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Senset 551-72

1 *-1313/3.17* SECTION 1653. 49.79 (1) (e) of the statutes is repealed.

2 *-1313/3.18* SECTION 1654. 49.79 (1) (g) of the statutes is created to read:

3 49.79 (1) (g) "Wisconsin Works employment position" has the meaning given
4 in s. 49.141 (1) (r).

5 *-1313/3.19* SECTION 1655. 49.79 (2) (a) of the statutes is repealed.

6 *-1313/3.20* SECTION 1656. 49.79 (2) (b) of the statutes is renumbered 49.79
7 (2).

8 *-1313/3.21* SECTION 1657. 49.79 (10) of the statutes is repealed.

9 *-1261/5.589* *-1267/P1.133* SECTION 1658. 49.81 (intro.) of the statutes is
10 amended to read:

11 **49.81 Public assistance recipients' bill of rights.** (intro.) The department
12 of health and family services, the department of ~~workforce development~~ children and
13 families, and all public assistance and relief-granting agencies shall respect rights
14 for recipients of public assistance. The rights shall include all rights guaranteed by
15 the U.S. constitution and the constitution of this state, and in addition shall include:

16 *-0905/3.70* SECTION 1659. 49.81 (4) of the statutes is amended to read:

17 49.81 (4) The right to a speedy determination of the recipient's status or
18 eligibility for public assistance, to notice of any proposed change in such status or
19 eligibility, and, in the case of assistance granted under s. 49.19, 49.46, 49.468 or,
20 49.47, or 49.471, to a speedy appeals process for resolving contested determinations.

21 *-1261/5.590* *-1267/P1.134* SECTION 1660. 49.82 (1) of the statutes is
22 amended to read:

23 49.82 (1) DEPARTMENTS TO ADVISE COUNTIES. The department of health and
24 family services and the department of ~~workforce development~~ children and families
25 shall advise all county officers charged with the administration of requirements

1 relating to public assistance programs under this chapter and shall render all
2 possible assistance in securing compliance therewith, including the preparation of
3 necessary forms and reports. The department of health and family services and the
4 department of workforce development children and families shall also publish any
5 information that those departments consider advisable to acquaint persons entitled
6 to public assistance, and the public generally, with the laws governing public
7 assistance under this chapter.

8 ***-1311/1.1* SECTION 1661.** 49.82 (2) of the statutes is renumbered 49.82 (2) (a)
9 and amended to read:

10 49.82 (2) (a) ~~Proof shall be provided~~ Except as provided in par. (b), for each
11 person included in an application for public assistance under this chapter, ~~except for~~
12 ~~a child who is eligible for medical assistance under s. 49.46 or 49.47 because of 42~~
13 ~~USC 1396a (e) (4) or an unborn child who is eligible for coverage under the Badger~~
14 ~~Care health care program under s. 49.665 (4) (ap),~~ proof shall be provided of his or
15 her social security number or that an application for a social security number has
16 been made.

17 ***-1311/1.2* SECTION 1662.** 49.82 (2) (b) of the statutes is created to read:

18 49.82 (2) (b) Paragraph (a) does not apply to any of the following:

- 19 1. A child who is eligible for medical assistance under s. 49.46 or 49.47 because
20 of 42 USC 1396a (e) (4).
- 21 2. An unborn child who is eligible for coverage under the Badger Care health
22 care program under s. 49.665 (4) (ap).
- 23 3. A person who is applying for medical assistance under subch. IV, coverage
24 under the Badger Care health care program under s. 49.665, or coverage under the
25 program for prescription drug assistance for elderly persons under s. 49.688 and who

Insert 551-7

1 SECTION 13. 49.13 (3) (c) of the statutes is renumbered 49.79 (9) (b) 3. and
2 amended to read:

3 49.79 (9) (b) 3. For the 3rd and subsequent occurrences of noncompliance, 6
4 months, or until the person complies with the work requirements under sub. (2) par.
5 (a), whichever is later.

6 SECTION 14. 49.155 (1m) (a) 3m. of the statutes is amended to read:
7 49.155 (1m) (a) 3m. Participate in a job search or work experience component
8 of the food stamp employment and training program under s. 49.13 49.79 (9).

9 SECTION 15. 49.79 (1) (b) of the statutes is repealed.

10 SECTION 16. 49.79 (1) (d) of the statutes is repealed.

11 SECTION 17. 49.79 (1) (e) of the statutes is repealed.

12 SECTION 18. 49.79 (1) (g) of the statutes is created to read:

13 49.79 (1) (g) "Wisconsin Works employment position" has the meaning given
14 in s. 49.141 (1) (r).

15 SECTION 19. 49.79 (2) (a) of the statutes is repealed.

16 SECTION 20. 49.79 (2) (b) of the statutes is renumbered 49.79 (2).

17 SECTION 21. 49.79 (9) (a) 2. of the statutes, as affected by 2007 Wisconsin Act
18 (this act), is amended to read:

19 49.79 (9) (a) 2. The department may not require an individual who is a recipient
20 under the food stamp program and who is the caretaker of a child under the age of
21 ~~12~~ 26 weeks to participate in any employment and training program under this
22 subsection.

-1313/4.21

****NOTE: This is reconciled s. 49.79 (9) (a) 2. This SECTION has been affected by drafts with the following LRB numbers: -0484 and -1313.

23 SECTION 22. 49.79 (10) of the statutes is repealed.

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1 refuses to obtain a social security number because of well-established religious
2 objections, as defined in 42 CFR 435.910 (h) (2).

3 ***-0905/3.71* SECTION 1663.** 49.82 (2) (b) 1. of the statutes, as created by 2007
4 Wisconsin Act (this act), is amended to read:

5 49.82 (2) (b) 1. A child who is eligible for medical assistance under s. 49.46 or,
6 49.47, or 49.471 because of 42 USC 1396a (e) (4).

****NOTE: This is reconciled s. 49.82 (2) (b) 1. This SECTION has been affected by
drafts with the following LRB numbers: LRB-0905 and LRB-1311.

7 ***-0905/3.72* SECTION 1664.** 49.82 (2) (b) 2. of the statutes, as created by 2007
8 Wisconsin Act (this act), is amended to read:

9 49.82 (2) (b) 2. An unborn child who is eligible for coverage under s. 49.471 or
10 the Badger Care health care program under s. 49.665 (4) (ap).

****NOTE: This is reconciled s. 49.82 (2) (b) 2. This SECTION has been affected by
drafts with the following LRB numbers: LRB-0905 and LRB-1311.

11 ***-1261/5.591* *-1267/P1.135* SECTION 1665.** 49.83 of the statutes is
12 amended to read:

13 **49.83 Limitation on giving information.** Except as provided under s. 49.32
14 (9), (10), and (10m), no person may use or disclose information concerning applicants
15 and recipients of relief funded by a relief block grant, aid to families with dependent
16 children, Wisconsin Works under ss. 49.141 to 49.161, social services, child and
17 spousal support and establishment of paternity and medical support liability
18 services under s. 49.22, or supplemental payments under s. 49.77 for any purpose not
19 connected with the administration of the programs, except that the department of
20 ~~workforce development~~ children and families may disclose such information to the
21 department of revenue for the sole purpose of administering state taxes. Any person

1 violating this section may be fined not less than \$25 nor more than \$500 or
2 imprisoned in the county jail not less than 10 days nor more than one year or both.

3 ***-0265/3.1* SECTION 1666.** 49.84 (6) of the statutes is created to read:

4 49.84 (6) (a) In this subsection, "department" means the department of health
5 and family services.

6 (b) 1. Notwithstanding any other eligibility requirements for the programs
7 specified in par. (c), unless excepted by par. (c) an applicant for or recipient under any
8 of those programs who declares himself or herself to be a citizen or national of the
9 United States shall provide, as a further condition of eligibility, satisfactory
10 documentary evidence, as provided in par. (d), that he or she is a citizen or national
11 of the United States.

12 2. An applicant shall provide the documentation at the time of application. If
13 a recipient was not required to provide documentation at the time he or she applied,
14 the recipient shall provide the documentation the first time his or her eligibility is
15 reviewed or redetermined after the effective date of this subdivision [revisor
16 inserts date]. An applicant or recipient shall be granted a reasonable time, as
17 determined by the department, to submit the documentation before his or her
18 eligibility is denied or terminated.

19 (c) The requirement to provide satisfactory documentary evidence under par.

20 (b) applies to applicants for and recipients under all of the following:

21 1. The Medical Assistance program under subch. IV, except for any of the
22 following:

23 a. An applicant or recipient who is entitled to benefits under or enrolled in any
24 part of Medicare under 42 USC 1395 et seq., as amended.

1 b. An applicant or recipient who is receiving supplemental security income
2 under 42 USC 1381 to 1383c.

3 c. A person who is eligible for medical assistance under s. 49.45 (27).

4 d. A child who is receiving medical assistance under s. 49.46 (1) (a) 13. or 49.47
5 (4) (am) 3.

6 e. A pregnant woman who is receiving medical assistance under s. 49.465.

7 2. The Badger Care health care program under s. 49.665, except for an unborn
8 child under s. 49.665 (4) (ap).

9 3. The part of the prescription drug assistance for elderly persons program
10 under s. 49.688 that is supported by a Medical Assistance waiver under 42 USC 1315
11 (a), as authorized under s. 49.688 (11).

12 (d) Satisfactory documentary evidence that an applicant or a recipient is a
13 citizen or national of the United States consists of the documents or other forms of
14 evidence specified in 42 CFR 435.407.

15 ***-0905/3.73* SECTION 1667.** 49.84 (6) (c) 1. d. of the statutes, as created by 2007
16 Wisconsin Act (this act), is amended to read:

17 49.84 (6) (c) 1. d. A child who is receiving medical assistance under s. 49.46 (1)
18 (a) 13. ~~or~~, 49.47 (4) (am) 3., or 49.471 (4) (a) 2. or (b) 2. or an unborn child receiving
19 prenatal care under s. 49.471.

 ****NOTE: This is reconciled s. 49.84 (6) (c) 1. d. This SECTION has been affected by
 drafts with the following LRB numbers: -0265 and -0905.

20 ***-0905/3.74* SECTION 1668.** 49.84 (6) (c) 1. e. of the statutes, as created by 2007
21 Wisconsin Act (this act), is amended to read:

1 49.84 (6) (a) 1. e. A pregnant woman who is receiving medical assistance under
2 s. 49.465 or a child or pregnant woman who is receiving medical assistance under s.
3 49.471 (5) (b) 1. or 2.

****NOTE: This is reconciled s. 49.84 (6) (c) 1. e. This SECTION has been affected by
drafts with the following LRB numbers: -0265 and -0905.

4 *-1261/5.592* *-1267/P1.136* SECTION 1669. 49.845 (1) of the statutes is
5 amended to read:

6 49.845 (1) FRAUD INVESTIGATION. From the appropriations under s. 20.435 (4)
7 (bn), (kz), (L), and (nn), the department of health and family services shall establish
8 a program to investigate suspected fraudulent activity on the part of recipients of
9 medical assistance under subch. IV, food stamp benefits under the food stamp
10 program under 7 USC 2011 to 2036, supplemental security income payments under
11 s. 49.77, payments for the support of children of supplemental security income
12 recipients under s. 49.775, and health care benefits under the Badger Care health
13 care program under s. 49.665 and, if the department of workforce development
14 children and families contracts with the department of health and family services
15 under sub. (4), on the part of recipients of aid to families with dependent children
16 under s. 49.19 and participants in the Wisconsin Works program under ss. 49.141 to
17 49.161. The activities of the department of health and family services under this
18 subsection may include comparisons of information provided to the department by
19 an applicant and information provided by the applicant to other federal, state, and
20 local agencies, development of an advisory welfare investigation prosecution
21 standard, and provision of funds to county departments under ss. 46.215, 46.22, and
22 46.23 and to Wisconsin Works agencies to encourage activities to detect fraud. The

1 department of health and family services shall cooperate with district attorneys
2 regarding fraud prosecutions.

3 ***-1261/5.593* *-1267/P1.137* SECTION 1670.** 49.845 (2) of the statutes is
4 amended to read:

5 49.845 (2) STATE ERROR REDUCTION ACTIVITIES. The department of health and
6 family services shall conduct activities to reduce payment errors in the Medical
7 Assistance program under subch. IV, the food stamp program under 7 USC 2011 to
8 2036, the supplemental security income payments program under s. 49.77, the
9 program providing payments for the support of children of supplemental security
10 income recipients under s. 49.775, and the Badger Care health care program under
11 s. 49.665 and, if the department of ~~workforce development~~ children and families
12 contracts with the department of health and family services under sub. (4), in
13 Wisconsin Works under ss. 49.141 to 49.161.

14 ***-1261/5.594* *-1267/P1.138* SECTION 1671.** 49.845 (3) of the statutes is
15 amended to read:

16 49.845 (3) WISCONSIN WORKS AGENCY ERROR REDUCTION. If the department of
17 ~~workforce development~~ children and families contracts with the department of
18 health and family services under sub. (4), the department of health and family
19 services shall provide funds from the appropriation under s. 20.435 (4) (kz) to
20 Wisconsin Works agencies to offset the administrative costs of reducing payment
21 errors in Wisconsin Works under ss. 49.141 to 49.161.

22 ***-1261/5.595* *-1267/P1.139* SECTION 1672.** 49.845 (4) of the statutes is
23 amended to read:

24 49.845 (4) CONTRACT FOR WISCONSIN WORKS. Notwithstanding s. 49.197 (1m)
25 and (3), the department of ~~workforce development~~ children and families may

1 contract with the department of health and family services to investigate suspected
2 fraudulent activity on the part of recipients of aid to families with dependent
3 children under s. 49.19 and participants in Wisconsin Works under ss. 49.141 to
4 49.161 and to conduct activities to reduce payment errors in Wisconsin Works under
5 ss. 49.141 to 49.161, as provided in this section.

6 ***-1261/5.596*** ***-1267/P1.140*** **SECTION 1673.** 49.85 (1) of the statutes is
7 amended to read:

8 49.85 (1) DEPARTMENT NOTIFICATION REQUIREMENT. If a county department under
9 s. 46.215, 46.22, or 46.23 or a governing body of a federally recognized American
10 Indian tribe or band determines that the department of health and family services
11 may recover an amount under s. 49.497, 49.793, or 49.847, or that the department
12 of workforce development children and families may recover an amount under s.
13 49.161 or 49.195 (3) or collect an amount under s. 49.147 (6) (cm), the county
14 department or governing body shall notify the affected department of the
15 determination. If a Wisconsin Works agency determines that the department of
16 workforce development children and families may recover an amount under s. 49.161
17 or 49.195 (3), or collect an amount under s. 49.147 (6) (cm), the Wisconsin Works
18 agency shall notify the department of workforce development children and families
19 of the determination.

20 ***-1261/5.597*** ***-1267/P1.141*** **SECTION 1674.** 49.85 (2) (b) of the statutes is
21 amended to read:

22 49.85 (2) (b) At least annually, the department of workforce development
23 children and families shall certify to the department of revenue the amounts that,
24 based on the notifications received under sub. (1) and on other information received
25 by the department of workforce development children and families, the department

1 of workforce development children and families has determined that it may recover
2 under ss. 49.161 and 49.195 (3) and collect under s. 49.147 (6) (cm), except that the
3 department of workforce development children and families may not certify an
4 amount under this subsection unless it has met the notice requirements under sub.
5 (3) and unless its determination has either not been appealed or is no longer under
6 appeal.

7 ***-1261/5.598* *-1267/P1.142* SECTION 1675.** 49.85 (3) (b) (intro.) of the
8 statutes is amended to read:

9 49.85 (3) (b) (intro.) At least 30 days before certification of an amount, the
10 department of workforce development children and families shall send a notice to the
11 last-known address of the person from whom that department intends to recover or
12 collect the amount. The notice shall do all of the following:

13 ***-1261/5.599* *-1267/P1.143* SECTION 1676.** 49.85 (3) (b) 1. of the statutes
14 is amended to read:

15 49.85 (3) (b) 1. Inform the person that the department of workforce
16 development children and families intends to certify to the department of revenue
17 an amount that the department of workforce development children and families has
18 determined to be due under s. 49.161 or 49.195 (3) or to be delinquent under a
19 repayment agreement for a loan under s. 49.147 (6), for setoff from any state tax
20 refund that may be due the person.

21 ***-1261/5.600* *-1267/P1.144* SECTION 1677.** 49.85 (3) (b) 2. of the statutes
22 is amended to read:

23 49.85 (3) (b) 2. Inform the person that he or she may appeal the determination
24 of the department of workforce development children and families to certify the

1 amount by requesting a hearing under sub. (4) within 30 days after the date of the
2 letter and inform the person of the manner in which he or she may request a hearing.

3 ***-1261/5.601* *-1267/P1.145* SECTION 1678.** 49.85 (3) (b) 3. of the statutes
4 is amended to read:

5 49.85 (3) (b) 3. Inform the person that, if the determination of the department
6 of workforce-development children and families is appealed, that department will
7 not certify the amount to the department of revenue while the determination of the
8 department of workforce-development children and families is under appeal.

9 ***-1261/5.602* *-1267/P1.146* SECTION 1679.** 49.85 (3) (b) 4. of the statutes
10 is amended to read:

11 49.85 (3) (b) 4. Inform the person that, unless a contested case hearing is
12 requested to appeal the determination of the department of workforce-development
13 children and families, the person may be precluded from challenging any subsequent
14 setoff of the certified amount by the department of revenue, except on the grounds
15 that the certified amount has been partially or fully paid or otherwise discharged,
16 since the date of the notice.

17 ***-1261/5.603* *-1267/P1.147* SECTION 1680.** 49.85 (3) (b) 5. of the statutes
18 is amended to read:

19 49.85 (3) (b) 5. Request that the person inform the department of workforce
20 development children and families if a bankruptcy stay is in effect with respect to the
21 person or if the claim has been discharged in bankruptcy.

22 ***-1261/5.604* *-1267/P1.148* SECTION 1681.** 49.85 (4) (b) of the statutes is
23 amended to read:

24 49.85 (4) (b) If a person has requested a hearing under this subsection, the
25 department of workforce-development children and families shall hold a contested

1 case hearing under s. 227.44, except that the department of workforce development
2 children and families may limit the scope of the hearing to exclude issues that were
3 presented at a prior hearing or that could have been presented at a prior opportunity
4 for hearing.

5 ***-1261/5.605* *-1267/P1.149* SECTION 1682.** 49.85 (5) of the statutes is
6 amended to read:

7 49.85 (5) EFFECT OF CERTIFICATION. Receipt of a certification by the department
8 of revenue shall constitute a lien, equal to the amount certified, on any state tax
9 refunds or credits owed to the obligor. The lien shall be foreclosed by the department
10 of revenue as a setoff under s. 71.93. Certification of an amount under this section
11 does not prohibit the department of health and family services or the department of
12 ~~workforce development~~ children and families from attempting to recover or collect
13 the amount through other legal means. The department of health and family
14 services or the department of ~~workforce development~~ children and families shall
15 promptly notify the department of revenue upon recovery or collection of any amount
16 previously certified under this section.

17 ***-1261/5.606* *-1267/P1.150* SECTION 1683.** 49.852 (1) of the statutes is
18 renumbered 49.852 (1m) and amended to read:

19 49.852 (1m) The department of ~~workforce development~~ may direct the
20 department of employee trust funds, the retirement system of any 1st class city, any
21 retirement system established under chapter 201, laws of 1937, or the administrator
22 of any other pension plan to withhold the amount specified in the statewide support
23 lien docket under s. 49.854 (2) (b) from any lump sum payment from a pension plan
24 that may be paid a delinquent support obligor, except that the department of
25 ~~workforce development~~ may not direct that an amount be withheld under this

1 subsection unless it has met the notice requirements under sub. (2) and unless the
2 amount specified has either not been appealed or is no longer under appeal under s.
3 49.854.

4 ***-1261/5.607* *-1267/P1.151* SECTION 1684.** 49.852 (1c) of the statutes is
5 created to read:

6 49.852 (1c) In this section, "department" means the department of children
7 and families.

8 ***-1261/5.608* *-1267/P1.152* SECTION 1685.** 49.852 (2) (intro.) of the
9 statutes is amended to read:

10 49.852 (2) (intro.) The department of ~~workforce development~~ shall send a
11 notice to the last-known address of the person from whom the department intends
12 to recover the amount specified in the statewide support lien docket under s. 49.854
13 (2) (b). The notice shall do all of the following:

14 ***-1261/5.609* *-1267/P1.153* SECTION 1686.** 49.852 (2) (c) of the statutes is
15 amended to read:

16 49.852 (2) (c) Request that the person inform the department of ~~workforce~~
17 ~~development~~ or the appropriate county child support agency under s. 59.53 (5) if a
18 bankruptcy stay is in effect with respect to the person.

19 ***-1261/5.610* *-1267/P1.154* SECTION 1687.** 49.852 (3) of the statutes is
20 amended to read:

21 49.852 (3) If a person has requested a hearing pursuant to sub. (2) (b), the
22 hearing shall be conducted before the circuit court that rendered the initial order to
23 pay support. The court shall schedule a hearing within 10 business days after
24 receiving a request for a hearing. A circuit court commissioner may conduct the
25 hearing. If the court determines that the person owes the amount specified in the

1 statewide support lien docket under s. 49.854 (2) (b), the department of ~~workforce~~
2 ~~development~~ may direct the department of employee trust funds, the retirement
3 system of any 1st class city, any retirement system established under chapter 201,
4 laws of 1937, or the administrator of any other pension plan, whichever is
5 appropriate, to withhold the amount from any lump sum payment from a pension
6 plan that may be paid the person. If the court determines that the person does not
7 owe the amount specified in the statewide support lien docket under s. 49.854 (2) (b),
8 the department of ~~workforce development~~ may not direct the department of
9 employee trust funds, the retirement system of any 1st class city, any retirement
10 system established under chapter 201, laws of 1937, or the administrator of any
11 other pension plan, whichever is appropriate, to withhold the amount from any lump
12 sum payment from a pension plan that may be paid the person.

13 *~~-1261/5.611~~* *~~-1267/P1.155~~* SECTION 1688. 49.852 (4) (a) of the statutes is
14 amended to read:

15 49.852 (4) (a) If the department of ~~workforce development~~ directs the
16 department of employee trust funds, the retirement system of any 1st class city, any
17 retirement system established under chapter 201, laws of 1937, or the administrator
18 of any other pension plan to withhold the amount specified in the statewide support
19 lien docket under s. 49.854 (2) (b), this directive shall constitute a lien, equal to the
20 amount specified in the statewide support lien docket, on any lump sum payment
21 from a pension plan that may be paid the person.

22 *~~-1261/5.612~~* *~~-1267/P1.156~~* SECTION 1689. 49.852 (4) (b) of the statutes is
23 amended to read:

24 49.852 (4) (b) If the department of ~~workforce development~~ directs the
25 department of employee trust funds, the retirement system of any 1st class city, any

1 retirement system established under chapter 201, laws of 1937, or the administrator
2 of any other pension plan to withhold the amount specified in the statewide support
3 lien docket under s. 49.854 (2) (b), the department of employee trust funds, the
4 retirement system of any 1st class city, any retirement system established under
5 chapter 201, laws of 1937, or the administrator of any other pension plan shall deduct
6 from any lump sum payment that may be paid the person the amount specified in
7 the statewide support lien docket, less any amount specified under par. (d). If the
8 amount specified in the statewide support lien docket under s. 49.854 (2) (b), less any
9 amount specified under par. (d), exceeds the lump sum payment, the department of
10 employee trust funds, the retirement system of any 1st class city, any retirement
11 system established under chapter 201, laws of 1937, or the administrator of any
12 other pension plan shall deduct the entire lump sum payment, less any withholdings
13 otherwise required by law. The amount deducted under this paragraph shall be
14 remitted to the department of ~~workforce development~~.

15 ***-1261/5.613*** ***-1267/P1.157*** SECTION 1690. 49.852 (4) (c) of the statutes is
16 amended to read:

17 49.852 (4) (c) A directive to the department of employee trust funds, the
18 retirement system of any 1st class city, any retirement system established under
19 chapter 201, laws of 1937, or the administrator of any other pension plan to withhold
20 the amount specified in the statewide support lien docket under s. 49.854 (2) (b)
21 under this section does not prohibit the department of ~~workforce development~~ from
22 attempting to recover the amount through other legal means.

23 ***-1261/5.614*** ***-1267/P1.158*** SECTION 1691. 49.852 (4) (d) of the statutes is
24 amended to read:

1 49.852 (4) (d) The department of workforce development shall promptly notify
2 the department of employee trust funds, the retirement system of any 1st class city,
3 any retirement system established under chapter 201, laws of 1937, or the
4 administrator of any other pension plan upon recovery of any amount previously
5 specified in the statewide support lien docket under s. 49.854 (2) (b).

6 *-1261/5.615* *-1267/P1.159* SECTION 1692. 49.853 (1) (b) of the statutes is
7 amended to read:

8 49.853 (1) (b) "Department" means the department of workforce development
9 children and families.

10 *-1261/5.616* *-1267/P1.160* SECTION 1693. 49.854 (1) (a) of the statutes is
11 amended to read:

12 49.854 (1) (a) "Department" means the department of workforce development
13 children and families.

14 *-0485/2.1* SECTION 1694. 49.854 (5) (a) 3. of the statutes is created to read:

15 49.854 (5) (a) 3. "Lien" means a lien under this section or a lien in favor of
16 another state based on a support obligation, including a lien placed under s. 769.305
17 (2) (g).

18 *-0485/2.2* SECTION 1695. 49.854 (5) (b) of the statutes is amended to read:

19 49.854 (5) (b) *Notice to the financial institution.* To enforce a lien under this
20 section by levying against an account at a financial institution, the department shall
21 send a notice of levy to the financial institution instructing the financial institution
22 to prohibit the closing of or withdrawals from one or more accounts that the obligor
23 owns in whole or in part, up to a total amount that is sufficient to pay the support
24 owed, financial institution fees under par. (e), and estimated levy fees and costs
25 under sub. (11), until further notice from the department or a court. The financial

1 institution shall comply with the notice of levy and shall hold the amount specified
2 in the notice until the financial institution receives further instructions from the
3 department or a court.

4 ***-0485/2.3* SECTION 1696.** 49.854 (5) (c) of the statutes is created to read:

5 49.854 (5) (c) *Liens in favor of other states.* Notwithstanding par. (b), if a lien
6 under par. (b) is in favor of another state, the notice sent by the department to the
7 financial institution may consist of the request from the other state to enforce the
8 lien, a certification by the department that any necessary due process requirements
9 were met in the other state, a request that the financial institution honor the request
10 from the other state by sending the amount specified in the request directly to the
11 other state, and the address to which the financial institution shall send the funds.
12 Notice and hearing requirements under pars. (d) and (f) do not apply to a lien in favor
13 of another state.

14 ***-0485/2.4* SECTION 1697.** 49.854 (5) (e) of the statutes is amended to read:

15 49.854 (5) (e) *Financial institution fees.* A financial institution may continue
16 to collect fees, under the terms of the account agreement, on accounts frozen under
17 this subsection. In addition to the levy fee authorized under sub. (11) (a), a financial
18 institution may collect any early withdrawal penalty incurred under the terms of an
19 account as a result of the levy. Financial institution fees authorized under this
20 paragraph may be charged to the account immediately prior to the remittance of the
21 amount to the department or the other state and may be charged even if the amounts
22 in the obligor's accounts are insufficient to pay the total amount of support owed and
23 the department's levy costs under sub. (11) (b).

24 ***-1261/5.617* *-1267/P1.161* SECTION 1698.** 49.854 (11) (b) of the statutes
25 is amended to read:

1 49.854 (11) (b) *The department.* The department may assess a collection fee
2 to recover the department's costs incurred in levying against property under this
3 section. The department shall determine its costs to be paid in all cases of levy. The
4 obligor is liable to the department for the amount of the collection fee authorized
5 under this paragraph. Fees collected under this paragraph shall be credited to the
6 appropriation account under s. 20.445 (3) 20.437 (2) (ja).

7 ***-1261/5.618* *-1267/P1.162* SECTION 1699.** 49.855 (1) of the statutes is
8 amended to read:

9 49.855 (1) If a person obligated to pay child support, family support,
10 maintenance, or the receiving and disbursing fee under s. 767.57 (1e) (a) is
11 delinquent in making any of those payments, or owes an outstanding amount that
12 has been ordered by the court for past support, medical expenses, or birth expenses,
13 upon application under s. 59.53 (5) the department of workforce development
14 children and families shall certify the delinquent payment or outstanding amount
15 to the department of revenue and, at least annually, shall provide to the department
16 of revenue any certifications of delinquencies or outstanding amounts that it receives
17 from another state because the obligor resides in this state.

18 ***-1261/5.619* *-1261/P3.494* SECTION 1700.** 49.855 (2r) of the statutes is
19 created to read:

20 49.855 (2r) At least annually, the department of children and families shall
21 certify to the department of revenue any obligation owed to that department under
22 s. 49.345 if the obligation is rendered to a judgment.

23 ***-1261/5.620* *-1261/P3.495* SECTION 1701.** 49.855 (3) of the statutes is
24 amended to read:

1 49.855 (3) Receipt of a certification by the department of revenue shall
2 constitute a lien, equal to the amount certified, on any state tax refunds or credits
3 owed to the obligor. The lien shall be foreclosed by the department of revenue as a
4 setoff under s. 71.93 (3), (6), and (7). When the department of revenue determines
5 that the obligor is otherwise entitled to a state tax refund or credit, it shall notify the
6 obligor that the state intends to reduce any state tax refund or credit due the obligor
7 by the amount the obligor is delinquent under the support, maintenance, or receiving
8 and disbursing fee order or obligation, by the outstanding amount for past support,
9 medical expenses, or birth expenses under the court order, or by the amount due
10 under s. 46.10 (4), 49.345 (4), or 301.12 (4). The notice shall provide that within 20
11 days the obligor may request a hearing before the circuit court rendering the order
12 under which the obligation arose. Within 10 days after receiving a request for
13 hearing under this subsection, the court shall set the matter for hearing. Pending
14 further order by the court or a circuit court commissioner, the department of
15 ~~workforce development~~ children and families or its designee, whichever is
16 appropriate, is prohibited from disbursing the obligor's state tax refund or credit.
17 A circuit court commissioner may conduct the hearing. The sole issues at that
18 hearing shall be whether the obligor owes the amount certified and, if not and it is
19 a support or maintenance order, whether the money withheld from a tax refund or
20 credit shall be paid to the obligor or held for future support or maintenance, except
21 that the obligor's ability to pay shall also be an issue at the hearing if the obligation
22 relates to an order under s. ~~767.51 (3) (e) 1. or 767.62 (4) (d) 1. s. 767.89 (3) (e) 1. or~~
23 767.805 (4) (d) 1. or 767.89 (3) (e) 1. and the order specifies that the court found that
24 the obligor's income was at or below the poverty line established under 42 USC 9902
25 (2).

1 ***-1261/5.621*** ***-1267/P1.164*** SECTION 1702. 49.855 (4) (a) of the statutes is
2 amended to read:

3 49.855 (4) (a) The department of revenue shall send the portion of any state tax
4 refunds or credits withheld for delinquent child or family support or maintenance or
5 past support, medical expenses, or birth expenses to the department of ~~workforce~~
6 ~~development~~ children and families or its designee for deposit in the support
7 collections trust fund under s. 25.68 and shall send the portion of any state tax
8 refunds or credits withheld for delinquent receiving and disbursing fees to the
9 department of ~~workforce development~~ children and families or its designee for
10 deposit in the appropriation account under s. ~~20.445 (3)~~ 20.437 (2) (ja). The
11 department of ~~workforce development~~ children and families shall make a settlement
12 at least annually with the department of revenue. The settlement shall state the
13 amounts certified, the amounts deducted from tax refunds and credits, and the
14 administrative costs incurred by the department of revenue.

15 ***-1261/5.622*** ***-1267/P1.165*** SECTION 1703. 49.855 (4) (b) of the statutes is
16 amended to read:

17 49.855 (4) (b) The department of administration shall send the portion of any
18 federal tax refunds or credits received from the internal revenue service that was
19 withheld for delinquent child or family support or maintenance or past support,
20 medical expenses, or birth expenses to the department of ~~workforce development~~
21 children and families or its designee for deposit in the support collections trust fund
22 under s. 25.68 and shall send the portion of any federal tax refunds or credits received
23 from the internal revenue service that was withheld for delinquent receiving and
24 disbursing fees to the department of ~~workforce development~~ children and families

1 or its designee for deposit in the appropriation account under s. ~~20.445 (3)~~ 20.437 (2)
2 (ja).

3 ***-1261/5.623* SECTION 1704.** 49.855 (4m) (b) of the statutes is amended to
4 read:

5 49.855 (4m) (b) The department of revenue may provide a certification that it
6 receives under sub. (1), (2m), ~~or (2p)~~, or (2r) to the department of administration.
7 Upon receipt of the certification, the department of administration shall determine
8 whether the obligor is a vendor or is receiving any other payments from this state,
9 except for wages, retirement benefits, or assistance under s. 45.352, 1971 stats., s.
10 45.40 (1), this chapter, or ch. 46, 108, or 301. If the department of administration
11 determines that the obligor is a vendor or is receiving payments from this state,
12 except for wages, retirement benefits, or assistance under s. 45.352, 1971 stats., s.
13 45.40 (1), this chapter, or ch. 46, 108, or 301, it shall begin to withhold the amount
14 certified from those payments and shall notify the obligor that the state intends to
15 reduce any payments due the obligor by the amount the obligor is delinquent under
16 the support, maintenance, or receiving and disbursing fee order or obligation, by the
17 outstanding amount for past support, medical expenses, or birth expenses under the
18 court order, or by the amount due under s. 46.10 (4), 49.345 (4), or 301.12 (4). The
19 notice shall provide that within 20 days after receipt of the notice the obligor may
20 request a hearing before the circuit court rendering the order under which the
21 obligation arose. An obligor may, within 20 days after receiving notice, request a
22 hearing under this paragraph. Within 10 days after receiving a request for hearing
23 under this paragraph, the court shall set the matter for hearing. A circuit court
24 commissioner may conduct the hearing. Pending further order by the court or circuit
25 court commissioner, the department of workforce development children and families

1 or its designee, whichever is appropriate, may not disburse the payments withheld
2 from the obligor. The sole issues at the hearing are whether the obligor owes the
3 amount certified and, if not and it is a support or maintenance order, whether the
4 money withheld shall be paid to the obligor or held for future support or
5 maintenance, except that the obligor's ability to pay is also an issue at the hearing
6 if the obligation relates to an order under s. ~~767.51 (3) (e) 1. or 767.62 (4) (d) 1. s.~~
7 ~~767.89 (3) (e) 1. or 767.805 (4) (d) 1. or 767.89 (3) (e) 1.~~ and the order specifies that
8 the court found that the obligor's income was at or below the poverty line established
9 under 42 USC 9902 (2).

10 ~~*-1261/5.624* *-1267/P1.167*~~ SECTION 1705. 49.855 (4m) (c) of the statutes
11 is amended to read:

12 49.855 (4m) (c) Except as provided by order of the court after hearing under
13 par. (b), the department of administration shall continue withholding until the
14 amount certified is recovered in full. The department of administration shall
15 transfer the amounts withheld under this paragraph to the department of ~~workforce~~
16 ~~development children and families~~ or its designee, the department of health and
17 family services, or the department of corrections, whichever is appropriate. The
18 department of ~~workforce development children and families~~ or its designee shall
19 deposit amounts withheld for delinquent child or family support, maintenance, or
20 receiving and disbursing fees or past support, medical expenses, or birth expenses
21 in the appropriation account under s. ~~20.445 (3) 20.437 (2) (kp).~~

22 ~~*-1261/5.625* *-1267/P1.168*~~ SECTION 1706. 49.855 (5) of the statutes is
23 amended to read:

24 49.855 (5) Certification of an obligation to the department of revenue does not
25 deprive any party of the right to collect the obligation or to prosecute the obligor. The

1 department of ~~workforce development~~ children and families or its designee shall
2 immediately notify the department of revenue of any collection of an obligation that
3 has been certified to the department of revenue.

4 ~~*-1261/5.626* *-1267/P1.169* SECTION 1707.~~ 49.856 (1) (b) of the statutes is
5 amended to read:

6 49.856 (1) (b) "Department" means the department of ~~workforce development~~
7 children and families.

8 ~~*-1261/5.627* *-1267/P1.170* SECTION 1708.~~ 49.857 (1) (cf) of the statutes is
9 created to read:

10 49.857 (1) (cf) "Department" means the department of children and families.

11 ~~*-1261/5.628* *-1267/P1.171* SECTION 1709.~~ 49.857 (1) (f) of the statutes is
12 amended to read:

13 49.857 (1) (f) "Subpoena or warrant" means a subpoena or warrant issued by
14 the department of ~~workforce development~~ or a child support agency and relating to
15 paternity or support proceedings.

16 ~~*-1261/5.629* *-1267/P1.172* SECTION 1710.~~ 49.857 (2) (a) of the statutes is
17 amended to read:

18 49.857 (2) (a) The department of ~~workforce development~~ shall establish a
19 system, in accordance with federal law, under which a licensing authority is
20 requested, and a licensing agency or credentialing board is required, to restrict,
21 limit, suspend, withhold, deny, refuse to grant or issue, or refuse to renew or
22 revalidate a license in a timely manner upon certification by and in cooperation with
23 the department of ~~workforce development~~, if the individual holding or applying for
24 the license is delinquent in making court-ordered payments of support or fails to
25 comply, after appropriate notice, with a subpoena or warrant.

1 ***-1261/5.630* *-1267/P1.173* SECTION 1711.** 49.857 (2) (b) (intro.) of the
2 statutes is amended to read:

3 49.857 (2) (b) (intro.) Under the system, the department of workforce
4 development shall enter into a memorandum of understanding with a licensing
5 authority, if the licensing authority agrees, and with a licensing agency. A
6 memorandum of understanding under this paragraph shall address at least all of the
7 following:

8 ***-1261/5.631* *-1267/P1.174* SECTION 1712.** 49.857 (2) (b) 2. (intro.) of the
9 statutes is amended to read:

10 49.857 (2) (b) 2. (intro.) Procedures that the department of workforce
11 development shall use for doing all of the following:

12 ***-1261/5.632* *-1267/P1.175* SECTION 1713.** 49.857 (2) (b) 2. a. of the
13 statutes is amended to read:

14 49.857 (2) (b) 2. a. Certifying to the licensing authority or licensing agency a
15 delinquency in support or a failure to comply with a subpoena or warrant. The
16 memorandum of understanding with the department of regulation and licensing
17 shall include procedures for the department of regulation and licensing to notify a
18 credentialing board that a certification of delinquency in support or failure to comply
19 with a subpoena or warrant has been made by the department of workforce
20 development children and families with respect to an individual who holds or applied
21 for a credential granted by the credentialing board.

22 ***-1261/5.633* *-1267/P1.176* SECTION 1714.** 49.857 (2) (b) 3. c. of the statutes
23 is amended to read:

24 49.857 (2) (b) 3. c. Issuing or reinstating a license if the department of
25 workforce development children and families notifies the licensing authority or

1 licensing agency that an individual who was delinquent in making court-ordered
2 payments of support has paid the delinquent support or made satisfactory
3 alternative payment arrangements or that an individual who failed to comply with
4 a subpoena or warrant has satisfied the requirements under the subpoena or
5 warrant. The memorandum of understanding with the department of regulation
6 and licensing shall include procedures for the department of regulation and licensing
7 to direct a credentialing board to grant or reinstate a credential if the department
8 of ~~workforce development~~ children and families notifies the department of
9 regulation and licensing that an individual who holds or applied for a credential
10 granted by the credentialing board has paid the delinquent support or made
11 satisfactory alternative payment arrangements or that an individual who failed to
12 comply with a subpoena or warrant has satisfied the requirements under the
13 subpoena or warrant.

14 *~~-1261/5.634~~* *~~-1267/P1.177~~* SECTION 1715. 49.857 (2) (b) 5. of the statutes
15 is amended to read:

16 49.857 (2) (b) 5. Procedures for safeguarding the confidentiality of information
17 about an individual, including social security numbers obtained by the department
18 of ~~workforce development~~, the licensing authority, the licensing agency, or a
19 credentialing board.

20 *~~-1261/5.635~~* *~~-1267/P1.178~~* SECTION 1716. 49.857 (3) (a) (intro.) of the
21 statutes is amended to read:

22 49.857 (3) (a) (intro.) Before the department of ~~workforce development~~ certifies
23 to a licensing authority or a licensing agency under the system established under
24 sub. (2) that an individual is delinquent in making court-ordered payments of
25 support, the department of ~~workforce development~~ or a child support agency shall

1 provide notice to the individual by regular mail. The notice shall inform the
2 individual of all of the following:

3 ***-1261/5.636* *-1267/P1.179* SECTION 1717.** 49.857 (3) (a) 4. of the statutes
4 is amended to read:

5 49.857 (3) (a) 4. That the certification will not be made if the individual pays
6 the delinquent amount in full or makes satisfactory alternative payment
7 arrangements with the department of workforce development or a child support
8 agency. The notice shall inform the individual of how he or she may pay the
9 delinquent amount or make satisfactory alternative payment arrangements.

10 ***-1261/5.637* *-1267/P1.180* SECTION 1718.** 49.857 (3) (ac) 1. of the statutes
11 is amended to read:

12 49.857 (3) (ac) 1. If an individual timely requests a hearing under par. (a) 5.,
13 the court shall schedule a hearing within 10 business days after receiving the
14 request. A circuit court commissioner may conduct the hearing. The only issues at
15 the hearing shall be whether the individual is delinquent in making court-ordered
16 payments of support and whether any alternative payment arrangement offered by
17 the department of workforce development or the county child support agency is
18 reasonable.

19 ***-1261/5.638* *-1267/P1.181* SECTION 1719.** 49.857 (3) (ac) 2. of the statutes
20 is amended to read:

21 49.857 (3) (ac) 2. If at a hearing under subd. 1. the court or circuit court
22 commissioner finds that the individual does not owe delinquent support, or if within
23 20 business days after receiving a notice under par. (a) the individual pays the
24 delinquent amount in full or makes satisfactory alternative payment arrangements,

1 the department of ~~workforce development~~ may not place the individual's name on a
2 certification list.

3 ***-1261/5.639* *-1267/P1.182* SECTION 1720.** 49.857 (3) (ac) 3. of the statutes
4 is amended to read:

5 49.857 (3) (ac) 3. If at a hearing under subd. 1. the court or circuit court
6 commissioner makes a written determination that alternative payment
7 arrangements proposed by the department of ~~workforce development~~ or a child
8 support agency are not reasonable, the court or circuit court commissioner may order
9 for the individual an alternative payment arrangement. If the court or circuit court
10 commissioner orders an alternative payment arrangement, the department of
11 ~~workforce development~~ may not place the individual's name on a certification list.

12 ***-1261/5.640* *-1267/P1.183* SECTION 1721.** 49.857 (3) (am) (intro.) of the
13 statutes is amended to read:

14 49.857 (3) (am) (intro.) If an individual, after receiving notice under par. (a),
15 does not timely request a hearing or pay the delinquent amount of support or make
16 satisfactory alternative payment arrangements, the department of ~~workforce~~
17 ~~development~~ shall place the individual's name on a certification list. Thereafter, the
18 department of ~~workforce development~~ or a child support agency shall provide a 2nd
19 notice to the individual by regular mail that informs the individual of all of the
20 following:

21 ***-1261/5.641* *-1267/P1.184* SECTION 1722.** 49.857 (3) (am) 4. of the statutes
22 is amended to read:

23 49.857 (3) (am) 4. That the certification will not be made if the individual pays
24 the delinquent amount in full or makes satisfactory alternative payment
25 arrangements with the department of ~~workforce development~~ or a child support

1 agency. The notice shall inform the individual of how he or she may pay the
2 delinquent amount or make satisfactory alternative payment arrangements.

3 ***-1261/5.642* *-1267/P1.185* SECTION 1723.** 49.857 (3) (ar) 1. of the statutes
4 is amended to read:

5 49.857 (3) (ar) 1. If an individual timely requests a hearing under par. (am) 5.,
6 the court shall schedule a hearing within 10 business days after receiving the
7 request. A circuit court commissioner may conduct the hearing. The only issues at
8 the hearing shall be whether the individual is delinquent in making court-ordered
9 payments of support and whether any alternative payment arrangement offered by
10 the department of workforce development or the county child support agency is
11 reasonable.

12 ***-1261/5.643* *-1267/P1.186* SECTION 1724.** 49.857 (3) (ar) 2. of the statutes
13 is amended to read:

14 49.857 (3) (ar) 2. If at a hearing under subd. 1. the court or circuit court
15 commissioner finds that the individual does not owe delinquent support, or if within
16 20 business days after receiving a notice under par. (am) the individual pays the
17 delinquent amount in full or makes satisfactory alternative payment arrangements,
18 the department of workforce development shall remove the individual's name from
19 the certification list.

20 ***-1261/5.644* *-1267/P1.187* SECTION 1725.** 49.857 (3) (ar) 3. of the statutes
21 is amended to read:

22 49.857 (3) (ar) 3. If at a hearing under subd. 1. the court or circuit court
23 commissioner makes a written determination that alternative payment
24 arrangements proposed by the department of workforce development or a child
25 support agency are not reasonable, the court or circuit court commissioner may order

1 for the individual an alternative payment arrangement. If the court or circuit court
2 commissioner orders an alternative payment arrangement, the department of
3 workforce development may not place the individual's name on a certification list.

4 ***-1261/5.645* *-1267/P1.188* SECTION 1726.** 49.857 (3) (b) (intro.) of the
5 statutes is amended to read:

6 49.857 (3) (b) (intro.) Any subpoena or warrant shall include notice to the
7 individual of the effect that a failure to comply with the subpoena or warrant may
8 have on any license that the individual holds or for which the individual applies. If
9 the individual fails to comply, before the department of workforce development
10 certifies to a licensing authority or a licensing agency under the system established
11 under sub. (2) that an individual has failed to comply with a subpoena or warrant,
12 the department of workforce development or a child support agency shall provide
13 notice to the individual by regular mail. The notice shall inform the individual of all
14 of the following:

15 ***-1261/5.646* *-1267/P1.189* SECTION 1727.** 49.857 (3) (bm) of the statutes
16 is amended to read:

17 49.857 (3) (bm) If an individual, after receiving notice under par. (b), does not
18 satisfy the requirements under the subpoena or warrant, the department of
19 workforce development shall place the individual's name on a certification list.

20 ***-1261/5.647* *-1267/P1.190* SECTION 1728.** 49.857 (3) (c) (intro.) of the
21 statutes is amended to read:

22 49.857 (3) (c) (intro.) If the department of workforce development children and
23 families provides a certification list to a licensing authority, a licensing agency or,
24 with respect to a credential granted by a credentialing board, the department of
25 regulation and licensing, upon receipt of the list the licensing authority if the

1 licensing authority agrees, the licensing agency or, with respect to a credential
2 granted by a credentialing board, the department of regulation and licensing shall
3 do all of the following:

4 ***-1261/5.648* *-1267/P1.191* SECTION 1729.** 49.857 (3) (d) 1. of the statutes
5 is amended to read:

6 49.857 (3) (d) 1. Subject to sub. (2) (d), if an individual who, on the basis of
7 delinquent support, is denied a license or whose license, on the basis of delinquent
8 support, is restricted, limited, suspended, or refused renewal or revalidation under
9 a memorandum of understanding entered into under sub. (2) (b) pays the delinquent
10 amount of support in full or makes satisfactory alternative payment arrangements,
11 the department of ~~workforce development~~ children and families shall immediately
12 notify the licensing authority or licensing agency to issue or reinstate the individual's
13 license as provided in the memorandum of understanding. If the individual held or
14 applied for a credential granted by a credentialing board, the department of
15 regulation and licensing shall, upon notice by the department of ~~workforce~~
16 ~~development~~ children and families, notify the credentialing board to grant or
17 reinstate the individual's credential.

18 ***-1261/5.649* *-1267/P1.192* SECTION 1730.** 49.857 (3) (d) 2. of the statutes
19 is amended to read:

20 49.857 (3) (d) 2. Subject to sub. (2) (d), if an individual who, on the basis of a
21 failure to comply with a subpoena or warrant, is denied a license or whose license,
22 on the basis of a failure to comply with a subpoena or warrant, is restricted, limited,
23 suspended, or refused renewal or revalidation under a memorandum of
24 understanding entered into under sub. (2) (b) satisfies the requirements under the
25 subpoena or warrant, the department of ~~workforce development~~ children and

1 families shall immediately notify the licensing authority or licensing agency to issue
2 or reinstate the individual's license as provided in the memorandum of
3 understanding. If the individual held or applied for a credential granted by a
4 credentialing board, the department of regulation and licensing shall, upon notice
5 by the department of ~~workforce development~~ children and families, notify the
6 credentialing board to grant or reinstate the individual's credential.

7 *~~-1261/5.650~~* *~~-1267/P1.193~~* SECTION 1731. 49.857 (4) of the statutes is
8 amended to read:

9 49.857 (4) Each licensing agency shall enter into a memorandum of
10 understanding with the department of ~~workforce development~~ children and families
11 under sub. (2) (b) and shall cooperate with the department of ~~workforce development~~
12 children and families in its administration of s. 49.22. The department of regulation
13 and licensing shall enter into a memorandum of understanding with the department
14 of ~~workforce development~~ children and families on behalf of a credentialing board
15 with respect to a credential granted by the credentialing board.

16 *~~-1261/5.651~~* *~~-1267/P1.194~~* SECTION 1732. 49.858 (1) of the statutes is
17 renumbered 49.858 (1) (intro.) and amended to read:

18 49.858 (1) (intro.) In this section, "~~support~~";

19 (b) "Support" has the meaning given in s. 49.857 (1) (g).

20 *~~-1261/5.652~~* *~~-1267/P1.195~~* SECTION 1733. 49.858 (1) (a) of the statutes is
21 created to read:

22 49.858 (1) (a) "Department" means the department of children and families.

23 *~~-1261/5.653~~* *~~-1267/P1.196~~* SECTION 1734. 49.858 (2) (intro.) of the
24 statutes is amended to read:

1 49.858 (2) RULES. (intro.) For the procedures under this subchapter for the
2 administrative enforcement of support obligations, the department of workforce
3 development shall promulgate rules related to all of the following:

4 *-1261/5.654* *-1267/P1.197* SECTION 1735. 49.858 (3) of the statutes is
5 amended to read:

6 49.858 (3) REVIEW OF CIRCUIT COURT COMMISSIONER DECISIONS. If a circuit court
7 commissioner conducts a hearing in any administrative support enforcement
8 proceeding under s. 49.852, 49.856 or 49.857, the department of workforce
9 development or the obligor may, within 15 business days after the date that the
10 circuit court commissioner makes his or her decision, request review of the decision
11 by the court with jurisdiction over the matter.

12 *-1261/5.655* *-1267/P1.198* SECTION 1736. 49.86 of the statutes is
13 renumbered 49.86 (2) and amended to read:

14 49.86 (2) Withdrawal or disbursement of moneys deposited in a public
15 depository, as defined in s. 34.01 (5), to the credit of the department of workforce
16 development or any of its divisions or agencies shall be by check, share draft, or other
17 draft signed by the secretary of workforce development or by one or more persons in
18 the department of workforce development designated by written authorization of the
19 secretary of workforce development. Such checks, share drafts, and other drafts
20 shall be signed personally or by use of a mechanical device adopted by the secretary
21 of workforce development or his or her designees for affixing a facsimile signature.
22 Any public depository shall be fully warranted and protected in making payment on
23 any check, share draft, or other draft bearing such facsimile signature
24 notwithstanding that the facsimile may have been placed thereon without the
25 authority of the secretary of workforce development or his or her designees.

1 *-1261/5.656* *-1267/P1.199* SECTION 1737. 49.86 (1) of the statutes is
2 created to read:

3 49.86 (1) In this section:

4 (a) "Department" means the department of children and families.

5 (b) "Secretary" means the secretary of children and families.

6 *-1261/5.657* *-1267/P1.200* SECTION 1738. 49.89 (2) of the statutes is
7 amended to read:

8 49.89 (2) SUBROGATION. The department of health and family services, the
9 department of ~~workforce development~~ children and families, a county, or an elected
10 tribal governing body that provides any public assistance under this chapter or
11 under s. 253.05 as a result of the occurrence of an injury, sickness, or death that
12 creates a claim or cause of action, whether in tort or contract, on the part of a public
13 assistance recipient or beneficiary or the estate of a recipient or beneficiary against
14 a 3rd party, including an insurer, is subrogated to the rights of the recipient,
15 beneficiary or estate and may make a claim or maintain an action or intervene in a
16 claim or action by the recipient, beneficiary, or estate against the 3rd party.
17 Subrogation under this subsection because of the provision of medical assistance
18 under subch. IV constitutes a lien, equal to the amount of the medical assistance
19 provided as a result of the injury, sickness, or death that gave rise to the claim. The
20 lien is on any payment resulting from a judgment or settlement that may be due the
21 obligor. A lien under this subsection continues until it is released and discharged by
22 the department of health and family services.

23 *-1261/5.658* *-1267/P1.201* SECTION 1739. 49.89 (6) of the statutes is
24 amended to read:

1 49.89 (6) DEPARTMENTS' DUTIES AND POWERS. The department of health and
2 family services and the department of ~~workforce development~~ children and families
3 shall enforce their rights under this section and may contract for the recovery of any
4 claim or right of indemnity arising under this section.

5 *~~-0905/3.75~~* SECTION 1740. 49.89 (7) (b) of the statutes is amended to read:

6 49.89 (7) (b) The incentive payment shall be an amount equal to 15% of the
7 amount recovered because of benefits paid under s. 49.46, 49.465, 49.468 ~~or~~, 49.47,
8 or 49.471. The incentive payment shall be taken from the federal share of the sum
9 recovered as provided under 42 CFR 433.153 and 433.154.

10 *~~-1261/5.659~~* *~~-1267/P1.202~~* SECTION 1741. 49.89 (7) (d) 2. of the statutes
11 is amended to read:

12 49.89 (7) (d) 2. Any county or elected tribal governing body that has made a
13 recovery under this section for which it is eligible to receive an incentive payment
14 under par. (c) shall report such recovery to the department of ~~workforce development~~
15 children and families within 30 days after the end of the month in which the recovery
16 is made in a manner specified by the department of ~~workforce development~~ children
17 and families.

18 *~~-1548/3.1~~* SECTION 1742. 49.895 of the statutes is created to read:

19 **49.895 Insurance claim intercept.** (1) In this section:

20 (a) "Medical assistance liability" means an amount that the department of
21 health and family services may recover under s. 49.497, 49.847, or 49.89.

22 (b) "Support liability" means an amount that is entered in the statewide
23 support lien docket under s. 49.854.

24 (2) Before paying an insurance claim of \$500 or more to any individual, an
25 insurer that is authorized to do business in this state shall do all of the following:

1 (a) Verify with the department of health and family services, in the manner
2 required by the department, whether the individual to whom the claim is to be paid
3 has a medical assistance liability.

4 (b) Check the statewide support lien docket to determine whether the
5 individual to whom the claim is to be paid has a support liability.

6 (3) If an individual to whom a claim of \$500 or more is to be paid has a support
7 liability or a medical assistance liability, or both, the insurer shall distribute the
8 claim proceeds as follows:

9 (a) First, if there is a support liability, to the department of workforce
10 development to pay the support liability, up to the amount of the support liability or
11 the amount of the claim, whichever is less.

12 (b) Next, if there is a medical assistance liability, to the department of health
13 and family services to pay the medical assistance liability, up to the amount of the
14 medical assistance liability or the amount of the claim proceeds remaining,
15 whichever is less.

16 (c) Last, to the individual, the remainder of the claim proceeds, if any.

17 (4) The department of health and family services shall promulgate rules for the
18 administration of this section, including procedures for insurers to follow and any
19 notice and hearing requirements. Notwithstanding s. 227.24 (3), the rules under this
20 subsection may be promulgated as emergency rules under s. 227.24 without a finding
21 of emergency.

22 ***-1261/5.660* SECTION 1743.** 49.895 (3) (a) of the statutes, as created by 2007
23 Wisconsin Act (this act), is amended to read:

1 49.895 (3) (a) First, if there is a support liability, to the department of workforce
2 development children and families to pay the support liability, up to the amount of
3 the support liability or the amount of the claim, whichever is less.

 ***NOTE: This is reconciled s. 49.895 (3) (a). This SECTION has been affected by
 drafts with the following LRB numbers: -1261 and -1548.

4 ***-1261/5.661*** ***-1267/P1.203*** SECTION 1744. 49.90 (2) of the statutes is
5 amended to read:

6 49.90 (2) Upon failure of these relatives to provide maintenance the authorities
7 or board shall submit to the corporation counsel a report of its findings. Upon receipt
8 of the report the corporation counsel shall, within 60 days, apply to the circuit court
9 for the county in which the dependent person under sub. (1) (a) 1. or the child of a
10 dependent person under sub. (1) (a) 2. resides for an order to compel the
11 maintenance. Upon such an application the corporation counsel shall make a
12 written report to the county department under s. 46.215, 46.22, or 46.23, with a copy
13 to the chairperson of the county board of supervisors in a county with a single-county
14 department or the county boards of supervisors in counties with a multicounty
15 department, and to the department of health and family services or the department
16 of ~~workforce~~ development children and families, whichever is appropriate.

17 ***-1261/5.662*** ***-1267/P1.204*** SECTION 1745. 49.90 (2g) of the statutes is
18 amended to read:

19 49.90 (2g) In addition to the remedy specified in sub. (2), upon failure of a
20 grandparent to provide maintenance under sub. (1) (a) 2., another grandparent who
21 is or may be required to provide maintenance under sub. (1) (a) 2., a child of a
22 dependent minor or the child's parent may apply to the circuit court for the county
23 in which the child resides for an order to compel the provision of maintenance. A

1 county department under s. 46.215, 46.22, or 46.23, a county child support agency
2 under s. 59.53(5), or the department of ~~workforce development~~ children and families
3 may initiate an action to obtain maintenance of the child by the child's grandparent
4 under sub. (1) (a) 2., regardless of whether the child receives public assistance.

5 ***-1261/5.663*** ***-1261/P3.497*** **SECTION 1746.** 49.90 (4) of the statutes is
6 amended to read:

7 49.90 (4) The circuit court shall in a summary way hear the allegations and
8 proofs of the parties and by order require maintenance from these relatives, if they
9 have sufficient ability, considering their own future maintenance and making
10 reasonable allowance for the protection of the property and investments from which
11 they derive their living and their care and protection in old age, in the following
12 order: First the husband or wife; then the father and the mother; and then the
13 grandparents in the instances in which sub. (1) (a) 2. applies. The order shall specify
14 a sum which will be sufficient for the support of the dependent person under sub. (1)
15 (a) 1. or the maintenance of a child of a dependent person under sub. (1) (a) 2., to be
16 paid weekly or monthly, during a period fixed by the order or until the further order
17 of the court. If the court is satisfied that any such relative is unable wholly to
18 maintain the dependent person or the child, but is able to contribute to the person's
19 support or the child's maintenance, the court may direct 2 or more of the relatives
20 to maintain the person or the child and prescribe the proportion each shall
21 contribute. If the court is satisfied that these relatives are unable together wholly
22 to maintain the dependent person or the child, but are able to contribute to the
23 person's support or the child's maintenance, the court shall direct a sum to be paid
24 weekly or monthly by each relative in proportion to ability. Contributions directed
25 by court order, if for less than full support, shall be paid to the department of health

1 and family services or the department of children and families, whichever is
2 appropriate, and distributed as required by state and federal law. An order under
3 this subsection that relates to maintenance required under sub. (1) (a) 2. shall
4 specifically assign responsibility for and direct the manner of payment of the child's
5 health care expenses, subject to the limitations under subs. (1) (a) 2. and (11). Upon
6 application of any party affected by the order and upon like notice and procedure, the
7 court may modify such an order. Obedience to such an order may be enforced by
8 proceedings for contempt.

9 *~~1261/5.664~~* *~~1261/P3.498~~* SECTION 1747. 50.01 (1g) (b) of the statutes is
10 amended to read:

11 50.01 (1g) (b) A facility or private home that provides care, treatment, and
12 services only for victims of domestic abuse, as defined in s. ~~46.95~~ 49.165 (1) (a), and
13 their children.

14 *~~1198/P4.6~~* SECTION 1748. 50.02 (2) (d) of the statutes is renumbered 50.02
15 (2) (d) (intro.) and amended to read:

16 50.02 (2) (d) (intro.) The department shall promulgate rules that prescribe the
17 time periods and the methods of providing information specified in ss. ~~50.033 (2r) and~~
18 ~~(2s), 50.034 (5m) and (5n), 50.035 (4m) and (4n) and 50.04 (2g) (a) and (2h) (a).~~ all of
19 the following:

20 *~~1198/P4.7~~* SECTION 1749. 50.02 (2) (d) 1. of the statutes is created to read:

21 50.02 (2) (d) 1. The method by which community-based residential facilities
22 shall make referrals to resource centers or county departments under s. 50.035 (4n)
23 and the method by which residential care apartment complexes shall make referrals
24 to resource centers under s. 50.034 (5n).

25 *~~1198/P4.8~~* SECTION 1750. 50.02 (2) (d) 2. of the statutes is created to read:

1 50.02 (2) (d) 2. The time period for nursing homes to provide information to
2 prospective residents under s. 50.04 (2g) (a) and the time period and method by which
3 nursing homes shall make referrals to resource centers under s. 50.04 (2h) (a).

4 ***-0242/1.9* SECTION 1751.** 50.02 (4) of the statutes is repealed.

5 ***-1085/1.1* SECTION 1752.** 50.033 (2) of the statutes is amended to read:

6 50.033 (2) Standards for operation of licensed adult family homes and
7 procedures for application for licensure, monitoring, inspection, revocation and
8 appeal of revocation under this section shall be under rules promulgated by the
9 department under s. 50.02 (2) (am) 2. An adult family home licensure is valid until
10 revoked under this section. Licensure is not transferable. The biennial licensure fee
11 for a licensed adult family home is \$135, except that, after March 31, 2008, the
12 biennial fee for a licensed adult family home shall be the amount that the department
13 shall establish by rule. The fee is payable to the county department under s. 46.215,
14 46.22, 46.23, 51.42 or 51.437, if the county department licenses the adult family
15 home under sub. (1m) (b), and is payable to the department, on a schedule
16 determined by the department if the department licenses the adult family home
17 under sub. (1m) (b).

18 ***-1198/P4.9* SECTION 1753.** 50.033 (2r) of the statutes is repealed.

****NOTE: This is reconciled s. 50.033 (2r). This SECTION has been affected by drafts
with the following LRB numbers: 0330 and 1198.

19 ***-1198/P4.10* SECTION 1754.** 50.033 (2s) of the statutes is repealed.

****NOTE: This is reconciled s. 50.033 (2s). This SECTION has been affected by drafts
with the following LRB numbers: 0330 and 1198.

20 ***-1198/P4.11* SECTION 1755.** 50.033 (2t) of the statutes is repealed.

21 ***-0358/3.3* SECTION 1756.** 50.034 (3) (e) of the statutes is created to read:

1 50.034 (3) (e) Post in a conspicuous location in the residential care apartment
2 complex a notice, provided by the board on aging and long-term care, of the name,
3 address, and telephone number of the Long-Term Care Ombudsman Program under
4 s. 16.009 (2) (b).

5 ***-1198/P4.12*** SECTION 1757. 50.034 (5m) of the statutes is amended to read:

6 50.034 (5m) PROVISION OF INFORMATION REQUIRED. Subject to sub. (5p), when a
7 residential care apartment complex shall, ~~within the time period after inquiry by~~
8 first provides written material regarding the residential care apartment complex to
9 a prospective resident ~~that is prescribed by the department by rule, inform, the~~
10 residential care apartment complex shall also provide the prospective resident of
11 information specified by the department concerning the services of a resource center
12 under s. 46.283, the family care benefit under s. 46.286, and the availability of a
13 functional screening and a financial screen and cost-sharing screening to determine
14 the prospective resident's eligibility for the family care benefit under s. 46.286 (1).

 ****NOTE: This is reconciled s. 50.034 (5m). This SECTION has been affected by
 drafts with the following LRB numbers: 0330 and 1198.

15 ***-1198/P4.13*** SECTION 1758. 50.034 (5n) (intro.) of the statutes is amended
16 to read:

17 50.034 (5n) REQUIRED REFERRAL. (intro.) Subject to sub. (5p), when a residential
18 care apartment complex shall, ~~within the time period prescribed by the department~~
19 ~~by rule, refer to a resource center under s. 46.283 a person who is seeking admission,~~
20 first provides written material regarding the residential care apartment complex to
21 a prospective resident who is at least 65 years of age or has developmental disability
22 or a physical disability and whose disability or condition is expected to last at least

1 90 days, the residential care apartment complex shall refer the prospective resident
2 to a resource center under s. 46.283, unless any of the following applies:

3 ***-0330/P6.44* SECTION 1759.** 50.034 (5n) (a) of the statutes is amended to
4 read:

5 50.034 (5n) (a) For a person who has received a screen for whom a screening
6 for functional eligibility under s. 46.286 (1) (a) has been performed within the
7 previous 6 months, the referral under this subsection need not include performance
8 of an additional functional screen screening under s. 46.283 (4) (g).

9 ***-0330/P6.45* SECTION 1760.** 50.034 (5n) (d) of the statutes is amended to
10 read:

11 50.034 (5n) (d) For a person who seeks admission or is about to be admitted on
12 a private pay basis and who waives the requirement for a financial screen and
13 cost-sharing screening under s. 46.283 (4) (g), the referral under this subsection may
14 not include performance of a financial screen and cost-sharing screening under s.
15 46.283 (4) (g), unless the person is expected to become eligible for medical assistance
16 within 6 months.

17 ***-1198/P4.14* SECTION 1761.** 50.035 (4m) of the statutes is amended to read:

18 50.035 (4m) PROVISION OF INFORMATION REQUIRED. Subject to sub. (4p), when a
19 community-based residential facility shall, within the time period after inquiry by
20 first provides written material regarding the community-based residential facility
21 to a prospective resident that is prescribed by the department by rule, inform, the
22 community-based residential facility shall also provide the prospective resident of
23 information specified by the department concerning the services of a resource center
24 under s. 46.283, the family care benefit under s. 46.286, and the availability of a

1 functional screening and a financial screen and cost-sharing screening to determine
2 the prospective resident's eligibility for the family care benefit under s. 46.286 (1).

****NOTE: This is reconciled s. 50.035 (4m). This SECTION has been affected by
drafts with the following LRB numbers: 0330 and 1198.

3 ***-1198/P4.15* SECTION 1762.** 50.035 (4n) (intro.) of the statutes is amended
4 to read:

5 50.035 (4n) REQUIRED REFERRAL. (intro.) ~~Subject to sub. (4p),~~ When a
6 community-based residential facility shall, within the time period prescribed by the
7 department by rule, refer to a resource center under s. 46.283 a person who is seeking
8 admission, first provides written information regarding the community-based
9 residential facility to a prospective resident who is at least 65 years of age or has
10 developmental disability or a physical disability and whose disability or condition is
11 expected to last at least 90 days, the community-based residential facility shall refer
12 the individual to a resource center under s. 46.283 or, if the secretary has not certified
13 under s. 46.281 (3) that a resource center is available in the area of the
14 community-based residential facility to serve individuals in an eligibility group to
15 which the prospective resident belongs, to the county department that administers
16 a program under ss. 46.27 or 46.277, unless any of the following applies:

17 ***-0330/P6.46* SECTION 1763.** 50.035 (4n) (a) of the statutes is amended to
18 read:

19 50.035 (4n) (a) For a person who has received a screen for whom a screening
20 for functional eligibility under s. 46.286 (1) (a) has been performed within the
21 previous 6 months, the referral under this subsection need not include performance
22 of an additional functional screen screening under s. 46.283 (4) (g).

1 ***-0330/P6.47* SECTION 1764.** 50.035 (4n) (d) of the statutes is amended to
2 read:

3 50.035 (4n) (d) For a person who seeks admission or is about to be admitted on
4 a private pay basis and who waives the requirement for a financial screen and
5 cost-sharing screening under s. 46.283 (4) (g), the referral under this subsection may
6 not include performance of a financial screen and cost-sharing screening under s.
7 46.283 (4) (g), unless the person is expected to become eligible for medical assistance
8 within 6 months.

9 ***-1198/P4.16* SECTION 1765.** 50.035 (4p) of the statutes is amended to read:

10 50.035 (4p) APPLICABILITY. Subsections Subsection (4m) and (4n) apply applies
11 only if the secretary has certified under s. 46.281 (3) that a resource center is
12 available for the community-based residential facility and for specified groups of
13 eligible individuals that include those persons seeking admission to or the residents
14 of the community-based residential facility.

15 ***-0334/2.1* SECTION 1766.** 50.035 (6) of the statutes is amended to read:

16 50.035 (6) POSTING OF NOTICE REQUIRED. The licensee of a community-based
17 residential facility that is licensed to serve a client group of persons with functional
18 impairments that commonly accompany advanced age, or his or her designee, shall
19 post in a conspicuous location in the community-based residential facility a notice,
20 provided by the board on aging and long-term care, of the name, address and
21 telephone number of the long-term care ombudsman program under s. 16.009 (2) (b).

22 ***-1198/P4.17* SECTION 1767.** 50.035 (7) of the statutes is repealed.

23 ***-1198/P4.18* SECTION 1768.** 50.035 (9) of the statutes is repealed.

24 ***-1085/1.2* SECTION 1769.** 50.037 (2) (a) of the statutes is amended to read:

1 50.037 (2) (a) The biennial fee for a community-based residential facility is
2 \$306, plus a biennial fee of \$39.60 per resident, based on the number of residents that
3 the facility is licensed to serve, except that, after March 31, 2008, the biennial fee for
4 a community-based residential facility, including any fee for a resident, shall be the
5 amount that the department shall establish by rule.

6 ***-0330/P6.48* SECTION 1770.** 50.04 (2g) (a) of the statutes is amended to read:

7 50.04 (2g) (a) Subject to sub. (2i), a nursing home shall, within the time period
8 after inquiry by a prospective resident that is prescribed by the department by rule,
9 inform the prospective resident of the services of a resource center under s. 46.283,
10 the family care benefit under s. 46.286, and the availability of a functional screening
11 and a financial screen and cost-sharing screening to determine the prospective
12 resident's eligibility for the family care benefit under s. 46.286 (1).

13 ***-0330/P6.49* SECTION 1771.** 50.04 (2h) (a) 1. of the statutes is amended to
14 read:

15 50.04 (2h) (a) 1. For a person who has received a screen for whom a screening
16 for functional eligibility under s. 46.286 (1) (a) has been performed within the
17 previous 6 months, the referral under this paragraph need not include performance
18 of an additional functional screen screening under s. 46.283 (4) (g).

19 ***-0330/P6.50* SECTION 1772.** 50.04 (2h) (a) 4. of the statutes is amended to
20 read:

21 50.04 (2h) (a) 4. For a person who seeks admission or is about to be admitted
22 on a private pay basis and who waives the requirement for a financial screen and
23 cost-sharing screening under s. 46.283 (4) (g), the referral under this subsection may
24 not include performance of a financial screen and cost-sharing screening under s.

1 46.283 (4) (g), unless the person is expected to become eligible for medical assistance
2 within 6 months.

3 ***-0244/1.1* SECTION 1773.** 50.04 (4) (e) 1. of the statutes is amended to read:

4 50.04 (4) (e) 1. If a nursing home desires to contest any department action
5 under this subsection, it shall send a written request for a hearing under s. 227.44
6 to the division of hearings and appeals created under s. 15.103 (1) within ~~10~~ 60 days
7 of receipt of notice of the contested action. Department action that is subject to a
8 hearing under this subsection includes service of a notice of a violation of this
9 subchapter or rules promulgated under this subchapter, a notation in the report
10 under sub. (3) (b), imposition of a plan of correction and rejection of a nursing home's
11 plan of correction, but does not include a correction order. Upon the request of the
12 nursing home, the division shall grant a stay of the hearing under this paragraph
13 until the department assesses a forfeiture, so that its hearing under this paragraph
14 is consolidated with the forfeiture appeal hearing held under sub. (5) (e). All agency
15 action under this subsection arising out of a violation, deficiency or rejection and
16 imposition of a plan of correction shall be the subject of a single hearing. Unless a
17 stay is granted under this paragraph, the division shall commence the hearing
18 within 30 days of the request for hearing, within 30 days of the department's
19 acceptance of a nursing home's plan of correction or within 30 days of the
20 department's imposition of a plan of correction, whichever is later. The division shall
21 send notice to the nursing home in conformance with s. 227.44. Issues litigated at
22 the hearing may not be relitigated at subsequent hearings under this paragraph
23 arising out of the same violation or deficiency.

24 ***-0244/1.2* SECTION 1774.** 50.04 (5) (e) of the statutes is amended to read:

1 50.04 (5) (e) *Forfeiture appeal hearing.* A nursing home may contest an
2 assessment of forfeiture by sending, within ~~10~~ 60 days after receipt of notice of a
3 contested action, a written request for hearing under s. 227.44 to the division of
4 hearings and appeals created under s. 15.103 (1). The administrator of the division
5 may designate a hearing examiner to preside over the case and recommend a decision
6 to the administrator under s. 227.46. The decision of the administrator of the
7 division shall be the final administrative decision. The division shall commence the
8 hearing within 30 days of receipt of the request for hearing and shall issue a final
9 decision within 15 days after the close of the hearing. Proceedings before the division
10 are governed by ch. 227. In any petition for judicial review of a decision by the
11 division, the party, other than the petitioner, who was in the proceeding before the
12 division shall be the named respondent.

13 *~~-0242/1.10~~* SECTION 1775. 50.04 (5) (fr) of the statutes is repealed.

14 *~~-0244/1.3~~* SECTION 1776. 50.05 (1) (dg) of the statutes is created to read:

15 50.05 (1) (dg) "Medicare" means 42 USC 1395 to 1395hhh.

16 *~~-0244/1.4~~* SECTION 1777. 50.05 (2) (g) of the statutes is created to read:

17 50.05 (2) (g) The department or the facility determines that estimated
18 operating expenditures of the facility significantly exceed anticipated revenues for
19 the facility.

20 *~~-0244/1.5~~* SECTION 1778. 50.05 (2) (h) of the statutes is created to read:

21 50.05 (2) (h) The facility or facility's operator has been charged with or
22 convicted of an offense specified under s. 49.49 or 940.295, or a Medicare violation
23 under 42 USC 1320a-7a, 1320a-7b, or 1320a-8.

24 *~~-0244/1.6~~* SECTION 1779. 50.05 (3) of the statutes is amended to read:

1 50.05 (3) MONITOR. In any situation described in sub. (2), the department may
2 place a person to act as monitor in the facility. The monitor shall observe operation
3 of the facility, assist the facility by advising it on how to comply with state
4 regulations, and shall submit a written report periodically to the department on the
5 operation of the facility. The monitor may assist in the financial management of the
6 facility. The department may require payment by the operator or controlling person
7 of the facility for the costs of placement of a person to act as monitor in the facility.

8 *-0330/P6.51* SECTION 1780. 50.06 (7) of the statutes is amended to read:

9 50.06 (7) An individual who consents to an admission under this section may
10 request that an assessment be conducted for the incapacitated individual under the
11 long-term support community options program under s. 46.27 (6) or, if the secretary
12 has certified under s. 46.281 (3) that a resource center is available for the individual,
13 a functional screening and a financial screen and cost-sharing screening to
14 determine eligibility for the family care benefit under s. 46.286 (1). If admission is
15 sought on behalf of the incapacitated individual or if the incapacitated individual is
16 about to be admitted on a private pay basis, the individual who consents to the
17 admission may waive the requirement for a financial screen and cost-sharing
18 screening under s. 46.283 (4) (g), unless the incapacitated individual is expected to
19 become eligible for medical assistance within 6 months.

20 *-0242/1.11* SECTION 1781. 50.065 (5d) (a) 4. of the statutes is amended to
21 read:

22 50.065 (5d) (a) 4. The manner in which the tribe will submit information
23 relating to a rehabilitation review to the department so that the department may
24 include that information in its report to the legislature required under sub. (5g).

25 *-0242/1.12* SECTION 1782. 50.065 (5g) of the statutes is repealed.

1 *-0358/3.4* SECTION 1783. 50.09 (title) of the statutes is amended to read:

2 **50.09 (title) Rights of residents in certain facilities and complexes.**

3 *-0358/3.5* SECTION 1784. 50.09 (1) of the statutes is renumbered 50.09 (1m),
4 and 50.09 (1m) (intro.), (b), (c), (e), (f) 1. and 3., (g), (j) (intro.) and 2. (intro.) and a.
5 and (L), as renumbered, are amended to read:

6 **50.09 (1m) RESIDENTS' RIGHTS.** (intro.) Every resident in a nursing home or
7 community-based residential facility or a complex shall, except as provided in sub.

8 (5), have the right to:

9 (b) Present grievances on the resident's own behalf or others to the facility's
10 staff or administrator of the facility or complex, to public officials or to any other
11 person without justifiable fear of reprisal, and to join with other residents or
12 individuals within or outside of the facility or complex to work for improvements in
13 resident care.

14 (c) Manage the resident's own financial affairs, including any personal
15 allowances under federal or state programs, unless the resident delegates, in
16 writing, such this responsibility to the facility or complex and the facility or complex
17 accepts the responsibility, or unless the resident delegates to someone else of the
18 resident's choosing and that person accepts the responsibility. The resident shall
19 receive, upon written request by the resident or guardian, a written monthly account
20 of any financial transactions made by the facility or complex under such a delegation
21 of responsibility.

22 (e) Be treated with courtesy, respect and full recognition of the resident's
23 dignity and individuality, by all employees of the facility or complex and licensed,
24 certified, or registered providers of health care and pharmacists with whom the
25 resident comes in contact.

1 (f) 1. Privacy for visits by spouse.² If both spouses are residents of the same
2 facility or complex, they shall be permitted to share a room or apartment unless
3 medically contraindicated as documented by the resident's physician or advanced
4 practice nurse prescriber in the resident's medical record.

5 3. Confidentiality of health and personal records, and the right to approve or
6 refuse their release to any individual outside the facility or complex, except in the
7 case of the resident's transfer to another facility or complex or as required by law or
8 3rd-party payment contracts and except as provided in s. 146.82 (2) and (3).

9 (g) Not to be required to perform services for the facility or complex that are not
10 included for therapeutic purposes in the resident's plan of care.

11 (j) (intro.) Be transferred or discharged, and be given reasonable advance notice
12 of any planned transfer or discharge, and an explanation of the need for and
13 alternatives to the transfer or discharge. The facility or complex to which the
14 resident is to be transferred must have accepted the resident for transfer, except in
15 a medical emergency or if the transfer or discharge is for nonpayment of charges
16 following a reasonable opportunity to pay a deficiency. No person may be
17 involuntarily discharged for nonpayment under this paragraph if the person meets
18 all of the following conditions:

19 2. (intro.) The funding of his or her care in the ~~nursing home or~~
20 ~~community-based residential facility~~ under s. 49.45 (6m) is reduced or terminated
21 because of one of the following:

22 a. He or she requires a level or type of care ~~which~~ that is not provided by the
23 ~~nursing home or community-based residential facility~~.

24 (L) Receive adequate and appropriate care within the capacity of the facility
25 or complex.