\* SECTION 1125.** 46.995 (3) of the statutes is amended to read:



1           46.995 (3) ADOLESCENT PREGNANCY PREVENTION SERVICES. From the  
2 appropriation under s. 20.435 (3) (eg) (ky), the department may allocate \$340,000 in  
3 each fiscal year to provide a grant annually to a public or private entity or to the  
4 elected governing body of a federally recognized American Indian tribe or band to  
5 provide to high-risk adolescents pregnancy and parenthood prevention services  
6 which shall be structured so as to increase development of decision-making and  
7 communications skills, promote graduation from high school and expand career and  
8 other options and which may address needs of adolescents with respect to pregnancy  
9 prevention. Except with respect to award of a grant to a tribe or band, the  
10 department shall rank individual counties and give priority by this ranking for the  
11 award of grants under this subsection, based on the factors specified under sub. (2)  
12 (a) to (d).

13           **\*b0526/2.12\* SECTION 1125g.** 46.995 (3) of the statutes, as affected by 1999  
14 Wisconsin Act ... (this act), is renumbered 46.995 (3) (b) and amended to read:

15           46.995 (3) (b) From the ~~appropriation under s. 20.435 (3) (ky), the department~~  
16 ~~may allocate \$340,000 in each fiscal year to~~ allocations under sub. (1m), the  
17 department may provide a grant annually ~~to a public or private entity or in the~~  
18 amount of \$65,000 to the elected governing body of a federally recognized American  
19 Indian tribe or band to provide to high-risk adolescents pregnancy and parenthood  
20 prevention services which shall be structured so as to increase development of  
21 decision-making and communications skills, promote graduation from high school  
22 and expand career and other options and which may address needs of adolescents  
23 with respect to pregnancy prevention. ~~Except with respect to award of a grant to a~~  
24 ~~tribe or band, the department shall rank individual counties and give priority by this~~

1 ~~ranking for the award of grants under this subsection, based on the factors specified~~  
2 ~~under sub. (2) (a) to (d).~~

3 **\*b0526/2.12\* SECTION 1125r.** 46.995 (4) of the statutes is repealed.

4 **\*-0277/4.8\* SECTION 1126.** 46.996 of the statutes, as affected by 1999  
5 Wisconsin Act .... (this act), is repealed.

6 **\*-1548/5.4\* SECTION 1127.** 46.996 (intro.) of the statutes is amended to read:  
7 **46.996 Adolescent services.** (intro.) From the appropriation account under  
8 s. 20.435 (3) (eg), the department shall ~~allocate funds in~~ distribute \$62,500 and from  
9 the appropriation account under s. 20.435 (3) (ky), the department shall distribute  
10 \$287,500, for the following amounts:

11 **\*b0526/2.13\* SECTION 1128d.** 46.997 (title) of the statutes is renumbered  
12 46.995 (4m) (title).

13 **\*b0526/2.13\* SECTION 1128g.** 46.997 (1) (intro.) of the statutes is renumbered  
14 46.995 (4m) (a) (intro.) and amended to read:

15 46.995 (4m) (a) (intro.) In this section subsection:

16 **\*b0526/2.13\* SECTION 1128i.** 46.997 (1) (a) of the statutes is renumbered  
17 46.995 (4m) (a) 1.

18 **\*b0526/2.13\* SECTION 1128k.** 46.997 (1) (b) of the statutes is renumbered  
19 46.995 (4m) (a) 2.

20 **\*b0526/2.13\* SECTION 1128m.** 46.997 (1) (c) of the statutes is repealed.

21 **\*b0526/2.13\* SECTION 1128p.** 46.997 (1) (d) of the statutes is repealed.

22 **\*b0526/2.13\* SECTION 1128r.** 46.997 (1) (e) of the statutes is repealed.

23 **\*b0526/2.13\* SECTION 1128t.** 46.997 (1) (f) of the statutes is repealed.

24 **\*-1548/5.5\* SECTION 1129.** 46.997 (2) (intro.) of the statutes is amended to  
25 read:

1           46.997 (2) (intro.) From the appropriation account under s. 20.435 (3) (eg), the  
2 department shall ~~allocate not more than \$210,000~~ distribute \$52,500 and from the  
3 appropriation account under s. 20.435 (3) (ky), the department shall distribute  
4 \$157,500 in each fiscal year to make grants to applying organizations for the  
5 provision, on a regional or tribal project basis, of information to communities in order  
6 to increase community knowledge about problems of adolescents and information to  
7 and activities for adolescents, particularly female adolescents, in order to enable the  
8 adolescents to develop skills with respect to all of the following:

9           **\*b0526/2.14\* SECTION 1129g.** 46.997 (2) (intro.) of the statutes, as affected by  
10 1999 Wisconsin Act .... (this act), is renumbered 46.995 (4m) (b) (intro.) and amended  
11 to read:

12           46.995 (4m) (b) (intro.) From the ~~appropriation account under s. 20.435 (3) (eg),~~  
13 ~~the department shall distribute \$52,500 and from the appropriation account under~~  
14 ~~s. 20.435 (3) (ky), the department shall distribute \$157,500 in each fiscal year to~~  
15 ~~make grants to applying organizations~~ allocations under sub. (1m), the department  
16 may provide a grant annually in the amount of \$30,000 to the elected governing body  
17 of a federally recognized American Indian tribe or band for the provision, ~~on a~~  
18 ~~regional or tribal project basis, of information to communities~~ members of the tribe  
19 or band in order to increase community knowledge about problems of adolescents  
20 and information to and activities for adolescents, particularly female adolescents, in  
21 order to enable the adolescents to develop skills with respect to all of the following:

22           **\*b0526/2.14\* SECTION 1129h.** 46.997 (2) (a) of the statutes is renumbered  
23 46.995 (4m) (b) 1.

24           **\*b0526/2.14\* SECTION 1129i.** 46.997 (2) (b) of the statutes is renumbered  
25 46.995 (4m) (b) 2.

1           **\*b0526/2.14\* SECTION 1129j.** 46.997 (2) (c) of the statutes is renumbered  
2 46.995 (4m) (b) 3.

3           **\*b0526/2.14\* SECTION 1129k.** 46.997 (2) (d) of the statutes is renumbered  
4 46.995 (4m) (b) 4.

5           **\*b0526/2.14\* SECTION 1129m.** 46.997 (3) of the statutes is renumbered 46.995  
6 (4m) (c) and amended to read:

7           46.995 (4m) (c) Each ~~funded regional project under sub. (2)~~ shall provide  
8 services in one of 6 regional areas of the state, and each funded tribal project under  
9 ~~sub. (2) par. (b)~~ shall provide services in areas of the state as approved by the Indian  
10 tribe or band and the department. The department shall determine the boundaries  
11 of the regional areas prior to soliciting project grant applications.

12           **\*b0526/2.14\* SECTION 1129p.** 46.997 (4) of the statutes is renumbered 46.995  
13 (4m) (d) and amended to read:

14           46.995 (4m) (d) Prior to making grants to applying ~~organizations under sub.~~  
15 ~~(2) tribes or bands under par. (b)~~, the department shall consider whether and how the  
16 applying ~~organization~~ tribe or band proposes to coordinate its services with other  
17 public or private resources, programs or activities in the region and the state.

18           **\*b0526/2.14\* SECTION 1129<sup>r</sup>.** 46.997 (5) of the statutes is renumbered 46.995  
19 (4m) (e) and amended to read:

20           46.995 (4m) (e) The department shall work closely with the women's council  
21 and the department of public instruction, on a continuing basis, concerning the scope  
22 and direction of activities under projects funded by the program under ~~sub. (2) par.~~  
23 (b).

24           **\*-0085/4.1\* SECTION 1130.** 48.02 (6) of the statutes is amended to read:

1           48.02 (6) "Foster home" means any facility that is operated by a person  
2 required to be licensed by s. 48.62 (1) (a) and that provides care and maintenance for  
3 no more than 4 children ~~unless all of the children are siblings or, if necessary to~~  
4 enable a sibling group to remain together, for no more than 6 children or, if the  
5 department promulgates rules permitting a different number of children, for the  
6 number of children permitted under those rules.

7           **\*b0359/1.1\* SECTION 1131g.** 48.235 (8) (c) 1. of the statutes is amended to read:

8           48.235 (8) (c) 1. In an uncontested termination of parental rights and adoption  
9 proceeding under s. 48.833 (1), the court shall order the agency that placed the child  
10 for adoption to pay the compensation of the child's guardian ad litem.

11           **\*b0359/1.1\* SECTION 1131k.** 48.38 (4) (d) of the statutes is amended to read:

12           48.38 (4) (d) If the child is living more than 60 miles from his or her home,  
13 documentation that placement within 60 miles of the child's home is either  
14 unavailable or inappropriate or documentation that placement more than 60 miles  
15 from the child's home is in the child's best interests. The placement of a child in a  
16 licensed foster home or a licensed treatment foster home more than 60 miles from the  
17 child's home is presumed to be in the best interests of the child if documentation is  
18 provided ~~which~~ that shows ~~all~~ any of the following:

19           1. That the placement is made pursuant to a voluntary agreement under s.  
20 48.63 (1).

21           ~~2. That, that~~ the voluntary agreement provides that the child may be placed  
22 more than 60 miles from the child's home.

23           ~~3. That and that~~ the placement is made to facilitate the anticipated adoptive  
24 placement of the child under s. 48.833 (1) or 48.837.

25           **\*b0359/1.1\* SECTION 1131L.** 48.38 (4) (d) 1m. of the statutes is created to read:

1           48.38 (4) (d) 1m. That the placement is of a child with special needs, as defined  
2 by rule promulgated under s. 48.975 (5) (b), that the placement is made to facilitate  
3 the anticipated adoptive placement of the child under s. 48.833 (1) and that the  
4 department, county department or child welfare agency making the placement has  
5 determined under s. 48.833 (3) that consideration of the location of the proposed  
6 adoptive parent's residence is not necessary to ensure the best interests of the child  
7 in light of the child's need for care or treatment to meet those special needs.

8           **\*b0359/1.1\* SECTION 1131<sup>✓</sup>m.** 48.38 (4) (dm) of the statutes is created to read:

9           48.38 (4) (dm) In the case of a child with special needs, as defined by rule  
10 promulgated under s. 48.975 (5) (b), who is placed to facilitate the anticipated  
11 adoptive placement of the child under s. 48.833 (1), if the department, county  
12 department or child welfare agency making the placement has determined under s.  
13 48.833 (3) that consideration of the location of the proposed adoptive parent's  
14 residence is necessary to ensure the best interests of the child in light of the child's  
15 need for care or treatment to meet those special needs, documentation showing the  
16 reasons why that consideration is necessary.

17           **\*b0359/1.1\* SECTION 1131<sup>✓</sup>r.** 48.434 (2) of the statutes is amended to read:

18           48.434 (2) Any birth parent of a child may file with the agency that placed the  
19 child for adoption under s. 48.833 (1) or that was appointed the guardian of the child  
20 under s. 48.837 (6) (d) a written authorization for the agency to release any available  
21 information about the birth parent's identity and location to one or both adoptive  
22 parents of the child.

23           **\*b0359/1.1\* SECTION 1131<sup>✓</sup>s.** 48.434 (3) of the statutes is amended to read:

24           48.434 (3) Any adoptive parent of a child may file with the agency that placed  
25 the child for adoption under s. 48.833 (1) or that was appointed the guardian of the

1 child under s. 48.837 (6) (d) a written authorization for the agency to release any  
2 available information about the adoptive parent's identity and location to one or both  
3 birth parents of the child.

4 **\*-0273/1.2\* SECTION 1135.** 48.55 (title) of the statutes is amended to read:

5 **48.55 (title) State adoption information exchange and state adoption**  
6 **center.**

7 **\*-0273/1.3\* SECTION 1136.** 48.55 of the statutes is renumbered 48.55 (1) and  
8 amended to read:

9 48.55 (1) The department shall establish a state adoption information  
10 exchange for the purpose of finding adoptive homes for children with special needs  
11 who do not have permanent homes. ~~The department shall adopt rules governing the~~  
12 ~~adoption information exchange and, from~~ and a state adoption center for the  
13 purposes of increasing public knowledge of adoption and promoting to adolescents  
14 and pregnant women the availability of adoption services. From the appropriation  
15 under s. 20.435 (3) (dg), ~~the department~~ may provide not more than \$75,000 ~~\$125,000~~  
16 in each fiscal year as grants to individuals and private agencies ~~for~~ to provide  
17 adoption information exchange services and to operate the state adoption center.

18 **\*-0273/1.4\* SECTION 1137.** 48.551 (title) and (1) of the statutes are repealed.

19 **\*-0273/1.5\* SECTION 1138.** 48.551 (2) (intro.) of the statutes is renumbered  
20 48.55 (2) (intro.) and amended to read:

21 48.55 (2) (intro.) The department shall promulgate rules governing the  
22 adoption information exchange and rules specifying the functions of the state  
23 adoption center, ~~which.~~ The rules specifying the functions of the state adoption  
24 center shall include all of the following:

1           \*~~0273/1.6~~\* **SECTION 1139.** 48.551 (2) (a), (b), (c), (d) and (e) of the statutes are  
2 renumbered 48.55 (2) (a), (b), (c), (d) and (e).

3           \*~~1463/2.1~~\* **SECTION 1140.** 48.561 (3) (b) of the statutes is amended to read:  
4           48.561 (3) (b) The department of administration ~~and a county having a~~  
5 ~~population of 500,000 or more shall consult to determine the method by which the~~  
6 ~~state will~~ shall collect the amount specified in par. (a). ~~If the department of~~  
7 ~~administration and from a county having a population of 500,000 or more reach an~~  
8 ~~agreement as to that method and if that agreement calls for~~ by deducting all or part  
9 of that amount from any state payment due that county under s. ~~46.40,~~ 79.03, 79.04,  
10 79.058, 79.06 or 79.08 ~~or for adding a special charge to the amount of taxes~~  
11 ~~apportioned to and levied on that county under s. 70.60, the.~~ The department of  
12 administration shall notify the department of revenue, by September 15 of each year,  
13 of the amount to be deducted from ~~these~~ the state payments due ~~or to be added as~~  
14 ~~that special charge.~~ ~~If the department of administration and a county having a~~  
15 ~~population of 500,000 or more do not reach an agreement as to that method by~~  
16 ~~September 15 of each year, the department of administration shall determine that~~  
17 ~~method without the agreement of that county~~ under s. 79.03, 79.04, 79.058, 79.06 or  
18 79.08. The department of administration shall credit all amounts collected under  
19 this paragraph to the appropriation account under s. 20.435 (3) (kw) and shall notify  
20 the county from which those amounts are collected of that collection.

21           \*~~b0527/1.3~~\* **SECTION 1141d.** 48.57 (3m) (am) (intro.) of the statutes is  
22 amended to read:

23           48.57 (3m) (am) (intro.) From the ~~appropriations~~ appropriation under s. 20.435  
24 (3) (~~ez~~) ~~and~~ (kc), the department shall reimburse counties having populations of less  
25 than 500,000 for payments made under this subsection and shall make payments



1 under this subsection in a county having a population of 500,000 or more. A county  
2 department and, in a county having a population of 500,000 or more, the department  
3 shall make payments in the amount of \$215 per month to a kinship care relative who  
4 is providing care and maintenance for a child if all of the following conditions are met:

5 **\*b0527/1.3\* SECTION 1143d.** 48.57 (3n) (am) (intro.) of the statutes is amended  
6 to read:

7 48.57 (3n) (am) (intro.) From the ~~appropriations~~ appropriation under s. 20.435  
8 (3) ~~(ez) and (kc)~~, the department shall reimburse counties having populations of less  
9 than 500,000 for payments made under this subsection and shall make payments  
10 under this subsection in a county having a population of 500,000 or more. A county  
11 department and, in a county having a population of 500,000 or more, the department  
12 shall make monthly payments for each child in the amount specified in sub. (3m)  
13 (am) (intro.) to a long-term kinship care relative who is providing care and  
14 maintenance for that child if all of the following conditions are met:

15 **\*-1732/1.3\* SECTION 1147.** 48.60 (2) (h) of the statutes is repealed.

16 **\*-0085/4.2\* SECTION 1148.** 48.62 (1) (a) of the statutes is amended to read:

17 48.62 (1) (a) Any person who receives, with or without transfer of legal custody,  
18 4 or fewer children or ~~more than 4 children if all of the children are siblings, if~~  
19 necessary to enable a sibling group to remain together, 6 or fewer children or, if the  
20 department promulgates rules permitting a different number of children, the  
21 number of children permitted under those rules, to provide care and maintenance for  
22 those children shall obtain a license to operate a foster home from the department,  
23 a county department or a licensed child welfare agency as provided in s. 48.75.

24 **\*b0361/1.1\* SECTION 1148g.** 48.62 (4) of the statutes is amended to read:

1           48.62 (4) Monthly payments in foster care shall be provided according to the  
2 age-related rates specified in this subsection. Beginning on January 1, ~~1998~~ 2000,  
3 the age-related rates are: ~~\$289~~ \$299 for children aged 4 and under; ~~\$315~~ \$326 for  
4 children aged 5 to 11; ~~\$358~~ \$371 for children aged 12 to 14 and ~~\$374~~ \$387 for children  
5 aged 15 to 17. Beginning on January 1, ~~1999~~ 2001, the age-related rates are: ~~\$296~~  
6 \$302 for children aged 4 and under; ~~\$323~~ \$329 for children aged 5 to 11; ~~\$367~~ \$375  
7 for children aged 12 to 14; and ~~\$383~~ \$391 for children aged 15 to 17. In addition to  
8 these grants for basic maintenance, the department shall make supplemental  
9 payments for special needs, exceptional circumstances, care in a treatment foster  
10 home and initial clothing allowances according to rules promulgated by the  
11 department.

12           **\*b0359/1.2\*** SECTION 1148m. ✓ 48.63 (3) of the statutes is amended to read:

13           48.63 (3) Subsection (1) does not apply to the placement of a child for adoption.  
14 Adoptive placements may be made only as provided under ss. 48.833 (1), 48.835,  
15 48.837 and 48.839.

16           **\*b0359/1.2\*** SECTION 1148p. ✓ 48.64 (1m) of the statutes is amended to read:

17           48.64 (1m) FOSTER HOME, TREATMENT FOSTER HOME AND GROUP HOME AGREEMENTS.  
18 If an agency places a child in a foster home, treatment foster home or group home  
19 under a court order or voluntary agreement under s. 48.63, the agency shall enter  
20 into a written agreement with the head of the home. The agreement shall provide  
21 that the agency shall have access at all times to the child and the home, and that the  
22 child will be released to the agency whenever, in the opinion of the agency placing  
23 the child or the department, the best interests of the child require it. If a child has  
24 been in a foster home, treatment foster home or group home for 6 months or more,  
25 the agency shall give the head of the home written notice of intent to remove the

1 child, stating the reasons for the removal. The child may not be removed before  
2 completion of the hearing under sub. (4) (a) or (c), if requested, or 30 days after the  
3 receipt of the notice, whichever is later, unless the safety of the child requires it or,  
4 in a case in which the reason for removal is to place the child for adoption under s.  
5 48.833 (1), unless all of the persons who have the right to request a hearing under  
6 sub. (4) (a) or (c) sign written waivers of objection to the proposed removal. If the  
7 safety of the child requires earlier removal, s. 48.19 shall apply. If an agency removes  
8 a child from an adoptive placement, the head of the home shall have no claim against  
9 the placing agency for the expense of care, clothing or medical treatment.

10 \*b0359/1.3\* SECTION 1160d. 48.685 (1) (bg) of the statutes is amended to read:

11 48.685 (1) (bg) "Foster home" includes a placement for adoption under s. 48.833  
12 (1) of a child for whom adoption assistance will be provided under s. 48.975 after the  
13 adoption is finalized.

14 \*b0359/1.3\* SECTION 1160g. 48.685 (1) (d) of the statutes is amended to read:

15 48.685 (1) (d) "Treatment foster home" includes a placement for adoption under  
16 s. 48.833 (1) of a child for whom adoption assistance will be provided under s. 48.975  
17 after the adoption is finalized.

18 \*-0492/7.11\* SECTION 1171. 48.685 (2) (bm) of the statutes is amended to read:

19 48.685 (2) (bm) If the person who is the subject of the search under par. (am)  
20 or (b) 1. is not a resident of this state, or if at any time within the 3 years preceding  
21 the date of the search that person has not been a resident of this state, the  
22 department, county department, child welfare agency, school board or entity shall  
23 make a good faith effort to obtain from any state in which the person is a resident  
24 or was a resident within the 3 years preceding the date of the search information that  
25 is equivalent to the information specified in par. (am) 1. or (b) 1. a.

639-

insert "a" as plain text

1 \***-0333/2.2\*** SECTION 1181. 48.685 (8) of the statutes is amended to read:

2 48.685 (8) The department, county department, a child welfare agency, a or a  
3 school board may charge a fee for obtaining the information required under sub. (2)  
4 (am) or (3) (a) or for providing information to an entity to enable the entity to comply  
5 with sub. (2)(b) 1. or (3)(b). The fee may not exceed the reasonable cost of obtaining  
6 the information. No fee may be charged to a nurse's assistant, as defined in s. 146.40  
7 (1)(d), for obtaining or maintaining information if to do so would be inconsistent with  
8 federal law.

W.P.O. -  
please make  
sure that  
there is no  
scored space  
after "b"