

2007 DRAFTING REQUEST

Bill

Received: **09/21/2006**

Received By: **rryan**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget**

By/Representing: **Rhodes**

This file may be shown to any legislator: **NO**

Drafter: **rryan**

May Contact:

Addl. Drafters:

Subject: **Health - miscellaneous**

Extra Copies:

Submit via email: **NO**

Pre Topic:

DOA:.....Rhodes, BB0005 -

Topic:

Parental fee for children's waiver program

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?				_____			S&L
/1	rryan 10/17/2006	csicilia 10/19/2006	nmatzke 10/20/2006	_____	lparisi 10/20/2006		S&L
	rryan 11/29/2006	csicilia 12/01/2006		_____			
/2	rryan 01/30/2007	jdyer 01/30/2007	rschluet 12/01/2006	_____	sbasford 12/01/2006		S&L
/3			nmatzke 01/30/2007	_____	cduerst 01/30/2007		

FE Sent For:

<END>

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/1	rryan 10/17/2006 rryan 11/29/2006	csicilia 10/19/2006 csicilia 12/01/2006	nmatzke 10/20/2006		lparisi 10/20/2006		S&L
/2		13/30 jld	rschluet 12/01/2006 nwn 1/30		sbasford 12/01/2006		

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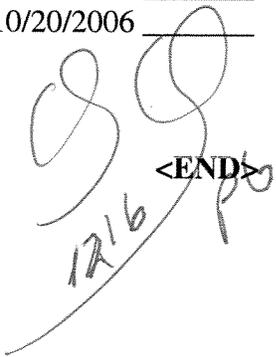
Instructions:

See Attached

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/?				_____			S&L
/1	rryan 10/17/2006	csicilia 10/19/2006	nmatzke 10/20/2006	_____	lparisi 10/20/2006		

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May Contact:

Addl. Drafters:

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Extra Copies:

Submit via email: **YES**

Requester's email:

Carbon copy (CC:) to:

Pre Topic:

DOA:.....Rhodes, BB0005 -

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Parental fee for children's waiver program

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/?	rryan	1 cjs 10/19 07	nwn 10/19	nwn/jf 10/20			S&L

FE Sent For:

<END>

2007-09 Budget Bill Statutory Language Drafting Request

- Topic: Parental Fee in Children's Waiver
- Tracking Code: BB0005
- SBO team: Health and Insurance
- SBO analyst: Dennis Rhodes
 - Phone: 6-2288
 - Email: dennis.rhodes@wisconsin.gov
- Agency acronym: DHFS
- Agency number: 435
- Priority: Medium

Parental Fee in Children's Waiver

Current Language

Appropriation language under s. 20.435 (7)(h) allows the Department to receive and spend parental fee revenues collected from the children's long term care waivers. The statute does not differentiate between parental fees collected from state or locally funded children's waiver slots. Parental fees from state-funded slots are remitted to the Department to help fund service costs of the program.

Proposed Change

Amend the statute to read as follows:

S. 20.435 (7)(h) Disabled children long-term support waiver. All moneys received under ss. 46.03 (18) and 46.10 for placements funded under s. 20.435 (4)(b) for services for children reimbursed under a waiver under s. 46.27 (11), 46.275, or 46.278 or the waiver requested under 2001 Wisconsin Act 16, section 9123 (16rs), or 2003 Wisconsin Act 33, section 9124 (8c), less the amounts appropriated under sub. (6) (gc), for distribution to counties according to a formula developed by the department as a portion of the state share of payments for services for children under the waiver under s. 46.278 or the waiver requested under 2001 Wisconsin Act 16, section 9123 (16rs), or 2003 Wisconsin Act 33, section 9124 (8c).

Background and Rationale for the Change

The 2003-2005 biennial budget provided GPR and FED funding for intensive, in-home autism services under the Children's home and community based waiver. This budget item also assumed that the Department would implement a parental fee for all children's long term support programs in order to reduce GPR costs. The budget assumed that only parental fees associated with state funded placements would be retained by the State. Appropriations s. 20.435 (6) (gc) and s. 20.435 (7) (h) were created to accept these revenues. The budget did not assume that any revenue from locally funded slots would be retained at the state level to fund costs under the program.

This modification clarifies that parental fees for locally funded slots do not have to be deposited into appropriations s.20.435 (6)(gc) or s.20.435 (7)(h), which is consistent with DHFS policy. The portion of the parental fee related to the non-federal share of a locally-funded children's waiver slot is retained by counties to reduce the counties' share of program costs.

Desired Effective Date: Upon Passage of Bill
Agency: DHFS
Agency Contact: Seng Vang
Phone: 267-0356

LRB-0336

Phone call with Andy Forsyth
10/12/06

Counties report fee revenues for
both state and local slots in
CARS

DHFS figures out which fee revenue
associated with state vs. local slots
For state slots, DHFS reallocates money
to (7(h)) appropriation and reduces
reimbursement to county.

DHFS fiscal services argues that
statutes don't say that fee
revenue from local slots should
be treated differently from
fee revenue from state slots

Program name? Disabled Children of
Long Term Support
Program

✓ In 10/17/06

gjs

DOA:.....Rhodes, BB0005 - Parental fee for children's waiver program

FOR 2007-09 BUDGET -- NOT READY FOR INTRODUCTION

RMR
Δ-note

SA ✓

- Do NOT Gen Cat

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

MEDICAL ASSISTANCE

Under current law, DHFS imposes fees for various services provided by DHFS or by county departments of social services, community programs, or developmental disabilities services. The fee revenues are generally credited to DHFS. This bill provides that a county may retain fees collected for certain long-term support services for disabled children that the county provides without state funding.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

2 SECTION 1. 20.435 (6) (gc) of the statutes is amended to read:

3 20.435 (6) (gc) *Disabled children long-term support waiver; state operations.*

4 From all moneys received under ss. 46.03 (18) and 46.10 for services for children

↑ as defined in

1 reimbursed under a waiver under s. 46.27 (11), 46.275, or 46.278 or the waiver
 2 requested under ~~2001 Wisconsin Act 16, section 9123 (16rs) or 2003 Wisconsin Act~~
 3 ~~33, section 9124 (8e)~~ provided under the disabled children and long-term support
 4 program under s. 46.011 (1g), the amounts in the schedule for collection of moneys
 5 received under ss. 46.03 (18) and 46.10 for services for children reimbursed under a
 6 waiver under s. 46.27 (11), 46.275, or 46.278 or the waiver requested under ~~2001~~
 7 ~~Wisconsin Act 16, section 9123 (16rs) or 2003 Wisconsin Act 33, section 9124 (8e)~~
 8 provided under the disabled children and long-term support program.

History: 1971 c. 125 ss. 138 to 155, 522 (1); 1971 c. 211, 215, 302, 307, 322; 1973 c. 90, 198, 243; 1973 c. 284 s. 32; 1973 c. 308, 321, 322, 333, 336; 1975 c. 39 ss. 153 to 173, 732 (1), (2); 1975 c. 41 s. 52; 1975 c. 82, 224, 292; 1975 c. 413 s. 18; 1975 c. 422, 423; 1975 c. 430 ss. 1, 2, 80; 1977 c. 29 ss. 236 to 273, 1657 (18); 1977 c. 112; 1977 c. 203 s. 106; 1977 c. 213, 233, 327; 1977 c. 354 s. 101; 1977 c. 359; 1977 c. 418 ss. 129 to 137, 924 (18) (d), 929 (55); 1977 c. 428 s. 115; 1977 c. 447; 1979 c. 32 s. 92 (11); 1979 c. 34, 48; 1979 c. 102 s. 237; 1979 c. 111, 175, 177; 1979 c. 221 ss. 118g to 133, 2202 (20); 1979 c. 238, 300, 331, 361; 1981 c. 20 ss. 301 to 356b, 2202 (20) (b), (d), (g); 1981 c. 93 ss. 3 to 8, 186; 1981 c. 298, 314, 317, 359, 390; 1983 a. 27 ss. 318 to 410, 2202 (20); 1983 a. 192, 199, 245; 1983 a. 333 s. 6; 1983 a. 363, 398, 410, 427; 1983 a. 435 ss. 2, 3, 7; 1983 a. 538; 1985 a. 24, 29, 56, 73, 120, 154, 176, 255, 281, 285, 332; 1987 a. 27, 339, 368, 398, 399, 402; 1987 a. 403 ss. 25, 256; 1987 a. 413; 1989 a. 31, 53; 1989 a. 56 ss. 13, 259; 1989 a. 102; 1989 a. 107 ss. 11, 13, 17 to 37; 1989 a. 120, 122, 173, 199, 202, 318, 336, 359; 1991 a. 6, 39, 189, 269, 275, 290, 315, 322; 1993 a. 16, 27, 76, 98, 99, 168, 183, 377, 437, 445, 446, 450, 469, 479, 490, 491; 1995 a. 27 ss. 806 to 961r, 9126 (19); 1995 a. 77, 98; 1995 a. 216 ss. 26, 27; 1995 a. 266, 276, 289, 303, 404, 417, 440, 448, 464, 468; 1997 a. 27 ss. 211, 214, 216, 217, 527 to 609; 1997 a. 35, 105, 231, 237, 280, 293; 1999 a. 5, 9, 32, 52, 84, 103, 109, 113, 133, 185, 186; 2001 a. 16, 69, 103, 105; 2003 a. 33, 139, 186, 318, 320, 326, 327; 2005 a. 15, 22; 2005 a. 25 ss. 299 to 331, 2498 to 2500, 2510; 2005 a. 74, 107, 199, 228, 264, 388, 406, 434.

History: 1971 c. 125 ss. 138 to 155, 522 (1); 1971 c. 211, 215, 302, 307, 322; 1973 c. 90, 198, 243; 1973 c. 284 s. 32; 1973 c. 308, 321, 322, 333, 336; 1975 c. 39 ss. 153 to 173, 732 (1), (2); 1975 c. 41 s. 52; 1975 c. 82, 224, 292; 1975 c. 413 s. 18; 1975 c. 422, 423; 1975 c. 430 ss. 1, 2, 80; 1977 c. 29 ss. 236 to 273, 1657 (18); 1977 c. 112; 1977 c. 203 s. 106; 1977 c. 213, 233, 327; 1977 c. 354 s. 101; 1977 c. 359; 1977 c. 418 ss. 129 to 137, 924 (18) (d), 929 (55); 1977 c. 428 s. 115; 1977 c. 447; 1979 c. 32 s. 92 (11); 1979 c. 34, 48; 1979 c. 102 s. 237; 1979 c. 111, 175, 177; 1979 c. 221 ss. 118g to 133, 2202 (20); 1979 c. 238, 300, 331, 361; 1981 c. 20 ss. 301 to 356b, 2202 (20) (b), (d), (g); 1981 c. 93 ss. 3 to 8, 186; 1981 c. 298, 314, 317, 359, 390; 1983 a. 27 ss. 318 to 410, 2202 (20); 1983 a. 192, 199, 245; 1983 a. 333 s. 6; 1983 a. 363, 398, 410, 427; 1983 a. 435 ss. 2, 3, 7; 1983 a. 538; 1985 a. 24, 29, 56, 73, 120, 154, 176, 255, 281, 285, 332; 1987 a. 27, 339, 368, 398, 399, 402; 1987 a. 403 ss. 25, 256; 1987 a. 413; 1989 a. 31, 53; 1989 a. 56 ss. 13, 259; 1989 a. 102; 1989 a. 107 ss. 11, 13, 17 to 37; 1989 a. 120, 122, 173, 199, 202, 318, 336, 359; 1991 a. 6, 39, 189, 269, 275, 290, 315, 322; 1993 a. 16, 27, 76, 98, 99, 168, 183, 377, 437, 445, 446, 450, 469, 479, 490, 491; 1995 a. 27 ss. 806 to 961r, 9126 (19); 1995 a. 77, 98; 1995 a. 216 ss. 26, 27; 1995 a. 266, 276, 289, 303, 404, 417, 440, 448, 464, 468; 1997 a. 27 ss. 211, 214, 216, 217, 527 to 609; 1997 a. 35, 105, 231, 237, 280, 293; 1999 a. 5, 9, 32, 52, 84, 103, 109, 113, 133, 185, 186; 2001 a. 16, 69, 103, 105; 2003 a. 33, 139, 186, 318, 320, 326, 327; 2005 a. 15, 22; 2005 a. 25 ss. 299 to 331, 2498 to 2500, 2510; 2005 a. 74, 107, 199, 228, 264, 388, 406, 434.

9 **SECTION 2.** 20.435 (7) (h) of the statutes is amended to read:

10 20.435 (7) (h) *Disabled children long-term support waiver.* All moneys received
 11 under ss. 46.03 (18) and 46.10 for services for children reimbursed under a waiver
 12 under s. 46.27 (11), 46.275, or 46.278 or the waiver requested under ~~2001 Wisconsin~~
 13 ~~Act 16, section 9123 (16rs), or 2003 Wisconsin Act 33, section 9124 (8e)~~ provided
 14 under the disabled children and long-term support program under s. 46.011 (1g),
 15 less the amounts appropriated under sub. (6) (gc), for distribution to counties
 16 according to a formula developed by the department as a portion of the state share
 17 of payments for services for children under the waiver under s. 46.278 or the waiver
 18 requested under ~~2001 Wisconsin Act 16, section 9123 (16rs), or 2003 Wisconsin Act~~

↑ as defined in

1 33, section 9124 (8e) for services provided under the disabled children and long-term
 2 support program.

History: 1971 c. 125 ss. 138 to 155, 522 (1); 1971 c. 211, 215, 302, 307, 322; 1973 c. 90, 198, 243; 1973 c. 284 s. 32; 1973 c. 308, 321, 322, 333, 336; 1975 c. 39 ss. 153 to 173, 732 (1), (2); 1975 c. 41 s. 52; 1975 c. 82, 224, 292; 1975 c. 413 s. 18; 1975 c. 422, 423; 1975 c. 430 ss. 1, 2, 80; 1977 c. 29 ss. 236 to 273, 1657 (18); 1977 c. 112; 1977 c. 203 s. 106; 1977 c. 213, 233, 327; 1977 c. 354 s. 101; 1977 c. 359; 1977 c. 418 ss. 129 to 137, 924 (18) (d), 929 (55); 1977 c. 428 s. 115; 1977 c. 447; 1979 c. 32 s. 92 (11); 1979 c. 34, 48; 1979 c. 102 s. 237; 1979 c. 111, 175, 177; 1979 c. 221 ss. 118g to 133, 2202 (20); 1979 c. 238, 300, 331, 361; 1981 c. 20 ss. 301 to 356b, 2202 (20) (b), (d), (g); 1981 c. 93 ss. 3 to 8, 186; 1981 c. 298, 314, 317, 359, 390; 1983 a. 27 ss. 318 to 410, 2202 (20); 1983 a. 192, 199, 245; 1983 a. 333 s. 6; 1983 a. 363, 398, 410, 427; 1983 a. 435 ss. 2, 3, 7; 1983 a. 538; 1985 a. 24, 29, 56, 73, 120, 154, 176, 255, 281, 285, 332; 1987 a. 27, 339, 368, 398, 399, 402; 1987 a. 403 ss. 25, 256; 1987 a. 413; 1989 a. 31, 53; 1989 a. 56 ss. 13, 259; 1989 a. 102; 1989 a. 107 ss. 11, 13, 17 to 37; 1989 a. 120, 122, 173, 199, 202, 318, 336, 359; 1991 a. 6, 39, 189, 269, 275, 290, 315, 322; 1993 a. 16, 27, 76, 98, 99, 168, 183, 377, 437, 445, 446, 450, 469, 479, 490, 491; 1995 a. 27 ss. 806 to 961r, 9126 (19); 1995 a. 77, 98; 1995 a. 216 ss. 26, 27; 1995 a. 266, 276, 289, 303, 404, 417, 440, 448, 464, 468; 1997 a. 27 ss. 211, 214, 216, 217, 527 to 609; 1997 a. 35, 105, 231, 237, 280, 293; 1999 a. 5, 9, 32, 52, 84, 103, 109, 113, 133, 185, 186; 2001 a. 16, 69, 103, 105; 2003 a. 33, 139, 186, 318, 320, 326, 327; 2005 a. 15, 22; 2005 a. 25 ss. 299 to 331, 2498 to 2500, 2510; 2005 a. 74, 107, 199, 228, 264, 388, 406, 434.

3 **SECTION 3.** 46.011 (1g) of the statutes is created to read:

4 46.011 (1g) “Disabled children and long-term support program” means the
 5 programs described under 2001 Wisconsin Act 16, section 9123 (16rs), and 2003
 6 Wisconsin Act 33, section 9124 (8c).

****NOTE: Is “disabled children and long-term support program” the appropriate name? Should program be plural?

7 **SECTION 4.** 46.03 (18) (ar) of the statutes is created to read:

8 46.03 (18) (ar) A county may retain fees that it collects under this subsection
 9 for services the county provides without state funding under the disabled children
 10 and long-term support program.

11 **SECTION 5.** 46.10 (16) of the statutes is amended to read:

12 46.10 (16) The department shall delegate to county departments under ss.
 13 51.42 and 51.437 or the local providers of care and services meeting the standards
 14 established by the department under s. 46.036, the responsibilities vested in the
 15 department under this section for collection of patient fees for services other than
 16 those provided at state facilities or, those provided to children that are reimbursed
 17 under a waiver under s. 46.27 (11), 46.275, ^{strike 2nd comma} 46.278, or 46.2785, or a waiver requested
 18 under ~~2001 Wisconsin Act 16, section 9123 (16rs), or 2003 Wisconsin Act 33, section~~
 19 ~~9124 (8e), those provided under the disabled children and long-term support~~
 20 ~~program~~ if the county departments or providers meet the conditions that the
 21 department determines are appropriate. The department may delegate to county

1 departments under ss. 51.42 and 51.437 the responsibilities vested in the
 2 department under this section for collection of patient fees for services provided at
 3 the state facilities if the necessary conditions are met.

History: 1971 c. 125; 1971 c. 213 s. 5; 1973 c. 90 ss. 223, 223m, 560 (3); 1973 c. 198, 333; 1975 c. 39 ss. 347 to 350, 734; 1975 c. 41, 94; 1975 c. 189 s. 99 (2); 1975 c. 198, 199, 224; 1975 c. 413 s. 18; 1975 c. 428; 1975 c. 430 ss. 6, 80; 1977 c. 29, 203; 1977 c. 418 ss. 294 to 295, 924 (50), 929 (18); 1977 c. 447 s. 206; 1977 c. 449 ss. 75, 497; 1979 c. 34; 1979 c. 102 ss. 236 (4), 237; 1979 c. 117, 221, 331; 1981 c. 20 ss. 755 to 758, 2202 (20) (i), (n); 1981 c. 81; 1983 a. 27 ss. 955m, 2202 (20); 1985 a. 29, 176, 281, 332; 1987 a. 307; 1989 a. 31, 56, 96, 212; 1991 a. 39, 221, 315, 316; 1993 a. 16, 27, 385, 437, 446, 479, 481; 1995 a. 27 ss. 2054, 2055, 9130 (4); 1995 a. 77, 224, 404; 1997 a. 3, 27, 35, 237, 308; 1999 a. 9, 103; 2001 a. 16, 59, 103; 2003 a. 33; 2005 a. 25, 264, 434; s. 13.93 (2) (c).

4
 *****NOTE: Do you want to amend this subsection to reflect that DHFS delegates to counties the authority to collect fees for the disabled children and long-term support program?

5 **SECTION 6.** 49.46 (2) (b) 8. of the statutes is amended to read:

6 49.46 (2) (b) 8. Home or community-based services, if provided under s. 46.27
 7 (11), 46.275, 46.277, 46.278, or 46.2785, under the family care benefit if a waiver is
 8 in effect under s. 46.281 (1) (c), or under a waiver requested under 2001 Wisconsin
 9 Act 16, section 9123 (16rs), or 2003 Wisconsin Act 33, section 9124 (8c) the disabled
 10 children and long-term support program, as defined in s. 46.011 (1g).

History: 1971 c. 125, 211, 215; 1973 c. 90, 147; 1975 c. 39; 1977 c. 29 ss. 592m, 1656 (18); 1977 c. 389, 418; 1979 c. 34, 221; 1981 c. 20, 93, 317; 1983 a. 27; 1983 a. 189 s. 329 (5); 1983 a. 245 ss. 10, 15; 1983 a. 538; 1985 a. 29, 120, 176, 253; 1987 a. 27, 307, 339, 399, 413; 1989 a. 9; 1989 a. 31 ss. 1454d to 1460 and 2909g, 2909i; 1989 a. 122, 173, 333, 336, 351; 1991 a. 39, 178, 269, 316; 1993 a. 16, 99, 269, 277, 446, 450, 491; 1995 a. 27, 77, 164, 289, 303, 457; 1997 a. 27, 35, 105, 237; 1999 a. 9; 2001 a. 16; 2003 a. 33; 2005 a. 25, 253.

11 **SECTION 7.** 149.12 (2) (g) 3. of the statutes is amended to read:

12 149.12 (2) (g) 3. Services provided under a waiver requested under 2001
 13 Wisconsin Act 16, section 9123 (16rs), or 2003 Wisconsin Act 33, section 9124 (8c) the
 14 disabled children and long-term support program, as defined in s. 46.011 (1g).

History: 1979 c. 313; 1983 a. 27, 215; 1985 a. 29, 73; 1987 a. 27, 70, 239; 1989 a. 201 s. 36; 1989 a. 332, 359; 1991 a. 39, 250; 1993 a. 27; 1995 a. 27, 407; 1997 a. 27 ss. 3025f, 4826 to 4831e; Stats. 1997 s. 149.12; 1999 a. 9; 2005 a. 74.

(END)

PLAIN

D-note

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0336/1dn

RLR:j:...

ys

✓
Dennis Rhodes and Seng Vang:

I created a definition for the “disabled children and long-term support program” so that we do not have to continually reference the 2001 and 2003 act sections under which the programs are created. ✓

Robin Ryan
Legislative Attorney
Phone: (608) 261-6927
E-mail: robin.ryan@legis.wisconsin.gov

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0336/1dn
RLR:cjs:nwn

October 19, 2006

Dennis Rhodes and Seng Vang:

I created a definition for the "disabled children and long-term support program" so that we do not have to continually reference the 2001 and 2003 act sections under which the programs are created.

Robin Ryan
Legislative Attorney
Phone: (608) 261-6927
E-mail: robin.ryan@legis.wisconsin.gov

Ryan, Robin

From: Vang, Seng [VangS@dhfs.state.wi.us]
Sent: Friday, November 03, 2006 11:06 AM
To: Ryan, Robin; [wisconsin.gov]; dennis.rhodes
Cc: Claridge, Mary; Krzewina, Mary Jane; Forsaith, Andrew; Lorence, Catherine
Subject: [Possible Spam] Re: FW: LRB Draft: 07-0336/1 Parental fee for children's waiver program
Importance: Low

Dennis and Robin:

We have reviewed the parental fee draft and have the following comments:

1. In the newly created Section 3. 46.011 (1g) [page 2, line 22] the title should be "Disabled Children's Long-Term Support Program." Please note the possessive "s" in children and the removal of the "and." On a related note, please strike the "and" from subsequent references to the title: page 3, line 13; page 4, line 2 and line 6.
2. Please do not amend section 5, regarding delegation of collection authority to counties.

Thank you for your help.

Seng Vang
DHFS, OSF
267-0356
(F) 267-0358

* * * * *

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Use and further disclosure of the information by the recipient must be consistent with applicable laws, regulations and agreements. If you received this email in error, please notify the sender; delete the email; and do not use, disclose or store the information it contains.

>>> "Rhodes, Dennis - DOA" <dennis.rhodes@wisconsin.gov> 10/30/06 1:39
>>> PM
>>>
Seng,

Sorry I missed this in my in box. Do you know what the outcome of the discussions were with Robin about her concern about the appropriateness of the fee language?

From: Natzke, Noah [mailto:Noah.Natzke@legis.wisconsin.gov]
Sent: Friday, October 20, 2006 11:51 AM
To: Rhodes, Dennis - DOA
Cc: Johnston, James - DOA; Hanaman, Cathlene; Palchik, Laurie A - DOA
Subject: LRB Draft: 07-0336/1 Parental fee for children's waiver program

Following is the PDF version of draft 07-0336/1.



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-0336/1 ²
RLR:cjs:nwn
1
stays

In 11/29/06

DOA:.....Rhodes, BB0005 - Parental fee for children's waiver program
FOR 2007-09 BUDGET -- NOT READY FOR INTRODUCTION

RMNR
B-note

Do NOT Gen Cat

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MEDICAL ASSISTANCE

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For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

2 SECTION 1. 20.435 (6) (gc) of the statutes is amended to read:

3 20.435 (6) (gc) Disabled ^{children's} ~~children~~ long-term support ^{waivers} ~~waiver~~; state operations.

4 From all moneys received under ss. 46.03 (18) and 46.10 for services for children

1 reimbursed under a waiver under s. 46.27 (11), 46.275, or 46.278 or the waiver
 2 requested under 2001 Wisconsin Act 16, section 9123 (16rs) or 2003 Wisconsin Act
 3 33, section 9124 (8e) provided under the disabled children and long-term support
 4 program, as defined in s. 46.011 (1g), the amounts in the schedule for collection of
 5 moneys received under ss. 46.03 (18) and 46.10 for services for children reimbursed
 6 under a waiver under s. 46.27 (11), 46.275, or 46.278 or the waiver requested under
 7 2001 Wisconsin Act 16, section 9123 (16rs) or 2003 Wisconsin Act 33, section 9124
 8 (8e) provided under the disabled children and long-term support program.

FWS note: bud →

SECTION 2. 20.435 (7) (h) of the statutes is amended to read:

10 20.435 (7) (h) *Disabled children long-term support waiver* All moneys received
 11 under ss. 46.03 (18) and 46.10 for services for children reimbursed under a waiver
 12 under s. 46.27 (11), 46.275, or 46.278 or the waiver requested under 2001 Wisconsin
 13 Act 16, section 9123 (16rs), or 2003 Wisconsin Act 33, section 9124 (8e) provided
 14 under the disabled children and long-term support program, as defined in s. 46.011
 15 (1g), less the amounts appropriated under sub. (6) (gc), for distribution to counties
 16 according to a formula developed by the department as a portion of the state share
 17 of payments for services for children under the waiver under s. 46.278 or the waiver
 18 requested under 2001 Wisconsin Act 16, section 9123 (16rs), or 2003 Wisconsin Act
 19 33, section 9124 (8e) for services provided under the disabled children and long-term
 20 support program.

FWS note: bud →

SECTION 3. 46.011 (1g) of the statutes is created to read:

22 46.011 (1g) "Disabled children and long-term support program" means the
 23 programs described under 2001 Wisconsin Act 16, section 9123 (16rs), and 2003
 24 Wisconsin Act 33, section 9124 (8c).

****NOTE: Is "disabled children and long-term support program" the appropriate name? Should program be plural?

1 **SECTION 4.** 46.03 (18) (ar) of the statutes is created to read:

2 46.03 (18) (ar) A county may retain fees that it collects under this subsection

3 for services the county provides without state funding under the disabled children

4 and long-term support program.

5 **SECTION 5.** 46.10 (16) of the statutes is amended to read:

6 46.10 (16) The department shall delegate to county departments under ss.

7 51.42 and 51.437 or the local providers of care and services meeting the standards

8 established by the department under s. 46.036, the responsibilities vested in the

9 department under this section for collection of patient fees for services other than

10 those provided at state facilities or, those provided to children that are reimbursed

11 under a waiver under s. 46.27 (11), 46.275,, 46.278, or 46.2785, or a waiver requested

12 under 2001 Wisconsin Act 16, section 9123 (16rs), or 2003 Wisconsin Act 33, section

13 9124 (8e), those provided under the disabled children and long-term support

14 program if the county departments or providers meet the conditions that the

15 department determines are appropriate. The department may delegate to county

16 departments under ss. 51.42 and 51.437 the responsibilities vested in the

17 department under this section for collection of patient fees for services provided at

18 the state facilities if the necessary conditions are met.

****NOTE: Do you want to amend this subsection to reflect that DHFS delegates to counties the authority to collect fees for the disabled children and long-term support program?

19 **SECTION 6.** 49.46 (2) (b) 8. of the statutes is amended to read:

20 49.46 (2) (b) 8. Home or community-based services, if provided under s. 46.27

21 (11), 46.275, 46.277, 46.278, or 46.2785, under the family care benefit if a waiver is

22 in effect under s. 46.281 (1) (c), or under ~~a waiver requested under 2001 Wisconsin~~

1 ~~Act 16, section 9123 (16rs), or 2003 Wisconsin Act 33, section 9124 (8c) the disabled~~
2 ~~children and long-term support program, as defined in s. 46.011 (1g).~~

3 SECTION 7. 149.12 (2) (g) 3. of the statutes is amended to read:

4 149.12 (2) (g) 3. Services provided under ~~a waiver requested under 2001~~
5 ~~Wisconsin Act 16, section 9123 (16rs), or 2003 Wisconsin Act 33, section 9124 (8c) the~~
6 ~~disabled children and long-term support program, as defined in s. 46.011 (1g).~~

7 (END)

D-Note

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0336/2dn

RLR:./:....

1
gjs

Dennis Rhodes:

As requested by DHFS, I redrafted this bill to change the name of the disabled children's long-term support program.

Robin Ryan
Legislative Attorney
Phone: (608) 261-6927
E-mail: robin.ryan@legis.wisconsin.gov

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0336/2dn
RLR:cjs:rs

December 1, 2006

Dennis Rhodes:

As requested by DHFS, I redrafted this bill to change the name of the disabled children's long-term support program.

Robin Ryan
Legislative Attorney
Phone: (608) 261-6927
E-mail: robin.ryan@legis.wisconsin.gov



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-0336/2

RLR:cjs:rs

1/30/07

RMMR
D-N

DOA:.....Rhodes, BB0005 - Parental fee for children's waiver program

FOR 2007-09 BUDGET -- NOT READY FOR INTRODUCTION

don't gen

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

MEDICAL ASSISTANCE

Under current law, DHFS imposes fees for various services provided by DHFS or by county departments of social services, community programs, or developmental disabilities services. The fee revenues are generally credited to DHFS. This bill provides that a county may retain fees collected for certain long-term support services for disabled children that the county provides without state funding.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

2 SECTION 1. 20.435 (6) (gc) of the statutes is amended to read:

3 20.435 (6) (gc) *Disabled children children's long-term support waiver waivers;*

4 *state operations.* From all moneys received under ss. 46.03 (18) and 46.10 for services

1 for children reimbursed under a waiver under s. 46.27 (11), 46.275, or 46.278 or the
2 ~~waiver requested under 2001 Wisconsin Act 16, section 9123 (16rs) or 2003~~
3 ~~Wisconsin Act 33, section 9124 (8e) provided under the disabled children's long-term~~
4 ~~support program, as defined in s. 46.011 (1g), the amounts in the schedule for~~
5 collection of moneys received under ss. 46.03 (18) and 46.10 for services for children
6 reimbursed under a waiver under s. 46.27 (11), 46.275, or 46.278 or the waiver
7 requested under 2001 Wisconsin Act 16, section 9123 (16rs) or 2003 Wisconsin Act
8 33, section 9124 (8e) provided under the disabled children's long-term support
9 program.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

10 **SECTION 2.** 20.435 (7) (h) of the statutes is amended to read:

11 20.435 (7) (h) *Disabled ~~children~~ children's long-term support waiver waivers.*

12 All moneys received under ss. 46.03 (18) and 46.10 for services for children
13 reimbursed under a waiver under s. 46.27 (11), 46.275, or 46.278 or the waiver
14 requested under 2001 Wisconsin Act 16, section 9123 (16rs), or 2003 Wisconsin Act
15 33, section 9124 (8e) provided under the disabled children's long-term support
16 program, as defined in s. 46.011 (1g), less the amounts appropriated under sub. (6)
17 (gc), for distribution to counties according to a formula developed by the department
18 as a portion of the state share of payments for services for children under the waiver
19 under s. 46.278 or the waiver requested under 2001 Wisconsin Act 16, section 9123
20 (16rs), or 2003 Wisconsin Act 33, section 9124 (8e) for services provided under the
21 disabled children's long-term support program.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

22 **SECTION 3.** 46.011 (1g) of the statutes is created to read:

1 46.011 (1g) "Disabled children's long-term support program" means the
2 programs described under 2001 Wisconsin Act 16, section 9123 (16rs), and 2003
3 Wisconsin Act 33, section 9124 (8c).

4 **SECTION 4.** 46.03 (18) (ar) of the statutes is created to read:

5 46.03 (18) (ar) A county may retain fees that it collects under this subsection
6 for services the county provides without state funding under the disabled children's
7 long-term support program.

8 **SECTION 5.** 46.10 (16) of the statutes is amended to read:

9 46.10 (16) The department shall delegate to county departments under ss.
10 51.42 and 51.437 or the local providers of care and services meeting the standards
11 established by the department under s. 46.036, the responsibilities vested in the
12 department under this section for collection of patient fees for services other than
13 those provided at state facilities or, those provided to children that are reimbursed
14 under a waiver under s. 46.27 (11), 46.275, 46.278, or 46.2785, or a waiver requested
15 under 2001 Wisconsin Act 16, section 9123 (16rs), or 2003 Wisconsin Act 33, section
16 9124 (8c), those provided under the disabled children's long-term support program
17 if the county departments or providers meet the conditions that the department
18 determines are appropriate. The department may delegate to county departments
19 under ss. 51.42 and 51.437 the responsibilities vested in the department under this
20 section for collection of patient fees for services provided at the state facilities if the
21 necessary conditions are met.

22 **SECTION 6.** 49.46 (2) (b) 8. of the statutes is amended to read:

23 49.46 (2) (b) 8. Home or community-based services, if provided under s. 46.27
24 (11), 46.275, 46.277, 46.278, or 46.2785, under the family care benefit if a waiver is
25 in effect under s. 46.281 (1) (c), or under a waiver requested under 2001 Wisconsin

(1d)

1 ~~Act 16, section 9123 (16rs), or 2003 Wisconsin Act 33, section 9124 (8e) the disabled~~
2 ~~children's long-term support program, as defined in s. 46.011 (1g).~~

3 SECTION 7. 149.12 (2) (g) 3. of the statutes is amended to read:

4 149.12 (2) (g) 3. ~~Services provided under a waiver requested under 2001~~
5 ~~Wisconsin Act 16, section 9123 (16rs), or 2003 Wisconsin Act 33, section 9124 (8e) the~~
6 ~~disabled children's long-term support program, as defined in s. 46.011 (1g).~~

7 (END)

note:
reconciliation

NOTE: This is reconciled s. 49.46(2)(b) & or
This section has been affected
by drafts with the following
LRB numbers: ↑ 0330 and ↑ 0336.

d-note
↓

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0336/3dn

RLR:.....

date

JL

This draft reconciles LRB-0330 and LRB-0336[✓]. All of these drafts should continue to appear in the compiled bill.

Robin Ryan
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E-mail: robin.ryan@legis.wisconsin.gov

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0336/3dn
RLR:jld:nwn

January 30, 2007

This draft reconciles LRB-0330 and LRB-0336. All of these drafts should continue to appear in the compiled bill.

Robin Ryan
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State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-0336/3

RLR:cjs:nwn

DOA:.....Rhodes, BB0005 - Parental fee for children's waiver program

FOR 2007-09 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

MEDICAL ASSISTANCE

Under current law, DHFS imposes fees for various services provided by DHFS or by county departments of social services, community programs, or developmental disabilities services. The fee revenues are generally credited to DHFS. This bill provides that a county may retain fees collected for certain long-term support services for disabled children that the county provides without state funding.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

2 SECTION 1. 20.435 (6) (gc) of the statutes is amended to read:

3 20.435 (6) (gc) *Disabled children children's long-term support waiver waivers;*

4 *state operations.* From all moneys received under ss. 46.03 (18) and 46.10 for services

1 for children reimbursed under a waiver under s. 46.27 (11), 46.275, or 46.278 or the
2 ~~waiver requested under 2001 Wisconsin Act 16, section 9123 (16rs) or 2003~~
3 ~~Wisconsin Act 33, section 9124 (8e) provided under the disabled children's long-term~~
4 ~~support program, as defined in s. 46.011 (1g), the amounts in the schedule for~~
5 ~~collection of moneys received under ss. 46.03 (18) and 46.10 for services for children~~
6 ~~reimbursed under a waiver under s. 46.27 (11), 46.275, or 46.278 or the waiver~~
7 ~~requested under 2001 Wisconsin Act 16, section 9123 (16rs) or 2003 Wisconsin Act~~
8 ~~33, section 9124 (8e) provided under the disabled children's long-term support~~
9 ~~program.~~

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

10 **SECTION 2.** 20.435 (7) (h) of the statutes is amended to read:

11 20.435 (7) (h) *Disabled ~~children~~ children's long-term support waiver waivers.*

12 All moneys received under ss. 46.03 (18) and 46.10 for services for children
13 reimbursed under a waiver under s. 46.27 (11), 46.275, or 46.278 or the waiver
14 requested under 2001 Wisconsin Act 16, section 9123 (16rs), or 2003 Wisconsin Act
15 33, section 9124 (8e) provided under the disabled children's long-term support
16 program, as defined in s. 46.011 (1g), less the amounts appropriated under sub. (6)
17 (gc), for distribution to counties according to a formula developed by the department
18 as a portion of the state share of payments for services for children under the waiver
19 under s. 46.278 or the waiver requested under 2001 Wisconsin Act 16, section 9123
20 (16rs), or 2003 Wisconsin Act 33, section 9124 (8e) for services provided under the
21 disabled children's long-term support program.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

22 **SECTION 3.** 46.011 (1g) of the statutes is created to read:

1 46.011 (1g) "Disabled children's long-term support program" means the
2 programs described under 2001 Wisconsin Act 16, section 9123 (16rs), and 2003
3 Wisconsin Act 33, section 9124 (8c).

4 **SECTION 4.** 46.03 (18) (ar) of the statutes is created to read:

5 46.03 (18) (ar) A county may retain fees that it collects under this subsection
6 for services the county provides without state funding under the disabled children's
7 long-term support program.

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9 46.10 (16) The department shall delegate to county departments under ss.
10 51.42 and 51.437 or the local providers of care and services meeting the standards
11 established by the department under s. 46.036, the responsibilities vested in the
12 department under this section for collection of patient fees for services other than
13 those provided at state facilities ~~or~~, those provided to children that are reimbursed
14 under a waiver under s. 46.27 (11), 46.275, 46.278, or 46.2785, or a waiver requested
15 under ~~2001 Wisconsin Act 16, section 9123 (16rs), or 2003 Wisconsin Act 33, section~~
16 9124 (8c), those provided under the disabled children's long-term support program
17 if the county departments or providers meet the conditions that the department
18 determines are appropriate. The department may delegate to county departments
19 under ss. 51.42 and 51.437 the responsibilities vested in the department under this
20 section for collection of patient fees for services provided at the state facilities if the
21 necessary conditions are met.

22 **SECTION 6.** 49.46 (2) (b) 8. of the statutes is amended to read:

23 49.46 (2) (b) 8. Home or community-based services, if provided under s. 46.27
24 (11), 46.275, 46.277, 46.278, or 46.2785, under the family care benefit if a waiver is
25 in effect under s. 46.281 (1) (e) (1d), or under ~~a waiver requested under 2001~~

1 ~~Wisconsin Act 16, section 9123 (16rs), or 2003 Wisconsin Act 33, section 9124 (8e) the~~
2 disabled children's long-term support program, as defined in s. 46.011 (1g).

****NOTE: This is reconciled s. 49.46 (2) (b) 8. This SECTION has been affected by
drafts with the following LRB numbers: -0330 and -0336.

3 **SECTION 7.** 149.12 (2) (g) 3. of the statutes is amended to read:

4 149.12 (2) (g) 3. Services provided under ~~a waiver requested under 2001~~
5 ~~Wisconsin Act 16, section 9123 (16rs), or 2003 Wisconsin Act 33, section 9124 (8e) the~~
6 disabled children's long-term support program, as defined in s. 46.011 (1g).

7 (END)