

SENATOR JUDITH B. ROBSON
CO-CHAIR



46-7 12
REPRESENTATIVE GLENN GROTHMAN
CO-CHAIR

P.O. Box 7882
MADISON, WI 53707-7882
(608) 266-2253

P.O. Box 8952
MADISON, WI 53708-8952
(608) 264-8486

JOINT COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES

October 11, 2000

Jennifer Reinert, Secretary
Department of Workforce Development
201 East Washington Avenue
Madison, WI 53707-7946

Dear Secretary Reinert:

The Joint Committee for the Review of Administrative Rules met in Executive Session on October 11, 2000 and adopted the following motion:

DWD 12.28

Relating to Wisconsin works disregard of year 2000 census income.

Moved by Senator Robson, seconded by Senator Welch that, pursuant to s. 227.24(2)(a), Stats., the Joint Committee for Review of Administrative Rules extend the effective date of DWD 12.28 by 57 days, at the request of the Department of Workforce Development.

Ayes: (8) Representatives Gunderson, Black
and Kreuser ; Senators Robson, Grobschmidt, Shibilski*,
Schultz and Welch.

Noes: (1) Representative Grothman

Absent: (2) Senator Shibilski, Representatives Seratti

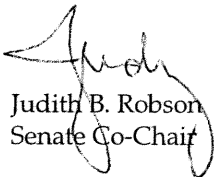
Motion Carried: Extension Granted.

8 Ayes, 1 No, 2 Absent.

*voted by paper ballot

Pursuant to s. 227.24(2)(c) Stats, we are notifying the Secretary of State and the Revisor of Statutes of the Committee's action through copies of this letter.

Sincerely,



Judith B. Robson
Senate Co-Chair



Glenn Grothman
Assembly Co-Chair

JBR:GSG:mjg

cc:Secretary of State Doug LaFollette, Revisor of Statutes Gary Poulson

Tommy G. Thompson
Governor

Linda Stewart
Secretary



State of Wisconsin

Department of Workforce Development

OFFICE OF THE SECRETARY

201 East Washington Avenue
P.O. Box 7946
Madison, WI 53707-7946
Telephone: (608) 266-7552
Fax: (608) 266-1784
<http://www.dwd.state.wi.us/>

October 4, 2000

The Honorable Judith Robson
JCRAR Senate Co-Chair
Room 15 South, State Capitol
INTER-D

The Honorable Glenn Grothman
JCRAR Assembly Co-Chair
Room 15 North, State Capitol
INTER-D

Dear Senator Robson and Representative Grothman:

The Department of Workforce Development has an emergency rule in effect that will expire November 4, 2000. Pursuant to s. 227.24(2), Stats., the department requests a 57-day extension of the emergency rule s. DWD 12.28, relating to Wisconsin works disregard of year 2000 census income.

The rule excludes income earned from temporary employment with the U.S. Census Bureau in determining W-2 eligibility, child care eligibility, and child care copayments. Hours of employment with the Census Bureau are treated the same as other unsubsidized employment in determining hours required for a pro-rata W-2 community service job. I have enclosed a copy of the rule.

The department is seeking an extension of this rule because Census Bureau information states that although temporary employment with the Census Bureau is primarily for Spring and Summer 2000, some could last through December 31, 2000. In addition, the department received material from the American Public Human Services Association that uses the time frame of February 1 to December 31, 2000, in discussing states' disregard of Census income in their TANF programs. Based on this information, the department's Operations Memo to W-2 agencies said the W-2 disregard of Census Bureau income was expected to last through December 31, 2000.

If you have any questions about this rule, please contact Dianne Reynolds of the department's Division of Economic Support at 266-0988.

Sincerely,

A handwritten signature in black ink, appearing to read 'Elaine S. Pridgen', written in a cursive style.

Elaine S. Pridgen
DWD Rules Coordinator

Copy: JCRAR members

APR 04 2000

Tommy G. Thompson
Governor

Linda Stewart, Ph.D.
Secretary



State of Wisconsin

Department of Workforce Development

OFFICE OF THE SECRETARY

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P.O. Box 7946

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March 31, 2000

The Honorable Judith Robson, Senate Co-Chair
Joint Committee for Review of Administrative Rules
Room 15 South, State Capitol
P.O. Box 7882
Madison, WI 53707-7882

The Honorable Glenn Grothman, Assembly Co-Chair
Joint Committee for Review of Administrative Rules
Room 15 North, State Capitol
P.O. Box 8952
Madison, WI 53708-8952

Dear Co-Chairpersons Robson and Grothman:

I am writing to inform you that the Department of Workforce Development (DWD) will be issuing an Emergency Rule relating to the exclusion of income earned from employment with the U.S. Census Bureau in determining Wisconsin Works (W-2) and child care eligibility and child care co-payments. The emergency rule is expected to be officially noticed by mid-April.

The federal Administration for Children and Families (ACF) in the Department of Health and Human Services has encouraged states to exempt the temporary income earned by individuals that work on the 2000 Census from TANF eligibility determinations. The advantage of exempting these earnings is that it will assist the Census Bureau in recruiting temporary Census workers. Also, it will allow low-income families to earn additional income without jeopardizing their eligibility or current status in these assistance programs and encourage work experience for W-2 and Food Stamp Employment and Training program participants. The exemption recognizes that the income is temporary and cannot be relied upon as a sustainable form of income.

In addition to exempting Census income for W-2 and child care purposes, DWD has received waiver approval from the USDA Food and Nutrition Service (FNS) to exempt Census income when determining eligibility and benefits for the Food Stamp program. This exemption does not require rule revisions.

Information from ACF stated that "the (Census) Bureau has found that the most effective workers are those recruited from and working in their own neighborhoods." In addition, the Census Bureau has provided the following information regarding their efforts to recruit temporary workers:

- "The Census Bureau is working with individual states to encourage recipients of Temporary Assistance for Needy Families (TANF) to apply for census positions; states could decide to let TANF recipients hold temporary census jobs without losing their benefits."

Senator Robson
Representative Grothman
March 31, 2000
Page 2

- Historically, the Bureau has always endeavored to hire individuals from the communities in which they live. As a result, the Bureau has always reached out to low income populations, including welfare recipients. While there are no special hiring preferences for welfare recipients, the Bureau works closely with state and local governments as well as community based organizations to actively recruit welfare recipients.”
- “The Department of Housing and Urban Development (HUD) has exempted temporary Census 2000 income from the determination of eligibility for subsidized housing residents and Section 8 tenants.”

Any hours worked for the Census Bureau by W-2 participants will be counted for the purposes of prorated Community Service Jobs under W-2. In addition, individuals working full-time for the Census may receive case management services.

As you know, it is extremely important that Wisconsin residents complete and return their Census form. DWD is pleased that we are able to assist in broadening the pool of available Census workers to help insure an accurate count for Wisconsin.

Please feel free to contact Howard Bernstein, DWD Legal Counsel, at 266-9427, if you have any questions.

Sincerely,



Linda Stewart, Ph.D.
Secretary

Cc: Joint Finance Co-Chairs
Members, Assembly Committee on Children and Families
Members, Senate Committee on Human Services
Bob Wood, Governor's Office
Erica St. Angel, Governor's Office

SENATOR JUDITH B. ROBSON
CO-CHAIR



REPRESENTATIVE GLENN GROTHMAN
CO-CHAIR

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JOINT COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES

Emergency Rule Extension Motion Form

Last Modified January 1999

October 11, 2000
225 Northwest, State Capitol

Moved by Robson, Seconded by Welch

THAT, pursuant to s. 227.24(2)(a), stats., the Joint Committee for Review of Administrative Rules extend the effective period of emergency rule DWD 12.28 by 57 days, at the request of the Department of Workforce Development.

COMMITTEE MEMBER	Aye	No	Absent
1. Senator ROBSON	✓		
2. Senator GROBSCHMIDT	✓		
3. Senator SHIBLISKI			✓
4. Senator WELCH	✓		
5. Senator SCHULTZ	✓		
6. Representative GROTHMAN		✓	
7. Representative GUNDERSON	✓		
8. Representative SERATTI			✓
9. Representative KREUSER	✓		
10. Representative BLACK	✓		
Totals			

Motion Carried

Motion Failed

AUG 14 2000

Tommy G. Thompson
Governor

Linda Stewart
Secretary



State of Wisconsin

OFFICE OF THE SECRETARY

201 East Washington Avenue
P.O. Box 7946
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Department of Workforce Development

August 8, 2000

The Honorable Judith Robson
JCRAR Senate Co-Chair
Room 15 South, State Capitol
INTER-D

The Honorable Glenn Grothman
JCRAR Assembly Co-Chair
Room 15 North, State Capitol
INTER-D

Dear Senator Robson and Representative Grothman:

The Department of Workforce Development has an emergency rule in effect that will expire September 6, 2000. Pursuant to s. 227.24(2), Stats., the department requests a 60-day extension of the emergency rule s. DWD 12.28, relating to Wisconsin works disregard of year 2000 census income.

The rule excludes income earned from temporary employment with the U.S. Census Bureau in determining W-2 eligibility, child care eligibility, and child care copayments. Hours of employment with the Census Bureau are treated the same as other unsubsidized employment in determining hours required for a pro-rata W-2 community service job. I have enclosed a copy of the rule.

The department is seeking an extension of this rule because Census Bureau information states that although temporary employment with the Census Bureau is primarily for Spring and Summer 2000, some could last through December 31, 2000. In addition, the department received material from the American Public Human Services Association that uses the time frame of February 1 to December 31, 2000, in discussing states' disregard of Census income in their TANF programs. Based on this information, the department's Operations Memo to W-2 agencies said the W-2 disregard of Census Bureau income was expected to last through December 31, 2000.

If you have any questions about this rule, please contact Dianne Reynolds of the department's Division of Economic Support at 266-0988.

Sincerely,

A handwritten signature in cursive script, reading 'Elaine S. Pridgen'.

Elaine S. Pridgen
DWD Rules Coordinator

Copy: JCRAR members

APR 06 2000

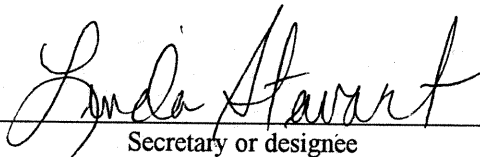
Rules Certificate

STATE OF WISCONSIN)
DEPARTMENT OF WORKFORCE DEVELOPMENT) SS

I, Linda Stewart, Secretary of the Department of Workforce Development, and custodian of the official records, certify that the annexed rules, relating to relating to Wisconsin works disregard of year 2000 census income were duly approved and adopted by this department on April 5, 2000.

I further certify that this copy has been compared by me with the original on file in this department and that it is a true copy of the original, and of the whole of the original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the of the Department of Workforce Development at 201 E. Washington Avenue in the city of Madison, this 5th day of April 2000.


Secretary or designee

Order Adopting Rules

Pursuant to authority vested in the Department of Workforce Development by ss. 49.145(1) and 227.11, Stats., the Department of Workforce Development creates rules of Wisconsin Administrative Code s. DWD 12.28 relating to Wisconsin works disregard of year 2000 census income.

The attached rules shall take effect upon publication pursuant to s. 227.24(c), Stats.

Adopted at Madison, Wisconsin this

date: April 5, 2000

Department of Workforce Development

Linda Stewart
Secretary or designee

**State of Wisconsin
Department of Workforce Development**

EMERGENCY RULE

Wisconsin Works Disregard of Year 2000 Census Income

The Wisconsin Department of Workforce Development proposes an order to create DWD 12.28 relating to Wisconsin works disregard of year 2000 census income.

Finding of Emergency

The Department of Workforce Development finds that an emergency exists and that the attached rule is necessary for the immediate preservation of the public peace, health, safety, or welfare. A statement of facts constituting the emergency is:

The Department of Workforce Development is acting under its statutory authority to establish additional eligibility criteria and specify how eligibility criteria are to be administered for the Wisconsin Works (W-2) program. The department is promulgating a rule to exclude income earned from temporary employment with the U.S. Census Bureau in determining W-2 and child care eligibility and child care copayments. The rule will contribute to the welfare of the people of Wisconsin by broadening the pool of available workers to help ensure an accurate Census count, particularly in low-income neighborhoods. The rule must be effective immediately because temporary Census employment is expected to begin April 2000 and last two to six months. DWD will not be seeking a permanent rule on this issue.

Analysis Prepared by the Department of Workforce Development

Statutory authority: ss. 49.145(1) and 227.11, Stats.

Statute interpreted: s. 49.145(1), Stats.

The rule excludes income earned from temporary employment with the U.S. Census Bureau in determining W-2 and child care eligibility and child care copayments. Hours of employment with the Census Bureau will be treated the same as other unsubsidized employment in determining hours required for a pro-rata W-2 community service job. Individuals who are working for the Census Bureau full-time will receive case management services.

The federal Administration for Children and Families (ACF) in the Department of Health and Human Services has encouraged states to exempt the temporary income earned by individuals who work on the 2000 Census from eligibility determinations for programs funded by Temporary Assistance to Needy Families (TANF).

Information from ACF stated that “the [Census] Bureau has found that the most effective workers are those recruited from and working in their own neighborhoods.” In addition, the Census Bureau web site (<http://www.census.gov/jobs2000/www/faqs.html>) contains the following information regarding their efforts to recruit temporary workers:

- “The Census Bureau is working with individual states to encourage recipients of Temporary Assistance for Needy Families (TANF) to apply for census positions; states could decide to let TANF recipients hold temporary census jobs without losing their benefits.”
- “Historically, the Bureau has always endeavored to hire individuals from the communities in which they live. As a result, the Bureau has always reached out to low income populations, including welfare recipients. While there are no special hiring preferences for welfare recipients, the Bureau works closely with state and local governments as well as community based organizations to actively recruit welfare recipients.”
- “The Department of Housing and Urban Development (HUD) has exempted temporary Census 2000 income from the determination of eligibility for subsidized housing residents and Section 8 tenants.”

When the Census employment ends, the W-2 agency will be encouraged to work with the participant to find new unsubsidized employment. If appropriate, however, the W-2 agency could place the individual in a subsidized employment position.

SECTION 1. DWD 12.28 is created to read:

DWD 12.28. Disregard of Year 2000 Census Income. Income earned from temporary employment with the United States Census Bureau shall not be included in determining financial eligibility for Wisconsin works under s. DWD 12.09(3)(b), a child care subsidy under s. DWD 12.26, or the amount of a child care copayment under s. DWD 56.08.

SECTION 2. EFFECTIVE DATE. This rule shall take effect upon publication as provided in s. 227.24(1)(d), Stats.

LRB or Bill No./Adm. Rule No.
DWD 12.28

Amendment No. if Applicable

FISCAL ESTIMATE
DOA-2048 N(R03/97)

- ORIGINAL
- CORRECTED
- UPDATED
- SUPPLEMENTAL

Subject

Wisconsin Works Disregard of Year 2000 Census Income

Fiscal Effect

State: No State Fiscal Effect

Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation.

- Increase Existing Appropriation
- Decrease Existing Appropriation
- Create New Appropriation
- Increase Existing Revenues
- Decrease Existing Revenues

- Increase Costs - May be possible to Absorb Within Agency's Budget Yes No
- Decrease Costs

Local: No local government costs

- 1. Increase Costs
 - Permissive Mandatory
- 2. Decrease Costs
 - Permissive Mandatory

- 3. Increase Revenues
 - Permissive Mandatory
- 4. Decrease Revenues
 - Permissive Mandatory

5. Types of Local Governmental Units Affected:
- Towns Villages Cities
 - Counties Others _____
 - School Districts WTCS Districts

Fund Sources Affected

- GPR FED PRO PRS SEG SEG-S

Affected Ch. 20 Appropriations

Assumptions Used in Arriving at Fiscal Estimate

Employment with the Census Bureau is short-term and the employment is generally part-time. There is a potential for an increase in child care costs, although an exact estimate is difficult to obtain. There is also the potential that the state could experience decreased cash benefit costs for families taking advantage of this policy while working for the Census.

Long-Range Fiscal Implications

None

Agency/Prepared by: (Name & Phone No.)
DWD/Shawn Smith 261-8089

Authorized Signature/Telephone No.

Howard J. Stein 266-9427

Date

4/5/00

FISCAL ESTIMATE WORKSHEET

1999 Session

Detailed Estimate of Annual Fiscal Effect
DOA-2047 (R10/94)

ORIGINAL UPDATED
 CORRECTED SUPPLEMENTAL

LRB or Bill No./Adm. Rule No.
DWD 12.28

Amendment No.

Subject
Wisconsin Works Disregard of Year 2000 Census Income

I. One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):
\$0

II. Annualized Costs:		Annualized Fiscal impact on State funds from:	
		Increased Costs	Decreased Costs
A. State Costs by Category			
State Operations - Salaries and Fringes		\$0	\$ -0
(FTE Position Changes)		(FTE)	(- FTE)
State Operations - Other Costs			-
Local Assistance			-
Aids to Individuals or Organizations			-
TOTAL State Costs by Category		\$0	\$0-
B. State Costs by Source of Funds		Increased Costs	Decreased Costs
GPR		\$	\$ -
FED			-
PRO/PRS			-
SEG/SEG-S			-
III. State Revenues - Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)		Increased Rev.	Decreased Rev.
GPR Taxes		\$	\$ -
GPR Earned			-
FED			-
PRO/PRS			-
SEG/SEG-S			-
TOTAL State Revenues		\$0	\$ 0-

NET ANNUALIZED FISCAL IMPACT

	STATE	LOCAL
NET CHANGE IN COSTS	\$0	\$0
NET CHANGE IN REVENUES	\$0	\$0

Agency/Prepared by: (Name & Phone No.)
DWD/Shawn Smith 261-8089

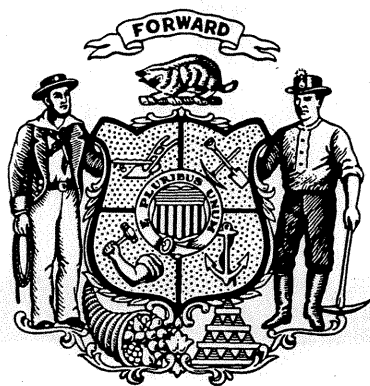
Authorized Signature/Telephone No.

Shawn Smith 261-9427

Date

4/5/00

END



END



State of Wisconsin / OFFICE OF THE COMMISSIONER OF INSURANCE

Tommy G. Thompson
Governor

Connie L. O'Connell
Commissioner

April 13, 1999

121 East Wilson Street • P.O. Box 7873
Madison, Wisconsin 53707-7873
Phone: (608) 266-3585 • Fax: (608) 266-9935
E-Mail: ocioci@mail.state.wi.us
http://badger.state.wi.us/agencies/oci/oci_home.htm

HONORABLE JUDITH ROBSON
SENATE CO-CHAIRPERSON
JOINT COMM FOR REVIEW OF ADM RULES
15 SOUTH STATE CAPITOL
MADISON WI 53702

Re: Rule, Section Ins 2.80, Wis. Adm. Code, relating to valuation of life insurance policies model regulation

Emergency Rule Extension Request

Dear Senator Robson:

I am requesting an extension of an emergency rule under s. 227.24(2), Wis. Stat. It is necessary to extend the emergency rule because we expect the revised permanent version of Ins 2.80 to become effective no later than August 1, 1999.

If you have any questions regarding this, please contact Eileen Mallow at 266-7843.

Sincerely,

Connie L. O'Connell
Commissioner

CLO:SM

ORDER OF THE OFFICE OF THE COMMISSIONER OF INSURANCE AMENDING A RULE

To amend Ins 2.80 (2) (intro) and (2) (a) , Wis. Adm. Code, relating to delaying effective date for NAIC valuation of life insurance policies model regulation, ("XXX"), from January 1, 1999 to July 1, 1999.

FINDING OF EMERGENCY & ANALYSIS PREPARED BY THE OFFICE OF THE COMMISSIONER OF INSURANCE

The Commissioner of Insurance finds that an emergency exists and that the attached rule is necessary for the immediate preservation of the public peace, health, safety, or welfare. Facts constituting the emergency are as follows:

On December 16, 1997 the Commissioner created Ins 2.80, Wis. Adm. Code in order to adopt the 1995 National Association of Insurance Commissioners ("NAIC") valuation of life insurance policies model regulation, or "XXX". This new rule concerning requirements for determining the valuation of reserve liabilities for life insurance policies is currently to take effect on January 1, 1999. Recently the NAIC agreed to consider a revised model regulation and the NAIC is expected to formally approve such a model early in 1999. Wisconsin is the only state that has set January 1, 1999 as an effective date for the 1995 model regulation. This emergency order is necessary to allow time to consider implementation of the revised model regulation once it is adopted by the NAIC.

Statutory authority: ss. 601.41(3), 227.24, Stats.

Statutes interpreted: none

SECTION 1. Amend s. Ins 2.80 (2) (intro) to read:

Ins 2.80 (2) SCOPE. This section applies to all life insurance policies, wherever sold, with or without nonforfeiture values, issued on or after January 1, 1999 July 1, 1999, subject to the following exceptions and conditions:

SECTION 2 . Amend s. Ins 2.80 (2) (a) to read:

Ins 2.80 (2) (a) This section does not apply to any individual life insurance policy issued on or after January 1, 1999 July 1, 1999 if the policy is issued in accordance with and as a result of the exercise of a reentry provision contained in the original life insurance policy of the same or greater face amount that was issued before January 1, 1999 July 1, 1999 and that guarantees the premium rates of the new policy. This section also does not apply to subsequent policies issued as a result of the exercise of such a provision, or a derivation of the provision, in the new policy.

SECTION 3 . These changes will take effect on January 1, 1999.

Dated at Madison, Wisconsin, this _____ day of _____, 199__.

Randy Blumer

Commissioner of Insurance

1

SENATOR JUDITH B. ROBSON
 CO-CHAIR
 PO BOX 7882
 MADISON, WI 53707-7882
 (608) 266-2253



REPRESENTATIVE GLENN GROTHMAN
 CO-CHAIR
 PO BOX 8952
 MADISON, WI 53708-8952
 (608) 264-8486

**JOINT COMMITTEE FOR
 REVIEW OF ADMINISTRATIVE RULES**

Emergency Rule Extension Motion Form

Last Modified March, 1999

Date: May 27, 1999

Location: 417 North; GAR Room; Wisconsin State Capitol; Madison, WI

Moved by _____, Seconded by _____

THAT, pursuant to § 227.24(2)(a), *Wisconsin State Statutes*, the Joint Committee for the Review of Administrative Rules extend the effective period of Emergency Rule **INS 2.80** by **60 days**, at the request of the Office of the Commissioner of Insurance

COMMITTEE MEMBER	Aye	No	Absent
1. Senator ROBSON	X		
2. Senator GROBSCHMIDT	X		
3. Senator SHIBLISKI	X		X
4. Senator WELCH	X		
5. Senator DARLING	X		
6. Representative GROTHMAN	X		
7. Representative GUNDERSON	X		
8. Representative SERATTI	X		
9. Representative KREUSER	X		
10. Representative BLACK	X		
Totals			

Motion Carried

Motion Failed

SENATOR JUDITH B. ROBSON
CO-CHAIR
PO Box 7882
MADISON, WI 53707-7882
(608) 266-2253



REPRESENTATIVE GLENN GROTHMAN
CO-CHAIR
PO Box 8952
MADISON, WI 53708-8952
(608) 264-8486

JOINT COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES

May 27, 1999

Commissioner Connie L. O'Connell
Office of the Commissioner of Insurance
121 East Wilson Street
PO Box 7873
Madison, WI 53707-7873

Dear Commissioner O'Connell:

We are writing to inform you that the Joint Committee for the Review of Administrative Rules (JCRAR) held a public hearing on May 27, 1999. At that meeting, JCRAR received public testimony regarding **Emergency Rule INS 2.80**, relating to valuation of life insurance policies model regulation.

The Joint Committee for the Review of Administrative Rules met in Executive Session on May 27, 1999 and adopted the following motion:

Carried unanimously, pursuant to §227.24(2)(a), *Stats.*, the Joint Committee for Review of Administrative Rules extend the effective date of **INS 2.80** by **60 days**, at the request of the Office of the Commissioner of Insurance.

Ayes: (10) Senators Robson, Grobschmidt, Shibilski, Welch, and Darling; Representatives Grothman, Seratti, Gunderson, Kreuser, and Black

Noes: (0)

Absent: (0)

Motion Carried: Extension Granted.
10 Ayes, 0 Noes, 0 Absent.

Pursuant to §227.24(2)(c), *Stats.*, we are notifying the Secretary of State and the Revisor of Statutes of the Committee's action through copies of this letter.

Sincerely,



Judith B. Robson
State Senator
15th Senate District

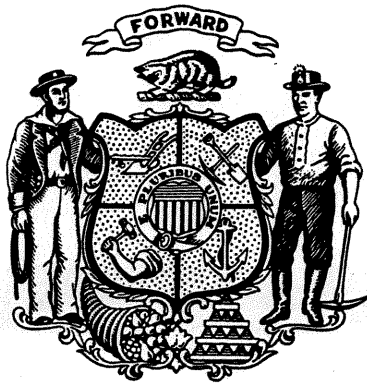


Glenn Grothman
State Representative
59th Assembly District

JBR:chmiv

cc: Secretary of State La Follette
Revisor of Statutes Gary Poulson

END

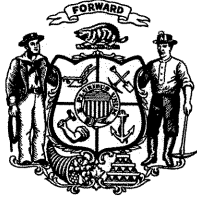


END

Emergency Rule HEA 11.03

Minority Teacher Loan Program

Extension of the rule by 60 days at the request of the
Higher Education Aids Board



State of Wisconsin Higher Educational Aids Board

131 West Wilson Street, Madison, Wisconsin

Post Office Box 7885 Phone: (608) 267-2206

Madison, WI 53707-7885 Fax: (608) 267-2808

E-Mail: HEABmail@heab.state.wi.us

Web Page: <http://heab.state.wi.us>

Tommy G. Thompson
Governor

Jane M. Hojan-Clark
Executive Secretary

February 14, 2000

Senator Robson, Chairperson
Committee for Review of Administrative Rules
Room 15 South, State Capitol
Madison, WI 53707-7882

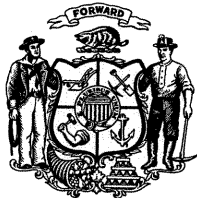
Dear Senator Robson,

The Higher Educational Aids Board requests a 29 day extension of the emergency rule related to the Minority Teacher Loan Program. The rule expires March 2, 2000. It is my understanding that a permanent rule will be in effect April 1, 2000. I have attached a copy of the finding of emergency which includes the rule along with a statement constituting the emergency.

I appreciate your consideration in this matter. Please contact me at 264.6181 if you have any questions or if more information is needed.

Sincerely,

Jane M. Hojan-Clark
Executive Secretary



State of Wisconsin

Higher Educational Aids Board

131 West Wilson Street, Madison, Wisconsin
Post Office Box 7885 Phone: (608) 267-2206
Madison, WI 53707-7885 Fax: (608) 267-2808
E-Mail: HEABmail@heab.state.wi.us
Web Page: <http://heab.state.wi.us>

Tommy G. Thompson
Governor

Jane M. Hojan-Clark
Executive Secretary

FINDING OF EMERGENCY

The Higher Educational Aids Board (HEAB) finds that an emergency exists and that the attached rule is necessary for the immediate preservation of the public peace, health, safety or welfare. A statement of the facts constituting the emergency is:

The 1989 Wisconsin Act 31 created s. 39.40, Stats., which provides for loans to minority students enrolled in programs of study leading to licensure as a teacher. The Wisconsin Higher Educational Aids Board (HEAB) administers this loan program under s. 39.40 and under ch. HEA 11. Current rules require that a student be enrolled full time and show financial need to be considered for participation in the Minority Teacher Loan Program. Students who did not enroll full time and did not show financial need were allowed to participate in the program in the past when part of the program was administered by another administrative body. These students are enrolled in teacher education programs that train teachers specifically for the school districts named in the statutes that outline the intent of the Minority Teacher Loan Program. Unless the Board changes its rules, many participating students will lose their eligibility in the program. This will cause a hardship to those students who relied on the interpretation of the prior system administration. Revising the rules would allow students who participated in the program in the past to continue to participate. The proposed revision will not affect expenditures of State funds for the Minority Teacher Loan Program.

Statutory Authority: Section 39.28 (1), Stat., as created by 1971 c. 125, and section 227.11 (2), Stats.

Section HEA 11.03 is amended to read:

Section 1. Section HEA 11.03 (3) is amended to read:

(3) The borrower shall be enrolled ~~full time~~ at least half time in an eligible institution in the junior or senior year of a bachelor degree program majoring in education.

Section 2. Section HEA 11.03 (5) is created to read:

(5) The borrower shall not be required to show financial need.

Effective Date

These rules shall take effect upon publication as provided in s. 227.24 (d) Stats.

SENATOR JUDITH B. ROBSON
 Co-CHAIR
 PO BOX 7882
 MADISON, WI 53707-7882
 (608) 266-2253



REPRESENTATIVE GLENN GROTHMAN
 Co-CHAIR
 PO BOX 8952
 MADISON, WI 53708-8952
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**JOINT COMMITTEE FOR
 REVIEW OF ADMINISTRATIVE RULES**

Emergency Rule Extension Motion Form

Last Modified March, 1999

Date 11-18-99 Location Room 411 South
 Moved by Robson, Seconded by Grobschmidt

THAT, pursuant to § 227.24(2)(a), *Wisconsin State Statutes*, the Joint Committee for the Review of Administrative Rules extend the effective period of Emergency Rule HEA 11.03 by 60 days, at the request of the Higher Education Aids Board.

COMMITTEE MEMBER	Aye	No	Absent
1. Senator ROBSON	X		
2. Senator GROBSCHMIDT	X		
3. Senator SHIBLISKI	X		
4. Senator WELCH			X
5. Senator DARLING	X		
6. Representative GROTHMAN		X	
7. Representative GUNDERSON	X		
8. Representative SERATTI			X
9. Representative KREUSER			X
10. Representative BLACK	X		
Totals	6	1	3

*polled by phone
 paper ballot

Motion Carried

Motion Failed

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**JOINT COMMITTEE FOR
 REVIEW OF ADMINISTRATIVE RULES**

Emergency Rule Extension Motion Form

Last Modified March, 1999

Date 2/24/00 Location 201 Southeast
 Moved by Grobschmidt, Seconded by Gunderson

THAT, pursuant to § 227.24(2)(a), *Wisconsin State Statutes*, the Joint Committee for the Review of Administrative Rules extend the effective period of Emergency Rule HEA 11.03 by 29 days, at the request of the Higher Education Aids Board.

COMMITTEE MEMBER	Aye	No	Absent
1. Senator ROBSON	✓		
2. Senator GROBSCHMIDT	✓		
3. Senator SHIBLISKI	✓		
4. Senator WELCH	✓		
5. Senator DARLING	✓		
6. Representative GROTHMAN		✓	
7. Representative GUNDERSON	✓		
8. Representative SERATTI			X
9. Representative KREUSER	✓		
10. Representative BLACK	✓		
Totals			

Motion Carried

Motion Failed

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JOINT COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES

November 19, 1999

Ms. Jane M. Hojan-Clark
Executive Secretary, Higher Education Aids Board
P.O. Box 7885
Madison, WI 53707-7885

Dear Ms. Hojan-Clark:

We are writing to inform you that the Joint Committee for the Review of Administrative Rules (JCRAR) held a public hearing and executive session on November 18, 1999. At that meeting, the JCRAR took the following action:

The committee voted to extend the effective period of Emergency Rule HEA 11.03 by 60 days.

Pursuant to §227.24(2)(c), *Stats.*, we are notifying the Secretary of State and the Revisor of Statutes of the Committee's action through copies of this letter.

Sincerely,

Judith B. Robson
State Senator
15th Senate District

Glenn Grothman
State Representative
59th Assembly District

JBR:da

cc: Secretary of State La Follette
Revisor of Statutes Gary Poulson

SENATOR JUDITH B. ROBSON
CO-CHAIR
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REPRESENTATIVE GLENN GROTHMAN
CO-CHAIR
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**JOINT COMMITTEE FOR
REVIEW OF ADMINISTRATIVE RULES**

February 25, 2000

Ms. Jane Hojan-Clark
Executive Secretary, Higher Education Aids Board
131 West Wilson Street
Madison, WI

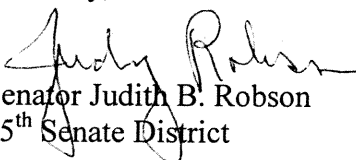
Re: Emergency Rule HEA 11.03


Dear Ms. Jane Hojan-Clark:

We are writing to inform you that the Joint Committee for the Review of Administrative Rules (JCRAR) held a public hearing and executive session on February 24, 2000. At that meeting, the JCRAR received public testimony regarding Emergency Rule HEA 11.03, relating to the Minority Teacher Loan Program. Based on that testimony, the committee adopted a motion extending Emergency Rule HEA 11.03 for 29 days. The committee approved the motion on a 8 to 1 vote.

Pursuant to § 227.24(2)(c), *Stats.*, we are notifying the Secretary of State and the Revisor of Statutes of the Committee's action through copies of this letter.

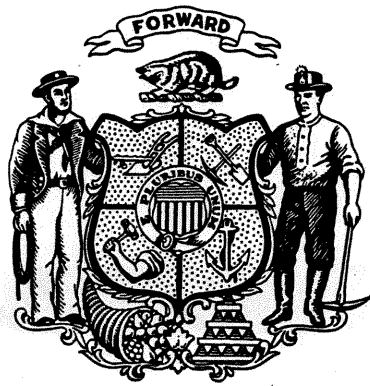
Sincerely,


Senator Judith B. Robson
15th Senate District


Representative Glenn Grothman
59th Assembly District

JBR:GG:da

END



END

Emergency Rule HFS 105.39(4)(b)3

Refresher training in CPR and first aid for specialized medical vehicle drivers

Extension of the rule by 33 days at the request of DHFS

ORDER OF THE
DEPARTMENT OF HEALTH AND FAMILY SERVICES
AMENDING RULES

FINDING OF EMERGENCY

The Department of Health and Family Services finds that an emergency exists and that the adoption of the rules included in this order is necessary for the immediate preservation of the public peace, health, safety or welfare. The facts constituting the emergency are as follows:

The Department's rules for certification of specialized motor vehicle (SMV) providers under the Medical Assistance (MA) program include requirements for SMV drivers. Among current requirements is that each driver must receive training in first aid and cardiopulmonary resuscitation (CPR) before driving a vehicle or serving as an attendant and must receive refresher training in first aid every 2 years and refresher training in CPR annually. The specific requirements for refresher training date from December 1, 1994. When revising its rules for SMV providers earlier in 1994 the Department proposed to require refresher training every 2 years for both first aid and CPR, but at the public hearings on the proposed rules 5 SMV providers said the CPR refresher training should take place annually and the Department agreed and made that its requirement.

Although the American Red Cross CPR training and certification that the person is trained continue to be annual, the equivalent American Heart Association CPR training and certification (the American Heart Association prefers "recognition" to "certification") is now every 2 years. This means that to comply with the Department's current MA rule for SMV drivers, s. HFS 105.39 (4) (b) 3., drivers who receive their training from the American Heart Association must repeat the training each year. That is unnecessary for maintenance of American Heart Association certification (recognition) and the time and expense involved is a burden on SMV providers and drivers. The Department is modifying the rule through this order to simply require that drivers maintain CPR certification.

The Department through this order is also changing the requirement for refresher training in first aid from every 2 years to at least every 3 years. That is because the American Red Cross certification in first aid is now for 3 years. A requirement for more frequent refresher training in first aid is a burden in time and expense involved for SMV providers and drivers.

ORDER

Pursuant to authority vested in the Department of Health and Family Services by ss. 49.45 (10) and 227.24 (1), Stats., the Department of Health and Family Services hereby amends rules interpreting ss. 49.43 to 49.497, Stats., as follows:

SECTION 1. HFS 105.39 (4) (b) 3. is amended to read:

HFS 105.39 (4) (b) 3. Each driver shall receive refresher training in first aid at least every ~~2~~ 3 years and ~~refresher training in CPR annually~~ shall maintain CPR certification. A driver who is an emergency medical technician licensed under ch. HFS 110, 111 or 112, a licensed practical nurse, a registered nurse or a physician assistant shall be considered to have met ~~this requirement~~ these requirements by completion of continuing education which includes first aid and CPR.

The rule contained in this order shall take effect as an emergency rule upon publication in the official state newspaper as provided in s. 227.24 (1) (c), Stats.

Wisconsin Department of Health and
Family Services

Dated: June 30, 1999

By: 

Joseph Lagan
Secretary

SEAL:

FISCAL ESTIMATE FORM

1999 Session

- ORIGINAL UPDATED
 CORRECTED SUPPLEMENTAL

LRB #

INTRODUCTION #

Admin. Rule # HFS 105.39 (4) (b) 3.

Subject

MEDICAL ASSISTANCE: REQUIREMENT THAT DRIVERS OF SPECIALIZED MEDICAL VEHICLES (SMVs) BE TRAINED IN FIRST AID AND CARDIOPULMONARY RESUSCITATION (CPR)

Fiscal Effect

State: No State Fiscal Effect

Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation.

Increase Costs - May be possible to Absorb Within Agency's Budget Yes No

- Increase Existing Appropriation Increase Existing Revenues
 Decrease Existing Appropriation Decrease Existing Revenues
 Create New Appropriation

Decrease Costs

Local: No local government costs

1. Increase Costs
 Permissive Mandatory
2. Decrease Costs
 Permissive Mandatory

3. Increase Revenues
 Permissive Mandatory
4. Decrease Revenues
 Permissive Mandatory

5. Types of Local Governmental Units Affected:
 Towns Villages Cities
 Counties Others _____
 School Districts WTCS Districts

Fund Sources Affected

- GPR FED PRO PRS SEG SEG-S

Affected Ch. 20 Appropriations

Assumptions Used in Arriving at Fiscal Estimate:

These amendments to the Department's rules for certification of specialized medical vehicle (SMV) providers under the Medical Assistance (MA) program will not affect the expenditures or revenues of state government or local governments.

Section HFS 105.39 (4) (b) 3. currently requires SMV drivers, before driving a vehicle or serving as an attendant in a vehicle, to have basic Red Cross or equivalent training in first aid and cardiopulmonary resuscitation (CPR), and to have refresher training in first aid every 2 years and refresher training in CPR annually.

This order changes the refresher training requirement for first aid to at least every 3 years because the American Red Cross certification in first aid has been changed from 2 years to 3 years. The order changes the CPR refresher training requirement to a requirement that each driver simply maintain CPR certification since the American Heart Association certification ("recognition") in CPR is now for 2 years.

The rule changes will save time and money for some SMV providers who under current rules must take more frequent training than necessary to maintain certification in CPR or first aid.

In April 1999 there were 191 MA-certified SMV providers. None of them were operated by state government or local governments.

Long-Range Fiscal Implications:

Prepared By: / Phone # / Agency Name

DHFS/Alfred Matano. 267-6848

Authorized Signature / Telephone No.

John Kiesow, 266-9622

Date

6-29-99

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**JOINT COMMITTEE FOR
 REVIEW OF ADMINISTRATIVE RULES**

Emergency Rule Extension Motion Form

Last Modified March, 1999

Date 11/18/99 Location Room 411 South
 Moved by R, Seconded by Gunder

THAT, pursuant to § 227.24(2)(a), *Wisconsin State Statutes*, the Joint Committee for the Review of Administrative Rules extend the effective period of Emergency Rule HFS 105.39(4)(b)3 by 33 days, at the request of the Department of Health and Family Services.

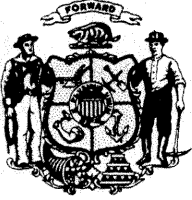
COMMITTEE MEMBER	Aye	No	Absent
1. Senator ROBSON	X		
2. Senator GROBSCHMIDT	X		
3. Senator SHIBLISKI	X		
4. Senator WELCH			X
5. Senator DARLING	X		
6. Representative GROTHMAN	X		
7. Representative GUNDERSON	X		
8. Representative SERATTI			X
9. Representative KREUSER			X
10. Representative BLACK	X		
Totals	7	0	3

* polled by phone

Paper ballot

Motion Carried

Motion Failed



LUTHER S. OLSEN

STATE REPRESENTATIVE · 41ST ASSEMBLY DISTRICT

May 3, 1999

Representative Glenn Grothman
Co-Chair, Joint Committee for Review of Administrative Rules
15 North
State Capitol

Senator Judith Robson
Co-Chair, Joint Committee for Review of Administrative Rules
15 South
State Capitol

Dear Representative Grothman and Senator Robson:

I am writing to respectively request the Joint Committee for Review of Administrative Rules (JCRAR) examine and amend HFS105.39(4)3.

This section requires drivers of specialized medical vehicles to take a refresher course in first aid every two years and a refresher course in CPR every year. I believe that the rule needs to be changed to require the driver to hold a valid CPR card rather than take a CPR refresher course every year. CPR cards are valid for two years, so it seems overly burdensome for the state to require drivers to take a refresher course while their CPR card is still valid. In addition, I do not believe there is a refresher course for CPR. Therefore, unless this rule is changed, drivers will have to take the full CPR course every year.

Thank you for your attention to this matter. Please feel free to contact me with any questions or concerns you may have.

Sincerely,


Luther S. Olsen
Chairman, Assembly Committee on Education

LSO/mp

3. All conditions uncovered which warrant further care shall be diagnosed or treated or both by the provider, if appropriate, or referred to other appropriate providers. A referral may either be a direct referral to the appropriate health care provider or a referral recommendation submitted through the agency responsible for the patient's case management and advocacy.

4. Health maintenance organizations and prepaid health plans providing EPSDT services shall meet all requirements of 42 CFR 441.60 in addition to the requirements under subds. 1. to 3.

(c) *Records and documentation.* 1. Certified providers of EPSDT screening services shall:

a. Complete the department's EPSDT claim form and an individual health and developmental history for each client; and

b. Maintain a file on each client receiving EPSDT services which includes a copy of the EPSDT claim form, individual health and developmental history and follow-up for necessary diagnosis and treatment services.

2. The EPSDT provider shall release information on the results of the health assessment to appropriate health care providers and health authorities when authorized by the patient or the patient's parent or guardian to do so.

(2) **EPSDT CASE MANAGEMENT ACTIVITIES.** (a) *Case management reimbursement.* Providers certified under sub. (1) as providers of EPSDT health assessment and evaluation services shall be eligible to receive reimbursement for EPSDT case management in accordance with the limitations contained in the case management agreement between the provider and the department.

(b) *Case management plan.* 1. All EPSDT providers who apply to receive reimbursement for EPSDT case management services shall submit to the department a case management plan. The case management plan shall describe the geographic service area, target population, coordination with support activities conducted by the department and other health-related services, case management activities and the method of documenting the activities.

2. The department shall evaluate the adequacy of each provider's case management plan according to the case management requirements of the proposed service area and target population, the extent to which the plan would ensure that children receive the necessary diagnosis and treatment services for conditions detected during EPSDT health examinations, the proposed coordination with the EPSDT central notification system and other health related services, and proposed methods for documenting case management services. Based on the evaluation, the department shall either approve or deny the provider's request for reimbursement of case management activities and shall impose on providers as conditions for reimbursement any personnel, staffing or procedural requirements that it determines are necessary pursuant to 42 CFR 441 Part B.

(c) *Records and documentations.* Providers shall maintain records and documentation required by the department in order to verify appropriate use of funds provided by the department for EPSDT case management activities.

(3) **DIAGNOSIS AND TREATMENT SERVICES.** Providers of diagnosis and treatment services for EPSDT recipients shall be certified according to the appropriate provisions of this chapter.

Note: For covered EPSDT services, see s. HFS 107.22.

History: Cr. Register, February, 1986, No. 362, eff. 3-1-86.

HFS 105.38 Ambulance providers. (1) For MA certification, ambulance service providers shall be licensed pursuant to s. 146.50, Stats., and ch. HSS 110, and shall meet ambulance inspection standards of the Wisconsin department of transportation under s. 341.085, Stats., and ch. Trans 309.

(2) An ambulance service provider that also provides air ambulance services shall submit a separate application under s. HFS 105.01 for certification as an air ambulance provider.

Note: For a copy of the application form for an ambulance service provider license, write the EMS Section, Division of Health, P.O. Box 309, Madison, Wisconsin, 53701.

Note: For covered transportation services, see s. HFS 107.23.

History: Cr. Register, February, 1986, No. 362, eff. 3-1-86; renum. 105.38 to 105.38 (1) and am., cr. (2), Register, November, 1994, No. 467, eff. 12-1-94.

HFS 105.39 Specialized medical vehicle providers.

(1) For MA certification, a specialized medical vehicle provider shall meet the requirements of this section and shall sign the affidavit required under sub. (6) stipulating that the provider is in compliance with the requirements of this section as well as with the requirements of the department of transportation for human service vehicles under ss. 110.05 and 340.01 (23) (g), Stats., and ch. Trans 301, and shall provide proof of compliance when requested by the department.

(2) **VEHICLES.** (a) Insurance of not less than \$250,000 personal liability for each person, not less than \$500,000 personal liability for each occurrence and not less than \$10,000 property damage shall be carried on each specialized medical vehicle used to transport a recipient.

(b) Each vehicle shall be inspected and the inspection documented at least every 7 days by an assigned driver or mechanic, to ensure:

1. The proper functioning of the vehicle systems including but not limited to all headlights, emergency flasher lights, turn signal lights, tail lights, brake lights, clearance lights, internal lights, windshield wipers, brakes, front suspension and steering mechanisms, shock absorbers, heater and defroster systems, structural integrity of passenger compartment, air conditioning system, wheelchair locking systems, doors, lifts and ramps, moveable windows and passenger and driver restraint systems;

2. That all brakes, front suspension and steering mechanisms and shock absorbers are functioning correctly;

3. That all tires are properly inflated according to vehicle or tire manufacturers' recommendations and that all tires possess a minimum of 1/8-inch of tread at the point of greatest wear; and

4. That windshields and mirrors are free from cracks or breaks.

(c) The driver inspecting the vehicle shall document all vehicle inspections in writing, noting any deficiencies.

(d) All deficiencies shall be corrected before any recipient is transported in the vehicle. Corrections shall be documented by the driver. Documentation shall be retained for not less than 12 months, except as authorized in writing by the department.

(e) Windows, windshield and mirrors shall be maintained in a clean condition with no obstruction to vision.

(f) Smoking is not permitted in the vehicle.

(g) Police, sheriff's department and ambulance emergency telephone numbers shall be posted on the dash of the vehicle in an easily readable manner. If the vehicle is not equipped with a working two-way radio, sufficient money in suitable denominations shall be carried to enable not less than 3 local telephone calls to be made from a pay telephone.

(h) A provider shall maintain a list showing for each vehicle its registration number, identification number, license number, manufacturer, model, year, passenger capacity, insurance policy number, insurer, types of restraint systems for wheelchairs and whether it is fitted with a wheelchair lift or with a ramp. Attached to the list shall be evidence of compliance with ch. Trans 301.

(3) **VEHICLE EQUIPMENT.** (a) The vehicle shall be equipped at all times with a flashlight in working condition, a first aid kit and a fire extinguisher. The fire extinguisher shall be periodically serviced as recommended by the local fire department.

(b) The vehicle shall be equipped with a lift or ramp for loading wheelchairs. The vehicle shall also be equipped with passenger restraint devices for each passenger, including restraint devices for recipients in wheelchairs or on cots or stretchers as defined in

s. HFS 107.23 (1) (c) 4. Both a recipient and the recipient's wheelchair, cot or stretcher shall be secured.

(c) Provision shall be made for secure storage of removable equipment and passenger property in order to prevent projectile injuries to passengers and the driver in the event of an accident.

(4) **DRIVERS.** (a) Each driver shall possess a valid regular or commercial operator's license which shall be unrestricted, except that the vision restrictions may be waived if the driver's vision is corrected to an acuity of 20/30 or better by the use of corrective lenses. In this event, the driver shall wear corrective lenses while transporting recipients.

(b) 1. Each driver before driving a vehicle or serving as an attendant shall have received all of the following:

- a. Basic Red Cross or equivalent training in first aid and cardiopulmonary resuscitation (CPR);
- b. Specific instructions on care of passengers in seizure; and
- c. Specific instructions in the use of all ramps, lift equipment and restraint devices used by the provider.

2. A driver who was employed before December 1, 1994 and who attests in writing that he or she has had prior training in the topics under subd. 1. shall be considered to have fulfilled the requirements under subd. 1.

3. Each driver shall receive refresher training in first aid every 2 years and refresher training in CPR annually. A driver who is an emergency medical technician licensed under ch. HFS 110, 111 or 112, a licensed practical nurse, a registered nurse or a physician assistant shall be considered to have met this requirement by completion of continuing education which includes first aid and CPR.

(c) The provider shall maintain a current list of all drivers showing the name, license number and any driving violations or license restrictions of each and shall keep that list current.

(5) **COMPANY POLICY.** Company policies and procedures shall include:

(a) Compliance with state and local laws governing the conduct of businesses, including ch. Trans 301.

(b) Establishment and implementation of scheduling policies that assure timely pick-up and delivery of passengers going to and returning from medical appointments;

(c) Documentation that transportation services for which MA reimbursement is sought are:

1. For medical purposes only;
2. Ordered by the attending provider of medical service; and
3. Provided only to persons who require this transportation because they lack other means of transport, and who are also physically or mentally incapable of using public transportation;

(d) Maintenance of records of services for 5 years, unless otherwise authorized in writing by the department; and

(e) On request of the department, making available for inspection records that document both medical service providers' orders for services and the actual provision of services.

(6) **AFFIDAVIT.** The provider shall submit to the department a notarized affidavit attesting that the provider meets the requirements listed in this section. The affidavit shall be on a form developed by and available from the department, and shall contain the following:

- (a) A statement of the requirements listed in this section;
- (b) The date the form is completed by the provider;
- (c) The provider's business name, address, telephone number and type of ownership;
- (d) The name and signature of the provider or a person authorized to act on behalf of the provider; and
- (e) A notarization.

Note: For covered transportation services, see s. HFS 107.23.

(7) **DENIAL OF RECERTIFICATION.** If a provider violates provisions of this chapter, s. HFS 106.06, 107.23 or any other instruction in MA program manuals, handbooks, bulletins or letters on provision of SMV services 3 times in a 36-month period, the department may deny that provider's request for re-certification.

History: Cr. Register, February, 1986, No. 362, eff. 3-1-86; am. (1), (2) (a), (b) (intro.), 1., (3) (a), (b), (4) (a), (5) (a), renum. (2) (b) 2. and 3. to be 3. and 4., cr. (2) (b) 2., (h), (7), r. and recr. (4) (b), (c), Register, November, 1994, No. 467, eff. 12-1-94; reprinted to restore dropped copy in (3), Register, January, 1997, No. 493.

HFS 105.40 Durable medical equipment and medical supply vendors. (1) Except as provided in sub. (2), vendors of durable medical equipment and medical supplies shall be eligible to participate in the MA program.

(2) Orthotists and prosthetists who develop and fit appliances for recipients shall be certified by the American board for certification in orthotics and prosthetics (A.B.C.). Certification shall be a result of successful participation in an A.B.C. examination in prosthetics, orthotics, or both, and shall be for:

- (a) Certified prosthetist (C.P.);
- (b) Certified orthotist (C.O.); or
- (c) Certified prosthetist and orthotist (C.P.O.)

Note: For covered durable medical equipment and medical supply services, see s. HFS 107.24.

History: Cr. Register, February, 1986, No. 362, eff. 3-1-86.

HFS 105.41 Hearing aid dealers. For MA certification, hearing aid dealers shall be licensed pursuant to s. 459.05, Stats.

Note: For covered hearing aids and supplies, see s. HFS 107.24.

History: Cr. Register, February, 1986, No. 362, eff. 3-1-86.

HFS 105.42 Physician office laboratories. (1) **REQUIREMENTS.** For MA certification, physician office laboratories, except as noted in sub. (2), shall be licensed pursuant to s. 143.15, Stats., and ch. HSS 165.

(2) **EXCEPTION.** Physician office laboratories servicing no more than 2 physicians, chiropractors or dentists, and not accepting specimens on referral from outside providers, are not required to be licensed under s. 143.15, Stats., or to meet ch. HSS 165 standards. These laboratories, however, shall submit an affidavit to the department declaring that they do not accept outside specimens.

(3) **MEDICARE CERTIFICATION REQUIREMENT.** Physician office laboratories which accept referrals of 100 or more specimens a year in a specialty shall be certified to participate in medicare in addition to meeting the requirements under sub. (1).

Note: For covered diagnostic testing services, see s. HFS 107.25.

History: Cr. Register, February, 1986, No. 362, eff. 3-1-86.

HFS 105.43 Hospital and independent clinical laboratories. For MA certification, a clinical laboratory that is a hospital laboratory or an independent laboratory shall be licensed pursuant to s. 143.15, Stats., and ch. HSS 165. In addition, the laboratory shall be certified to participate in medicare and meet the requirements of 42 CFR 405.1310 to 405.1317.

Note: For covered diagnostic testing services, see s. HFS 107.25.

History: Cr. Register, February, 1986, No. 362, eff. 3-1-86.

HFS 105.44 Portable x-ray providers. For MA certification, a portable x-ray provider shall be directed by a physician or group of physicians, registered pursuant to s. 140.54, Stats., and ch. HSS 157, certified to participate in medicare, and shall meet the requirements of 42 CFR 405.1411 to 405.1416.

Note: For covered diagnostic testing services, see s. HFS 107.25.

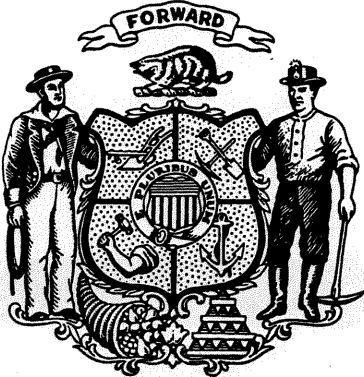
History: Cr. Register, February, 1986, No. 362, eff. 3-1-86.

HFS 105.45 Dialysis facilities. For MA certification, dialysis facilities shall meet the requirements enumerated in ss. HFS 152.05 and 152.08, and shall be certified to participate in medicare.

Note: For covered dialysis services, see s. HFS 107.26.

History: Cr. Register, February, 1986, No. 362, eff. 3-1-86; correction made under s. 13.93 (2m) (b) 7., Stats., Register, November, 1994, No. 467.

END



END

SENATOR JUDITH B. ROBSON
CO-CHAIR
P.O. BOX 7882
MADISON, WI 53707-7882
(608) 266-2253



5
REPRESENTATIVE GLENN GROTHMAN
CO-CHAIR
P.O. BOX 8952
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JOINT COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES

February 25, 2000

Senator Fred Risser
Senate President

Representative Scott Jensen
Speaker of the Assembly

Re: Emergency Rules COMM 46 and NR 746
Emergency Rule HEA 11.03

Dear Senator Risser and Representative Jensen:

We are writing to inform you that the Joint Committee for the Review of Administrative Rules (JCRAR) held a public hearing and executive session on February 24, 2000. At that meeting, the JCRAR received public testimony regarding the following emergency rules:

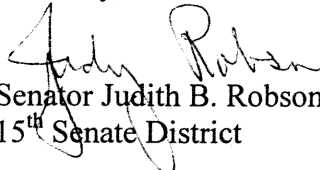
Emergency Rules COMM 46 and NR 746, relating to PECFA; and
Emergency Rule HEA 11.03, relating to the Minority Teacher Loan Program.


Based on the public testimony, the committee adopted a motion extending Emergency Rules COMM 46 and NR 746 for 60 days. The committee approved the motion on a 9 to 0 vote.

Based on the public testimony, the committee adopted a motion extending Emergency Rule HEA 11.03 for 29 days. The committee approved the motion on a 8 to 1 vote.

We are writing giving you this notice of the committee's action pursuant to § 227.24(2)(c), *Stats.*, and we ask that you notify the appropriate committee of each house of the legislature of the committee's action.

Sincerely,


Senator Judith B. Robson
15th Senate District


Representative Glenn Grothman
59th Assembly District

JBR:GG:da

SENATOR JUDITH B. ROBSON
CO-CHAIR
P.O. BOX 7882
MADISON, WI 53707-7882
(608) 266-2253



REPRESENTATIVE GLENN GROTHMAN
CO-CHAIR
P.O. BOX 8952
MADISON, WI 53708-8952
(608) 264-8486

**JOINT COMMITTEE FOR
REVIEW OF ADMINISTRATIVE RULES**

February 25, 2000

Secretary Brenda Blanchard
Department of Commerce
201 West Washington Avenue
Madison, WI

Secretary George Meyer
Department of Natural Resources
101 South Webster, 5th Floor
Madison, WI

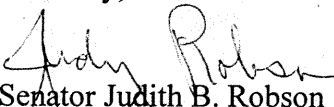
Re: Emergency Rules COMM 46 and NR 746

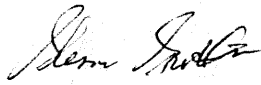
Dear Secretary Blanchard and Secretary Meyer:

We are writing to inform you that the Joint Committee for the Review of Administrative Rules (JCRAR) held a public hearing and executive session on February 24, 2000. At that meeting, the JCRAR received public testimony regarding Emergency Rules Comm 46 and NR 746, relating to PECFA. Based on that testimony, the committee adopted a motion extending Emergency Rules COMM 46 and NR 746 for 60 days. The committee approved the motion on a 9 to 0 vote.

Pursuant to § 227.24(2)(c), *Stats.*, we are notifying the Secretary of State and the Revisor of Statutes of the Committee's action through copies of this letter.

Sincerely,


Senator Judith B. Robson
15th Senate District


Representative Glenn Grothman
59th Assembly District

JBR:GG:da

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 Co-CHAIR
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**JOINT COMMITTEE FOR
 REVIEW OF ADMINISTRATIVE RULES**

Emergency Rule Extension Motion Form

Last Modified March, 1999

Date 2/24/00 Location 201 Southeast
 Moved by Robson, Seconded by Grothman

THAT, pursuant to § 227.24(2)(a), *Wisconsin State Statutes*, the Joint Committee for the Review of Administrative Rules extend the effective period of Emergency Rules COMM 47 and NR 746 by 60 days, at the request of the Departments of Commerce and Natural Resources.

COMMITTEE MEMBER	Aye	No	Absent
1. Senator ROBSON	✓		
2. Senator GROBSCHMIDT	✓		
3. Senator SHIBLISKI	✓		
4. Senator WELCH	✓		
5. Senator DARLING	✓		
6. Representative GROTHMAN	✓		
7. Representative GUNDERSON	✓		
8. Representative SERATTI			X
9. Representative KREUSER	✓		
10. Representative BLACK	✓		
Totals			

Motion Carried

Motion Failed



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MADISON, WI 53707-7882
(608) 266-2253

P.O. Box 8952
MADISON, WI 53708-8952
(608) 264-8486

JOINT COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES

October 11, 2000

The Honorable Fred Risser
Senate President
State Capitol Building, Room 220 South
Madison, WI 53702

The Honorable Scott Jensen
Assembly Speaker
State Capitol Building, Room 211 West
Madison, WI 53702

Dear President Risser and Speaker Jensen:

The Joint Committee for the Review of Administrative Rules met in Executive Session on October 11, 2000 and adopted the following motions:

Comm 46/NR 746

Relating to PECFA.

Moved by Representative Grothman, seconded by Senator Welch that, pursuant to s. 227.24(2)(a), Stats., the Joint Committee for Review of Administrative Rules extend the effective date of Comm 46/NR 746 by 60 days, at the request of the Departments of Commerce and Natural Resources.

Ayes: (9) Representatives Grothman, Gunderson,
Black and Kreuser ; Senators Robson, Grobschmidt,
Shibilski*, Schultz and Welch.

Noes: (0)

Absent: (2) Senator Shibilski, Representative Seratti

Motion Carried: Extension Granted.

9 Ayes, 0 Noes, 2 Absent.

*voted by paper ballot

DWD 12.28

Relating to Wisconsin works disregard of year 2000 census income.

Moved by Senator Robson, seconded by Senator Welch that, pursuant to s. 227.24(2)(a), Stats., the Joint Committee for Review of Administrative Rules extend the effective date of DWD 12.28 by 57 days, at the request of the Department of Workforce Development.

Ayes: (8) Representatives Gunderson, Black
and Kreuser ; Senators Robson, Grobschmidt, Shibilski*,
Schultz and Welch.

Noes: (1) Representative Grothman

Absent: (2) Senator Shibilski, Representatives Seratti

Motion Carried: Extension Granted.

8 Ayes, 1 No, 2 Absent.

*voted by paper ballot

Chapter PSC 160

Relating to Universal Service Support Funding and Programs.

Moved by Senator Robson, seconded by Representative Grothman that, pursuant to s. 227.26(2)(d), Stats., and for the reason set forth in ss. 227.19(4)(d) 6, stats., the Joint Committee for Review of Administrative Rules suspends all the words following "providers" in Chapter PSC 160.18(10).

Ayes: (8) Representatives Grothman, Gunderson,
and Kreuser ; Senators Robson, Grobschmidt, Shibilski*, Schultz
and Welch.

Noes: (1) Representative Black

Absent: (2) Senator Shibilski, Representative Seratti

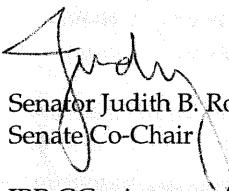
Motion Carried: Extension Granted.

8 Ayes, 1 No, 2 Absent.

*voted by paper ballot


Pursuant to s. 227.24(2)(c), stats., as treated by 1997 Wisconsin Act 185, please forward a copy of this notice to the chairperson of the standing committee in your respective house most likely to have jurisdiction over the Clearinghouse Rule corresponding to these emergency rules.

Sincerely,



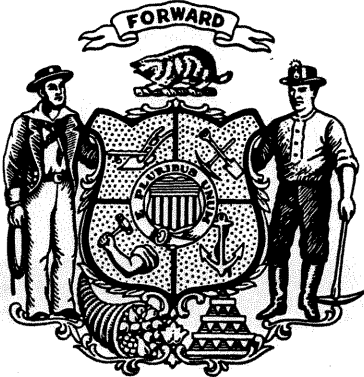
Senator Judith B. Robson
Senate Co-Chair

JBR:GG:mjg

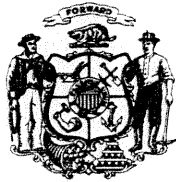


Representative Glenn Grothman
Assembly Co-Chair

END



END



Judith B. Robson
Wisconsin State Senator

June 20, 2000

BY INTER-D

Senator Robert Welch
100 North Hamilton, #404

Dear Senator Welch:

I am writing in response to your letter of June 8 regarding administrative rule Adm 43 (non-municipal electric utility public benefit fees).

This rule has not been promulgated as an emergency rule and is not currently in effect.

Instead, the Department of Administration is going through the regular rule making process. The Legislative Council Rules Clearinghouse reviewed the rule at the end of May; it has not yet been submitted to the Legislature for review.

Since the rule is not yet in effect, nor has it been submitted for legislative review, it seems premature for the JCRAR to hold a hearing and take executive action on this issue.

If you have any additional questions on the status of this rule, please do not hesitate to contact me again.

Sincerely,


Senator Judith B. Robson
15th Senate District

JBR:da



State Senator
Robert T. Welch

June 8, 2000

Senator Judith Robson, Chairperson
Joint Committee for the Review of Administrative Rules
15 South, State Capitol
Madison, WI 53703


Dear Senator Robson:

Enclosed you will find a copy of a letter I sent to Secretary George Lightbourn, expressing my objection to Chapter Adm. 43, relating to non-municipal Electric Utility Public Benefits Fees.

This "public benefits fee" is nothing more than a thinly disguised tax. Imposing it on consumers in this manner is another blatant misuse of the emergency rules process. I would respectfully request that you place this rule on the agenda for the June 21, 2000, Joint Committee for the Review of Administrative Rules meeting.

Please feel free to call me if you have any questions.

Sincerely,



ROBERT T. WELCH
Wisconsin State Senator
14th Senate District

Enclosure



State Senator
Robert T. Welch

June 8, 2000

Secretary George Lightbourn
Department of Administration
P.O. Box 7864
Madison, WI 53707

George
Dear Secretary Lightbourn:

I am writing to express my objection to Chapter Adm. 43, relating to non-municipal Electric Utility Public Benefits Fees.

This "public benefits fee" is nothing more than a thinly disguised tax, and I feel that imposing it on consumers in this manner is a blatant misuse of the emergency rules process. I will be registering my objection to this fee at the public hearing on June 16th, 2000, and I will also be calling on the Chairpersons of the Joint Committee for the Review of Administrative Rules to place this rule in front of the full committee.

Please feel free to call me if you have any questions.

Sincerely,

A handwritten signature in cursive script, appearing to read "R. Welch".

ROBERT T. WELCH
Wisconsin State Senator
14th Senate District

cc: Governor Tommy G. Thompson
Members of the Joint Committee for the Review of Administrative Rules
Speaker Scott Jensen
Senate President Fred Risser