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1 1. A recipient of medical assistance or of a program administered under medical
2 assistance under a waiver of federal Medicaid laws.

3 2. An enrollee of family care.

4 3. A recipient of the Badger Care health care program.

5 4. An individual who receives benefits under s. 49.68, 49.683, or 49.685.

6 5. A participant in the program of prescription drug assistance for elderly
7 persons under s. 49.688.

8 6. A woman who receives services that are reimbursed under s. 255.06.

9 **SECTION 1616.** 49.475 (1) (f) of the statutes is created to read:

10 49.475 (1) (f) "Third party" means an entity that by statute, rule, or contract
11 is responsible for payment of a claim for a health care item or service. "Third party"
12 includes all of the following:

13 1. An insurer.

14 2. An employee benefit plan described in 29 USC 1003 (a) that is not exempt
15 under 29 USC 1003 (b) and is not a multiple employer welfare arrangement.

16 3. A service benefit plan, as specified in 42 USC 1396a (25) (I).

17 4. A pharmacy benefits manager.

18 **SECTION 1617.** 49.475 (2) of the statutes is repealed and recreated to read:

19 49.475 (2) REQUIREMENTS OF 3RD PARTIES. As a condition of doing business in this
20 state, a 3rd party shall do all of the following:

21 (a) Upon the department's request and in the manner prescribed by the
22 department, provide information to the department necessary for the department to
23 ascertain all of the following with respect to a recipient:

24 1. Whether the recipient is being or has been provided coverage or a benefit or
25 service by a 3rd party.

1 2. If subd. 1. applies, the nature and period of time of any coverage, benefit, or
2 service provided, including the name, address, and identifying number of any
3 applicable coverage plan.

4 (b) Accept assignment to the department of a right of a recipient to receive
5 3rd-party payment for an item or service for which payment under medical
6 assistance has been made and accept the department's right to recover any
7 3rd-party payment made for which assignment has not been accepted.

8 (c) Respond to an inquiry by the department concerning a claim for payment
9 of a health care item or service if the department submits the inquiry less than 36
10 months after the date on which the health care item or service was provided.

11 (d) If all of the following apply, agree not to deny a claim submitted by the
12 department under par. (b) solely because of the claim's submission date, the type or
13 format of the claim form, or failure by a recipient to present proper documentation
14 at the time of delivery of the service, benefit, or item that is the basis of the claim:

15 1. The department submits the claim less than 36 months after the date on
16 which the health care item or service was provided.

17 2. Action by the department to enforce the department's rights under this
18 section with respect to the claim is commenced less than 72 months after the
19 department submits the claim.

20 **SECTION 1618.** 49.475 (3) (intro.) of the statutes is amended to read:

21 49.475 (3) WRITTEN AGREEMENT. (intro.) Upon requesting an insurer a 3rd party
22 to provide the information under sub. (2) (a), the department and the 3rd party shall
23 enter into a written agreement ~~with the insurer~~ that satisfies all of the following:

24 **SECTION 1619.** 49.475 (3) (a) of the statutes is amended to read:

1 49.475 (3) (a) ~~Identifies in detail~~ the detailed format of the information to be
2 disclosed provided to the department.

3 **SECTION 1620.** 49.475 (3) (c) of the statutes is amended to read:

4 49.475 (3) (c) Specifies how the insurer's 3rd party's reimbursable costs under
5 sub. (5) will be determined and specifies the manner of payment.

6 **SECTION 1621.** 49.475 (4) (a) of the statutes is amended to read:

7 49.475 (4) (a) ~~An insurer~~ A 3rd party shall provide the information requested
8 under sub. (2) (a) within 180 days after receiving the department's request if it is the
9 first time that the department has requested the insurer 3rd party to disclose
10 information under this section.

11 **SECTION 1622.** 49.475 (4) (b) of the statutes is amended to read:

12 49.475 (4) (b) ~~An insurer~~ A 3rd party shall provide the information requested
13 under sub. (2) (a) within 30 days after receiving the department's request if the
14 department has previously requested the insurer 3rd party to disclose information
15 under this section.

16 **SECTION 1623.** 49.475 (4) (d) of the statutes is created to read:

17 49.475 (4) (d) If a 3rd party other than an insurer fails to comply with par. (a)
18 or (b), the department may so notify the attorney general.

19 **SECTION 1624.** 49.475 (5) of the statutes is amended to read:

20 49.475 (5) From the appropriations under s. 20.435 (4) (bm) and (pa), the
21 department shall reimburse ~~an insurer~~ A 3rd party that provides information under
22 this section sub. (2) (a) for the insurer's 3rd party's reasonable costs incurred in
23 providing the requested information, including its reasonable costs, if any, to develop
24 and operate automated systems specifically for the disclosure of the information
25 under this section.

SECTION 1625

1 **SECTION 1625.** 49.475 (6) of the statutes is created to read:

2 **49.475 (6) SHARING INFORMATION.** The department of health and family services
3 shall provide to the department of workforce development, for purposes of the
4 medical support liability program under s. 49.22, any information that the
5 department of health and family services receives under this section. The
6 department of workforce development may allow a county child support agency
7 under s. 59.53 (5) or a tribal child support agency access to the information, subject
8 to the use and disclosure restrictions under s. 49.83, and shall consult with the
9 department of health and family services regarding procedures and methods to
10 adequately safeguard the confidentiality of the information provided under this
11 subsection.

12 **SECTION 1626.** 49.475 (6) of the statutes, as created by 2007 Wisconsin Act
13 (this act), is amended to read:

14 **49.475 (6) SHARING INFORMATION.** The department of health and family services
15 shall provide to the department of ~~workforce development~~ children and families, for
16 purposes of the medical support liability program under s. 49.22, any information
17 that the department of health and family services receives under this section. The
18 department of ~~workforce development~~ children and families may allow a county child
19 support agency under s. 59.53 (5) or a tribal child support agency access to the
20 information, subject to the use and disclosure restrictions under s. 49.83, and shall
21 consult with the department of health and family services regarding procedures and
22 methods to adequately safeguard the confidentiality of the information provided
23 under this subsection.

24 **SECTION 1627.** 49.48 (1m) of the statutes is amended to read:

1 49.48 (1m) If an individual who applies for or to renew a certification under
2 sub. (1) does not have a social security number, the individual, as a condition of
3 obtaining the certification, shall submit a statement made or subscribed under oath
4 or affirmation to the department that the applicant does not have a social security
5 number. The form of the statement shall be prescribed by the department of
6 ~~workforce development~~ children and families. A certification issued or renewed in
7 reliance upon a false statement submitted under this subsection is invalid.

8 **SECTION 1628.** 49.48 (2) of the statutes is amended to read:

9 49.48 (2) The department of ~~health and family services~~ may not disclose any
10 information received under sub. (1) to any person except to the department of
11 ~~workforce development~~ children and families for the purpose of making
12 certifications required under s. 49.857.

13 **SECTION 1629.** 49.48 (3) of the statutes is amended to read:

14 49.48 (3) The department of ~~health and family services~~ shall deny an
15 application for the issuance or renewal of a certification specified in sub. (1), shall
16 suspend a certification specified in sub. (1) or may, under a memorandum of
17 understanding under s. 49.857 (2), restrict a certification specified in sub. (1) if the
18 department of ~~workforce development~~ children and families certifies under s. 49.857
19 that the applicant for or holder of the certificate is delinquent in the payment of
20 court-ordered payments of child or family support, maintenance, birth expenses,
21 medical expenses or other expenses related to the support of a child or former spouse
22 or fails to comply, after appropriate notice, with a subpoena or warrant issued by the
23 department of ~~workforce development~~ children and families or a county child
24 support agency under s. 59.53 (5) and related to paternity or child support
25 proceedings.

SECTION 1630

1 **SECTION 1630.** 49.49 (3m) (a) (intro.) of the statutes is amended to read:

2 49.49 (3m) (a) (intro.) No provider may knowingly impose upon a recipient
3 charges in addition to payments received for services under ss. 49.45 to 49.47 49.471
4 or knowingly impose direct charges upon a recipient in lieu of obtaining payment
5 under ss. 49.45 to 49.47 49.471 except under the following conditions:

6 **SECTION 1631.** 49.49 (3m) (a) 1. of the statutes is amended to read:

7 49.49 (3m) (a) 1. Benefits or services are not provided under s. 49.46 (2) or
8 49.471 (11) and the recipient is advised of this fact prior to receiving the service.

9 **SECTION 1632.** 49.49 (3m) (a) 2. of the statutes is amended to read:

10 49.49 (3m) (a) 2. If an applicant is determined to be eligible retroactively under
11 s. 49.46 (1) (b) or 49.47 (4) (d) and a provider bills the applicant directly for services
12 and benefits rendered during the retroactive period, the provider shall, upon
13 notification of the applicant's retroactive eligibility, submit claims for
14 reimbursement payment under s. 49.45 for covered services or benefits rendered to
15 the recipient during the retroactive period. Upon receipt of payment under s. 49.45,
16 the provider shall reimburse the applicant recipient or other person who has made
17 prior payment to the provider. ~~No provider may be required to reimburse the~~
18 ~~applicant or other person in excess of the amount reimbursed under s. 49.45 for~~
19 ~~services provided to the recipient during the retroactive eligibility period, by the~~
20 amount of the prior payment made.

21 **SECTION 1633.** 49.49 (3m) (a) 2. of the statutes, as affected by 2007 Wisconsin
22 Act ... (this act), is amended to read:

23 49.49 (3m) (a) 2. If an applicant is determined to be eligible retroactively under
24 s. 49.46 (1) (b) or, 49.47 (4) (d), or 49.471 and a provider bills the applicant directly
25 for services and benefits rendered during the retroactive period, the provider shall,

1 upon notification of the applicant's retroactive eligibility, submit claims for payment
2 under s. 49.45 for covered services or benefits rendered to the recipient during the
3 retroactive period. Upon receipt of payment under s. 49.45, the provider shall
4 reimburse the recipient or other person who has made prior payment to the provider
5 for services provided to the recipient during the retroactive eligibility period, by the
6 amount of the prior payment made.

7 **SECTION 1634.** 49.49 (3m) (a) 3. of the statutes is amended to read:

8 49.49 (3m) (a) 3. Benefits or services for which recipient copayment,
9 coinsurance, or deductible is required under s. 49.45 (18), not to exceed maximum
10 amounts allowable under 42 CFR 447.53 to 447.58, or for which recipient copayment
11 or coinsurance is required under s. 49.471 (11).

12 **SECTION 1635.** 49.497 (title) of the statutes is amended to read:

13 **49.497 (title) Recovery of incorrect Medical Assistance or Badger Care**
14 **payments and of unpaid employer penalties.**

15 **SECTION 1636.** 49.497 (1r) of the statutes is created to read:

16 49.497 (1r) (a) The department may recover any penalty assessment not paid
17 under s. 49.471 (9) (c) from the employer against which the penalty was assessed.
18 If, after notice that payment of a penalty is overdue, the employer who is liable fails
19 to pay the penalty amount, or enter into or comply with an agreement for payment,
20 the department may bring an action to enforce the liability or may issue an order to
21 compel payment of the liability. Any person aggrieved by an order issued by the
22 department under this paragraph may appeal the order as a contested case under
23 ch. 227 by filing with the department a request for a hearing within 30 days after the
24 date of the order. The only issue at the hearing shall be the determination by the

1 department that the person has not paid the penalty or entered into, or complied
2 with, an agreement for payment.

3 (b) If any employer named in an order to compel payment issued under par. (a)
4 fails to pay the department any amount due under the terms of the order and no
5 contested case to review the order is pending and the time for filing for a contested
6 case review has expired, the department may present a certified copy of the order to
7 the circuit court for any county. The sworn statement of the secretary shall be
8 evidence of the failure to pay the penalty. The circuit court shall, without notice,
9 render judgment in accordance with the order. A judgment rendered under this
10 paragraph shall have the same effect and shall be entered in the judgment and lien
11 docket and may be enforced in the same manner as if the judgment had been
12 rendered in an action tried and determined by the circuit court.

13 (c) The recovery procedure under this subsection is in addition to any other
14 recovery procedure authorized by law.

15 **SECTION 1637.** 49.497 (4) of the statutes is amended to read:

16 49.497 (4) The department may appear for the state in any and all collection
17 matters under this section, and may commence suit in the name of the department
18 to recover an incorrect payment from the recipient to whom or on whose behalf it was
19 made or to recover an unpaid penalty from the employer against which the penalty
20 was assessed.

21 **SECTION 1638.** 49.665 (4) (ap) 2. of the statutes is repealed.

22 **SECTION 1639.** 49.665 (4) (at) 1. a. of the statutes is amended to read:

23 49.665 (4) (at) 1. a. Except as provided in subd. 1. b., the department shall
24 establish a lower maximum income level for the initial eligibility determination if
25 funding under s. 20.435 (4) ~~(be), (jz), (p), and (x), and (xd)~~ is insufficient to

1 accommodate the projected enrollment levels for the health care program under this
2 section. The adjustment may not be greater than necessary to ensure sufficient
3 funding.

4 **SECTION 1640.** 49.665 (4) (at) 1. cm. of the statutes is amended to read:

5 49.665 (4) (at) 1. cm. Notwithstanding s. 20.001 (3) (b), if, after reviewing the
6 plan submitted under subd. 1. b., the joint committee on finance determines that the
7 amounts appropriated under s. 20.435 (4) ~~(be)~~, (jz), (p), and (x), and (xd) are
8 insufficient to accommodate the projected enrollment levels, the committee may
9 transfer appropriated moneys from the general purpose revenue appropriation
10 account of any state agency, as defined in s. 20.001 (1), other than a sum sufficient
11 appropriation account, to the appropriation account under s. 20.435 (4) (bc) to
12 supplement the health care program under this section if the committee finds that
13 the transfer will eliminate unnecessary duplication of functions, result in more
14 efficient and effective methods for performing programs, or more effectively carry out
15 legislative intent, and that legislative intent will not be changed by the transfer.

16 **SECTION 1641.** 49.665 (4) (at) 2. of the statutes is amended to read:

17 49.665 (4) (at) 2. If, after the department has established a lower maximum
18 income level under subd. 1., projections indicate that funding under s. 20.435 (4) ~~(be)~~,
19 (jz), (p), and (x), and (xd) is sufficient to raise the level, the department shall, by state
20 plan amendment, raise the maximum income level for initial eligibility, but not to
21 exceed 185% of the poverty line.

22 **SECTION 1642.** 49.665 (5m) of the statutes is repealed and recreated to read:

23 49.665 (5m) INFORMATION ABOUT BADGER CARE RECIPIENTS. The department
24 shall obtain and share information about Badger Care health care program
25 recipients as provided in s. 49.475.

SECTION 1643

1 **SECTION 1643.** 49.665 (6) of the statutes is repealed.

2 **SECTION 1644.** 49.665 (7) (a) 1. of the statutes is amended to read:

3 49.665 (7) (a) 1. Notwithstanding sub. (4) (a) 3m. and ~~(ap) 2.~~, the department
4 shall mail information verification forms to the employers of the individuals required
5 to provide the verifications under sub. (4) (a) 3m. and ~~(ap) 2.~~ to obtain the information
6 specified.

7 **SECTION 1645.** 49.68 (3) (e) of the statutes is amended to read:

8 ~~49.68 (3) (e) State aids for services provided under this section shall be equal~~
9 ~~to the allowable charges under the federal Medicare program. In no case shall state~~
10 ~~rates for individual service elements exceed the federally defined allowable costs.~~
11 ~~The rate of charges for services not covered by public and private insurance shall not~~
12 ~~exceed the reasonable charges as established by medicare fee determination~~
13 ~~procedures. A person that provides to a patient a service for which aid is provided~~
14 ~~under this section shall accept the amount paid under this section for the service as~~
15 ~~payment in full and may not bill the patient for any amount by which the charge for~~
16 ~~the service exceeds the amount paid for the service under this section. The state may~~
17 ~~not pay for the cost of travel, lodging, or meals for persons who must travel to receive~~
18 ~~inpatient and outpatient dialysis treatment for kidney disease. This paragraph shall~~
19 ~~not apply to donor related costs as defined in par. (b).~~

20 **SECTION 1646.** 49.686 (6) of the statutes is created to read:

21 49.686 (6) HEALTH INSURANCE RISK-SHARING PLAN PILOT PROGRAM. (a) Subject
22 to par. (b), the department shall conduct a 3-year pilot program under which the
23 department may pay premiums for coverage under the Health Insurance
24 Risk-Sharing Plan under subch. II of ch. 149, and pay copayments under that plan

1 for prescription drugs for which reimbursement may be provided under sub. (2), for
2 individuals who satisfy all of the following:

- 3 1. The individuals are eligible for reimbursement under this section.
- 4 2. The individuals are currently taking antiretroviral drugs.
- 5 3. The individuals do not have health insurance coverage.
- 6 4. The individuals are not eligible for premium subsidies under s. 252.16 or
7 252.17 because they are not on unpaid medical leave, are not unable to continue
8 employment, and have not had to reduce their employment hours because of an
9 illness or medical condition arising from or related to HIV.

10 (b) The pilot program shall be limited to no more than 100 individuals at any
11 given time.

12 (c) The department may promulgate rules for the administration of the pilot
13 program. Notwithstanding s. 227.24 (3), rules under this paragraph may be
14 promulgated as emergency rules under s. 227.24 without a finding of emergency.

15 **SECTION 1647.** 49.687 (title) of the statutes is amended to read:

16 **49.687 (title) Disease aids; patient requirements; rebate agreements;**
17 **~~cost-containment general provisions.~~**

18 **SECTION 1648.** 49.687 (2r) of the statutes is created to read:

19 49.687 (2r) A person that provides a patient with a service for which aid is
20 provided under s. 49.68, 49.683, or 49.685 shall accept the amount paid under s.
21 49.68, 49.683, or 49.685 for the service as payment in full and may not bill the patient
22 for any amount by which the charge for the service exceeds the amount paid for the
23 service under s. 49.68, 49.683, or 49.685.

24 **SECTION 1649.** 49.687 (5) of the statutes is created to read:

SECTION 1649

1 49.687 (5) The department may investigate suspected fraudulent activity and
2 other abuses on the part of persons receiving benefits under the programs under ss.
3 49.68, 49.683, and 49.685. The activities of the department under this subsection
4 may include comparisons of information provided to the department by an applicant
5 with information provided by the applicant to other federal, state, and local agencies
6 and the development of an advisory welfare investigation prosecution standard. The
7 department shall cooperate with district attorneys regarding fraud prosecutions.

8 **SECTION 1650.** 49.687 (6) of the statutes is created to read:

9 49.687 (6) The department shall obtain and share information about
10 individuals who receive benefits under s. 49.68, 49.683, or 49.685 as provided in s.
11 49.475.

12 **SECTION 1651.** 49.688 (5) (a) (intro.) of the statutes is amended to read:

13 49.688 (5) (a) (intro.) Beginning on September 1, 2002, except as provided in
14 sub. (7) (b), as a condition of participation by a pharmacy or pharmacist in the
15 program under s. 49.45, 49.46, or 49.47, or 49.471, the pharmacy or pharmacist may
16 not charge a person who presents a valid prescription order and a card indicating
17 that he or she meets eligibility requirements under sub. (2) an amount for a
18 prescription drug under the order that exceeds the following:

19 **SECTION 1652.** 49.688 (7) (a) of the statutes is amended to read:

20 49.688 (7) (a) Except as provided in par. (b), from the appropriation accounts
21 under s. 20.435 (4) (bv), (j), ~~and (pg)~~, and (xh), beginning on September 1, 2002, the
22 department shall, under a schedule that is identical to that used by the department
23 for payment of pharmacy provider claims under medical assistance, provide to
24 pharmacies and pharmacists payments for prescription drugs sold by the
25 pharmacies or pharmacists to persons eligible under sub. (2) who have paid the

1 deductible specified under sub. (3) (b) 1. or 2. or who, under sub. (3) (b) 1., are not
2 required to pay a deductible. The payment for each prescription drug under this
3 paragraph shall be at the program payment rate, minus any copayment paid by the
4 person under sub. (5) (a) 2. or 4., and plus, if applicable, incentive payments that are
5 similar to those provided under s. 49.45 (8v). The department shall devise and
6 distribute a claim form for use by pharmacies and pharmacists under this paragraph
7 and may limit payment under this paragraph to those prescription drugs for which
8 payment claims are submitted by pharmacists or pharmacies directly to the
9 department. The department may apply to the program under this section the same
10 utilization and cost control procedures that apply under rules promulgated by the
11 department to medical assistance under subch. IV of ch. 49.

12 **SECTION 1653.** 49.688 (7) (b) of the statutes is amended to read:
13 49.688 (7) (b) During any period in which funding under s. 20.435 (4) (bv) and,
14 (pg), and (xh) is completely expended for the payments specified in par. (a), the
15 requirements of par. (a) and subs. (3) (c), (5), and (6) (a) and (b) do not apply to drugs
16 purchased during that period, but the department shall continue to accept
17 applications and determine eligibility under sub. (4) and shall indicate to applicants
18 that the eligibility of program participants to purchase prescription drugs as
19 specified in sub. (3), under the requirements of sub. (5), is conditioned on the
20 availability of funding under s. 20.435 (4) (bv) and, (pg), and (xh).

21 **SECTION 1654.** 49.688 (8) of the statutes is amended to read:
22 49.688 (8) The department shall, under methods promulgated by the
23 department by rule, monitor compliance by pharmacies and pharmacists that are
24 certified providers of medical assistance with the requirements of sub. (5) and shall
25 annually report to the legislature under s. 13.172 (2) concerning the compliance. The

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1 ~~report shall include information on any pharmacies or pharmacists that discontinue~~
2 ~~participation as certified providers of medical assistance and the reasons given for~~
3 ~~the discontinuance.~~

4 **SECTION 1655.** 49.688 (8m) of the statutes is repealed and recreated to read:

5 49.688 (8m) The department shall obtain and share information about
6 participants in the program under this section as provided in s. 49.475.

7 **SECTION 1656.** 49.775 (2) (bm) of the statutes is amended to read:

8 49.775 (2) (bm) The custodial parent assigns to the state any right of the
9 custodial parent or of the dependent child to support from any other person. No
10 amount of support that begins to accrue after the individual ceases to receive
11 payments under this section may be considered assigned to the state. Any money
12 that is received by the department of ~~workforce development~~ children and families
13 under an assignment to the state under this paragraph and that is not the federal
14 share of support shall be paid to the custodial parent. The department of ~~workforce~~
15 ~~development~~ children and families shall pay the federal share of support assigned
16 under this paragraph as required under federal law or waiver.

17 **SECTION 1657.** 49.78 (4) of the statutes is amended to read:

18 49.78 (4) RULES; MERIT SYSTEM. The department of ~~workforce development~~
19 children and families shall promulgate rules for the efficient administration of aid
20 to families with dependent children in agreement with the requirement for federal
21 aid, including the establishment and maintenance of personnel standards on a merit
22 basis. The provisions of this section relating to personnel standards on a merit basis
23 supersede any inconsistent provisions of any law relating to county personnel. This
24 subsection shall not be construed to invalidate the provisions of s. 46.22 (1) (d).

25 **SECTION 1658.** 49.78 (5) of the statutes is amended to read:

1 49.78 (5) PERSONNEL EXAMINATIONS. Statewide examinations to ascertain
2 qualifications of applicants in any county department administering aid to families
3 with dependent children shall be given by the administrator of the division of merit
4 recruitment and selection in the office of state employment relations. The office of
5 state employment relations shall be reimbursed for actual expenditures incurred in
6 the performance of its functions under this section from the appropriations available
7 to the department of ~~health and family services~~ children and families for
8 administrative expenditures.

9 **SECTION 1659.** 49.78 (7) of the statutes is amended to read:

10 49.78 (7) COUNTY PERSONNEL SYSTEMS. Pursuant to rules promulgated under
11 sub. (4), the department of ~~workforce development~~ children and families where
12 requested by the county shall delegate to that county, without restriction because of
13 enumeration, any or all of the authority of the department of workforce
14 development's ~~authority~~ children and families under sub. (4) to establish and
15 maintain personnel standards including salary levels.

16 **SECTION 1660.** 49.785 (1) (intro.) of the statutes is amended to read:

17 49.785 (1) (intro.) Except as provided in sub. (1m), if any recipient of benefits
18 under s. 49.148, 49.46 or 49.77, or under 42 USC 1381 to 1385 in effect on
19 May 8, 1980, specified in sub. (1c) dies and the estate of the deceased recipient is
20 insufficient to pay the funeral, burial, and cemetery expenses of the deceased
21 recipient, the county or applicable tribal governing body or organization responsible
22 for burial of the recipient shall pay, to the person designated by the county
23 department under s. 46.215, 46.22, or 46.23 or applicable tribal governing body or
24 organization responsible for the burial of the recipient, all of the following:

25 **SECTION 1661.** 49.785 (1c) of the statutes is created to read:

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1 49.785 (1c) All of the following are eligible recipients under this section:

2 (a) A recipient of benefits under s. 49.148, 49.46, or 49.77, or under 42 USC 1381
3 to 1385 in effect on May 8, 1980.

4 (b) A recipient of benefits under s. 49.471 who is any of the following:

5 1. A pregnant woman or a child under 6 years of age with a family income not
6 exceeding 185 percent of the poverty line at the time of death.

7 2. A child at least 6 years of age but less than 19 years of age with a family
8 income not exceeding 100 percent of the poverty line at the time of death.

9 3. A parent or caretaker relative with a family income not exceeding 50 percent
10 of the poverty line at the time of death.

11 **SECTION 1662.** 49.79 (1) (b) of the statutes is repealed.

12 **SECTION 1663.** 49.79 (1) (d) of the statutes is repealed.

13 **SECTION 1664.** 49.79 (1) (e) of the statutes is repealed.

14 **SECTION 1665.** 49.79 (1) (g) of the statutes is created to read:

15 49.79 (1) (g) "Wisconsin Works employment position" has the meaning given
16 in s. 49.141 (1) (r).

17 **SECTION 1666.** 49.79 (2) (a) of the statutes is repealed.

18 **SECTION 1667.** 49.79 (2) (b) of the statutes is renumbered 49.79 (2).

19 **SECTION 1668.** 49.79 (9) (a) 2. of the statutes, as affected by 2007 Wisconsin Act
20 (this act), is amended to read:

21 49.79 (9) (a) 2. The department may not require an individual who is a recipient
22 under the food stamp program and who is the caretaker of a child under the age of
23 12 26 weeks to participate in any employment and training program under this
24 subsection.

25 **SECTION 1669.** 49.79 (10) of the statutes is repealed.

1 **SECTION 1670.** 49.81 (intro.) of the statutes is amended to read:

2 **49.81 Public assistance recipients' bill of rights.** (intro.) The department
3 of health and family services, the department of ~~workforce development~~ children and
4 families, and all public assistance and relief-granting agencies shall respect rights
5 for recipients of public assistance. The rights shall include all rights guaranteed by
6 the U.S. constitution and the constitution of this state, and in addition shall include:

7 **SECTION 1671.** 49.81 (4) of the statutes is amended to read:

8 **49.81 (4)** The right to a speedy determination of the recipient's status or
9 eligibility for public assistance, to notice of any proposed change in such status or
10 eligibility, and, in the case of assistance granted under s. 49.19, 49.46, 49.468 or,
11 49.47, or 49.471, to a speedy appeals process for resolving contested determinations.

12 **SECTION 1672.** 49.82 (1) of the statutes is amended to read:

13 **49.82 (1) DEPARTMENTS TO ADVISE COUNTIES.** The department of health and
14 family services and the department of ~~workforce development~~ children and families
15 shall advise all county officers charged with the administration of requirements
16 relating to public assistance programs under this chapter and shall render all
17 possible assistance in securing compliance therewith, including the preparation of
18 necessary forms and reports. The department of health and family services and the
19 department of ~~workforce development~~ children and families shall also publish any
20 information that those departments consider advisable to acquaint persons entitled
21 to public assistance, and the public generally, with the laws governing public
22 assistance under this chapter.

23 **SECTION 1673.** 49.82 (2) of the statutes is renumbered 49.82 (2) (a) and
24 amended to read:

1 49.82 (2) (a) ~~Proof shall be provided~~ Except as provided in par. (b), for each
2 person included in an application for public assistance under this chapter, ~~except for~~
3 ~~a child who is eligible for medical assistance under s. 49.46 or 49.47 because of 42~~
4 ~~USC 1396a (e) (4) or an unborn child who is eligible for coverage under the Badger~~
5 ~~Care health care program under s. 49.665 (4) (ap)~~, proof shall be provided of his or
6 her social security number or that an application for a social security number has
7 been made.

8 **SECTION 1674.** 49.82 (2) (b) of the statutes is created to read:

9 49.82 (2) (b) Paragraph (a) does not apply to any of the following:

10 1. A child who is eligible for medical assistance under s. 49.46 or 49.47 because
11 of 42 USC 1396a (e) (4).

12 2. An unborn child who is eligible for coverage under the Badger Care health
13 care program under s. 49.665 (4) (ap).

14 3. A person who is applying for medical assistance under subch. IV, coverage
15 under the Badger Care health care program under s. 49.665, or coverage under the
16 program for prescription drug assistance for elderly persons under s. 49.688 and who
17 refuses to obtain a social security number because of well-established religious
18 objections, as defined in 42 CFR 435.910 (h) (2).

19 **SECTION 1675.** 49.82 (2) (b) 1. of the statutes, as created by 2007 Wisconsin Act
20 (this act), is amended to read:

21 49.82 (2) (b) 1. A child who is eligible for medical assistance under s. 49.46 or,
22 49.47, or 49.471 because of 42 USC 1396a (e) (4).

23 **SECTION 1676.** 49.82 (2) (b) 2. of the statutes, as created by 2007 Wisconsin Act
24 (this act), is amended to read:

1 49.82 (2) (b) 2. An unborn child who is eligible for coverage under s. 49.471 or
2 the Badger Care health care program under s. 49.665 (4) (ap).

3 **SECTION 1677.** 49.83 of the statutes is amended to read:

4 **49.83 Limitation on giving information.** Except as provided under s. 49.32
5 (9), (10), and (10m), no person may use or disclose information concerning applicants
6 and recipients of relief funded by a relief block grant, aid to families with dependent
7 children, Wisconsin Works under ss. 49.141 to 49.161, social services, child and
8 spousal support and establishment of paternity and medical support liability
9 services under s. 49.22, or supplemental payments under s. 49.77 for any purpose not
10 connected with the administration of the programs, except that the department of
11 ~~workforce development~~ children and families may disclose such information to the
12 department of revenue for the sole purpose of administering state taxes. Any person
13 violating this section may be fined not less than \$25 nor more than \$500 or
14 imprisoned in the county jail not less than 10 days nor more than one year or both.

15 **SECTION 1678.** 49.84 (6) of the statutes is created to read:

16 49.84 (6) (a) In this subsection, "department" means the department of health
17 and family services.

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

24 2. An applicant shall provide the documentation at the time of application. If
25 a recipient was not required to provide documentation at the time he or she applied,

1 the recipient shall provide the documentation the first time his or her eligibility is
2 reviewed or redetermined after the effective date of this subdivision ... [revisor
3 inserts date]. An applicant or recipient shall be granted a reasonable time, as
4 determined by the department, to submit the documentation before his or her
5 eligibility is denied or terminated.

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

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

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

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

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

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

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

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

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

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

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

1 **SECTION 1679.** 49.84 (6) (c) 1. d. of the statutes, as created by 2007 Wisconsin
2 Act (this act), is amended to read:

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

6 **SECTION 1680.** 49.84 (6) (c) 1. e. of the statutes, as created by 2007 Wisconsin
7 Act (this act), is amended to read:

8 49.84 (6) (a) 1. e. A pregnant woman who is receiving medical assistance under
9 s. 49.465 or a child or pregnant woman who is receiving medical assistance under s.
10 49.471 (5) (b) 1. or 2.

11 **SECTION 1681.** 49.845 (1) of the statutes is amended to read:

12 49.845 (1) FRAUD INVESTIGATION. From the appropriations under s. 20.435 (4)
13 (bn), (kz), (L), and (nn), the department of health and family services shall establish
14 a program to investigate suspected fraudulent activity on the part of recipients of
15 medical assistance under subch. IV, food stamp benefits under the food stamp
16 program under 7 USC 2011 to 2036, supplemental security income payments under
17 s. 49.77, payments for the support of children of supplemental security income
18 recipients under s. 49.775, and health care benefits under the Badger Care health
19 care program under s. 49.665 and, if the department of workforce development
20 children and families contracts with the department of health and family services
21 under sub. (4), on the part of recipients of aid to families with dependent children
22 under s. 49.19 and participants in the Wisconsin Works program under ss. 49.141 to
23 49.161. The activities of the department of health and family services under this
24 subsection may include comparisons of information provided to the department by
25 an applicant and information provided by the applicant to other federal, state, and

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1 local agencies, development of an advisory welfare investigation prosecution
2 standard, and provision of funds to county departments under ss. 46.215, 46.22, and
3 46.23 and to Wisconsin Works agencies to encourage activities to detect fraud. The
4 department of health and family services shall cooperate with district attorneys
5 regarding fraud prosecutions.

6 **SECTION 1682.** 49.845 (2) of the statutes is amended to read:

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

16 **SECTION 1683.** 49.845 (3) of the statutes is amended to read:

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

23 **SECTION 1684.** 49.845 (4) of the statutes is 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 **SECTION 1685.** 49.85 (1) of the statutes is amended to read:

7 49.85 (1) DEPARTMENT NOTIFICATION REQUIREMENT. If a county department under
8 s. 46.215, 46.22, or 46.23 or a governing body of a federally recognized American
9 Indian tribe or band determines that the department of health and family services
10 may recover an amount under s. 49.497, 49.793, or 49.847, or that the department
11 of workforce development children and families may recover an amount under s.
12 49.161 or 49.195 (3) or collect an amount under s. 49.147 (6) (cm), the county
13 department or governing body shall notify the affected department of the
14 determination. If a Wisconsin Works agency determines that the department of
15 workforce development children and families may recover an amount under s. 49.161
16 or 49.195 (3), or collect an amount under s. 49.147 (6) (cm), the Wisconsin Works
17 agency shall notify the department of workforce development children and families
18 of the determination.

19 **SECTION 1686.** 49.85 (2) (b) of the statutes is amended to read:

20 49.85 (2) (b) At least annually, the department of workforce development
21 children and families shall certify to the department of revenue the amounts that,
22 based on the notifications received under sub. (1) and on other information received
23 by the department of workforce development children and families, the department
24 of workforce development children and families has determined that it may recover
25 under ss. 49.161 and 49.195 (3) and collect under s. 49.147 (6) (cm), except that the

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1 department of ~~workforce development~~ children and families may not certify an
2 amount under this subsection unless it has met the notice requirements under sub.
3 (3) and unless its determination has either not been appealed or is no longer under
4 appeal.

5 **SECTION 1687.** 49.85 (3) (b) (intro.) of the statutes is amended to read:

6 49.85 (3) (b) (intro.) At least 30 days before certification of an amount, the
7 department of ~~workforce development~~ children and families shall send a notice to the
8 last-known address of the person from whom that department intends to recover or
9 collect the amount. The notice shall do all of the following:

10 **SECTION 1688.** 49.85 (3) (b) 1. of the statutes is amended to read:

11 49.85 (3) (b) 1. Inform the person that the department of ~~workforce~~
12 ~~development~~ children and families intends to certify to the department of revenue
13 an amount that the department of ~~workforce development~~ children and families has
14 determined to be due under s. 49.161 or 49.195 (3) or to be delinquent under a
15 repayment agreement for a loan under s. 49.147 (6), for setoff from any state tax
16 refund that may be due the person.

17 **SECTION 1689.** 49.85 (3) (b) 2. of the statutes is amended to read:

18 49.85 (3) (b) 2. Inform the person that he or she may appeal the determination
19 of the department of ~~workforce development~~ children and families to certify the
20 amount by requesting a hearing under sub. (4) within 30 days after the date of the
21 letter and inform the person of the manner in which he or she may request a hearing.

22 **SECTION 1690.** 49.85 (3) (b) 3. of the statutes is amended to read:

23 49.85 (3) (b) 3. Inform the person that, if the determination of the department
24 of ~~workforce development~~ children and families is appealed, that department will

1 not certify the amount to the department of revenue while the determination of the
2 department of workforce development children and families is under appeal.

3 **SECTION 1691.** 49.85 (3) (b) 4. of the statutes is amended to read:

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

10 **SECTION 1692.** 49.85 (3) (b) 5. of the statutes is amended to read:

11 49.85 (3) (b) 5. Request that the person inform the department of workforce
12 development children and families if a bankruptcy stay is in effect with respect to the
13 person or if the claim has been discharged in bankruptcy.

14 **SECTION 1693.** 49.85 (4) (b) of the statutes is amended to read:

15 49.85 (4) (b) If a person has requested a hearing under this subsection, the
16 department of workforce development children and families shall hold a contested
17 case hearing under s. 227.44, except that the department of workforce development
18 children and families may limit the scope of the hearing to exclude issues that were
19 presented at a prior hearing or that could have been presented at a prior opportunity
20 for hearing.

21 **SECTION 1694.** 49.85 (5) of the statutes is amended to read:

22 49.85 (5) EFFECT OF CERTIFICATION. Receipt of a certification by the department
23 of revenue shall constitute a lien, equal to the amount certified, on any state tax
24 refunds or credits owed to the obligor. The lien shall be foreclosed by the department
25 of revenue as a setoff under s. 71.93. Certification of an amount under this section

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1 does not prohibit the department of health and family services or the department of
2 ~~workforce development~~ children and families from attempting to recover or collect
3 the amount through other legal means. The department of health and family
4 services or the department of ~~workforce development~~ children and families shall
5 promptly notify the department of revenue upon recovery or collection of any amount
6 previously certified under this section.

7 **SECTION 1695.** 49.852 (1) of the statutes is renumbered 49.852 (1m) and
8 amended to read:

9 49.852 (1m) The department of ~~workforce development~~ may direct the
10 department of employee trust funds, the retirement system of any 1st class city, any
11 retirement system established under chapter 201, laws of 1937, or the administrator
12 of any other pension plan to withhold the amount specified in the statewide support
13 lien docket under s. 49.854 (2) (b) from any lump sum payment from a pension plan
14 that may be paid a delinquent support obligor, except that the department of
15 ~~workforce development~~ may not direct that an amount be withheld under this
16 subsection unless it has met the notice requirements under sub. (2) and unless the
17 amount specified has either not been appealed or is no longer under appeal under s.
18 49.854.

19 **SECTION 1696.** 49.852 (1c) of the statutes is created to read:

20 49.852 (1c) In this section, "department" means the department of children
21 and families.

22 **SECTION 1697.** 49.852 (2) (intro.) of the statutes is amended to read:

23 49.852 (2) (intro.) The department of ~~workforce development~~ shall send a
24 notice to the last-known address of the person from whom the department intends

1 to recover the amount specified in the statewide support lien docket under s. 49.854

2 (2) (b). The notice shall do all of the following:

3 **SECTION 1698.** 49.852 (2) (c) of the statutes is amended to read:

4 49.852 (2) (c) Request that the person inform the department of workforce
5 development or the appropriate county child support agency under s. 59.53 (5) if a
6 bankruptcy stay is in effect with respect to the person.

7 **SECTION 1699.** 49.852 (3) of the statutes is amended to read:

8 49.852 (3) If a person has requested a hearing pursuant to sub. (2) (b), the
9 hearing shall be conducted before the circuit court that rendered the initial order to
10 pay support. The court shall schedule a hearing within 10 business days after
11 receiving a request for a hearing. A circuit court commissioner may conduct the
12 hearing. If the court determines that the person owes the amount specified in the
13 statewide support lien docket under s. 49.854 (2) (b), the department of workforce
14 development may direct the department of employee trust funds, the retirement
15 system of any 1st class city, any retirement system established under chapter 201,
16 laws of 1937, or the administrator of any other pension plan, whichever is
17 appropriate, to withhold the amount from any lump sum payment from a pension
18 plan that may be paid the person. If the court determines that the person does not
19 owe the amount specified in the statewide support lien docket under s. 49.854 (2) (b),
20 the department of workforce development may not direct the department of
21 employee trust funds, the retirement system of any 1st class city, any retirement
22 system established under chapter 201, laws of 1937, or the administrator of any
23 other pension plan, whichever is appropriate, to withhold the amount from any lump
24 sum payment from a pension plan that may be paid the person.

25 **SECTION 1700.** 49.852 (4) (a) of the statutes is amended to read:

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

8 **SECTION 1701.** 49.852 (4) (b) of the statutes is amended to read:

9 49.852 (4) (b) If the department of ~~workforce development~~ directs the
10 department of employee trust funds, the retirement system of any 1st class city, any
11 retirement system established under chapter 201, laws of 1937, or the administrator
12 of any other pension plan to withhold the amount specified in the statewide support
13 lien docket under s. 49.854 (2) (b), the department of employee trust funds, the
14 retirement system of any 1st class city, any retirement system established under
15 chapter 201, laws of 1937, or the administrator of any other pension plan shall deduct
16 from any lump sum payment that may be paid the person the amount specified in
17 the statewide support lien docket, less any amount specified under par. (d). If the
18 amount specified in the statewide support lien docket under s. 49.854 (2) (b), less any
19 amount specified under par. (d), exceeds the lump sum payment, the department of
20 employee trust funds, the retirement system of any 1st class city, any retirement
21 system established under chapter 201, laws of 1937, or the administrator of any
22 other pension plan shall deduct the entire lump sum payment, less any withholdings
23 otherwise required by law. The amount deducted under this paragraph shall be
24 remitted to the department of ~~workforce development~~.

25 **SECTION 1702.** 49.852 (4) (c) of the statutes is amended to read:

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

7 **SECTION 1703.** 49.852 (4) (d) of the statutes is amended to read:

8 49.852 (4) (d) The department of workforce development shall promptly notify
9 the department of employee trust funds, the retirement system of any 1st class city,
10 any retirement system established under chapter 201, laws of 1937, or the
11 administrator of any other pension plan upon recovery of any amount previously
12 specified in the statewide support lien docket under s. 49.854 (2) (b).

13 **SECTION 1704.** 49.853 (1) (b) of the statutes is amended to read:

14 49.853 (1) (b) "Department" means the department of workforce development
15 children and families.

16 **SECTION 1705.** 49.854 (1) (a) of the statutes is amended to read:

17 49.854 (1) (a) "Department" means the department of workforce development
18 children and families.

19 **SECTION 1706.** 49.854 (5) (a) 3. of the statutes is created to read:

20 49.854 (5) (a) 3. "Lien" means a lien under this section or a lien in favor of
21 another state based on a support obligation, including a lien placed under s. 769.305
22 (2) (g).

23 **SECTION 1707.** 49.854 (5) (b) of the statutes is amended to read:

24 49.854 (5) (b) *Notice to the financial institution.* To enforce a lien under this
25 section by levying against an account at a financial institution, the department shall

1 send a notice of levy to the financial institution instructing the financial institution
2 to prohibit the closing of or withdrawals from one or more accounts that the obligor
3 owns in whole or in part, up to a total amount that is sufficient to pay the support
4 owed, financial institution fees under par. (e), and estimated levy fees and costs
5 under sub. (11), until further notice from the department or a court. The financial
6 institution shall comply with the notice of levy and shall hold the amount specified
7 in the notice until the financial institution receives further instructions from the
8 department or a court.

9 **SECTION 1708.** 49.854 (5) (c) of the statutes is created to read:

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

19 **SECTION 1709.** 49.854 (5) (e) of the statutes is amended to read:

20 49.854 (5) (e) *Financial institution fees.* A financial institution may continue
21 to collect fees, under the terms of the account agreement, on accounts frozen under
22 this subsection. In addition to the levy fee authorized under sub. (11) (a), a financial
23 institution may collect any early withdrawal penalty incurred under the terms of an
24 account as a result of the levy. Financial institution fees authorized under this
25 paragraph may be charged to the account immediately prior to the remittance of the

1 amount to the department or the other state and may be charged even if the amounts
2 in the obligor's accounts are insufficient to pay the total amount of support owed and
3 the department's levy costs under sub. (1) (b).

4 **SECTION 1710.** 49.854 (1) (b) of the statutes is amended to read:

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

11 **SECTION 1711.** 49.855 (1) of the statutes is amended to read:

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

21 **SECTION 1712.** 49.855 (2r) of the statutes is created to read:

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

25 **SECTION 1713.** 49.855 (3) of the statutes is 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 **SECTION 1714.** 49.855 (4) (a) of the statutes is amended to read:

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

14 **SECTION 1715.** 49.855 (4) (b) of the statutes is amended to read:

15 49.855 (4) (b) The department of administration shall send the portion of any
16 federal tax refunds or credits received from the internal revenue service that was
17 withheld for delinquent child or family support or maintenance or past support,
18 medical expenses, or birth expenses to the department of ~~workforce development~~
19 children and families or its designee for deposit in the support collections trust fund
20 under s. 25.68 and shall send the portion of any federal tax refunds or credits received
21 from the internal revenue service that was withheld for delinquent receiving and
22 disbursing fees to the department of ~~workforce development~~ children and families
23 or its designee for deposit in the appropriation account under s. 20.445 (3) 20.437 (2)
24 (ja).

25 **SECTION 1716.** 49.855 (4m) (b) of the statutes is amended to read:

1 49.855 (4m) (b) The department of revenue may provide a certification that it
2 receives under sub. (1), (2m), ~~or (2p)~~, or (2r) to the department of administration.
3 Upon receipt of the certification, the department of administration shall determine
4 whether the obligor is a vendor or is receiving any other payments from this state,
5 except for wages, retirement benefits, or assistance under s. 45.352, 1971 stats., s.
6 45.40 (1), this chapter, or ch. 46, 108, or 301. If the department of administration
7 determines that the obligor is a vendor or is receiving payments from this state,
8 except for wages, retirement benefits, or assistance under s. 45.352, 1971 stats., s.
9 45.40 (1), this chapter, or ch. 46, 108, or 301, it shall begin to withhold the amount
10 certified from those payments and shall notify the obligor that the state intends to
11 reduce any payments due the obligor by the amount the obligor is delinquent under
12 the support, maintenance, or receiving and disbursing fee order or obligation, by the
13 outstanding amount for past support, medical expenses, or birth expenses under the
14 court order, or by the amount due under s. 46.10 (4), 49.345 (4), or 301.12 (4). The
15 notice shall provide that within 20 days after receipt of the notice the obligor may
16 request a hearing before the circuit court rendering the order under which the
17 obligation arose. An obligor may, within 20 days after receiving notice, request a
18 hearing under this paragraph. Within 10 days after receiving a request for hearing
19 under this paragraph, the court shall set the matter for hearing. A circuit court
20 commissioner may conduct the hearing. Pending further order by the court or circuit
21 court commissioner, the department of ~~workforce development~~ children and families
22 or its designee, whichever is appropriate, may not disburse the payments withheld
23 from the obligor. The sole issues at the hearing are whether the obligor owes the
24 amount certified and, if not and it is a support or maintenance order, whether the
25 money withheld shall be paid to the obligor or held for future support or

1 maintenance, except that the obligor's ability to pay is also an issue at the hearing
2 if the obligation relates to an order under ~~s. 767.51 (3) (e) 1. or 767.62 (4) (d) 1. s.~~
3 ~~767.89 (3) (e) 1. or 767.805 (4) (d) 1. or 767.89 (3) (e) 1.~~ and the order specifies that
4 the court found that the obligor's income was at or below the poverty line established
5 under 42 USC 9902 (2).

6 **SECTION 1717.** 49.855 (4m) (c) of the statutes is amended to read:

7 49.855 (4m) (c) Except as provided by order of the court after hearing under
8 par. (b), the department of administration shall continue withholding until the
9 amount certified is recovered in full. The department of administration shall
10 transfer the amounts withheld under this paragraph to the department of workforce
11 development children and families or its designee, the department of health and
12 family services, or the department of corrections, whichever is appropriate. The
13 department of workforce development children and families or its designee shall
14 deposit amounts withheld for delinquent child or family support, maintenance, or
15 receiving and disbursing fees or past support, medical expenses, or birth expenses
16 in the appropriation account under s. ~~20.445 (3)~~ 20.437 (2) (kp).

17 **SECTION 1718.** 49.855 (5) of the statutes is amended to read:

18 49.855 (5) Certification of an obligation to the department of revenue does not
19 deprive any party of the right to collect the obligation or to prosecute the obligor. The
20 department of workforce development children and families or its designee shall
21 immediately notify the department of revenue of any collection of an obligation that
22 has been certified to the department of revenue.

23 **SECTION 1719.** 49.856 (1) (b) of the statutes is amended to read:

24 49.856 (1) (b) "Department" means the department of workforce development
25 children and families.

SECTION 1720

1 **SECTION 1720.** 49.857 (1) (cf) of the statutes is created to read:

2 49.857 (1) (cf) "Department" means the department of children and families.

3 **SECTION 1721.** 49.857 (1) (f) of the statutes is amended to read:

4 49.857 (1) (f) "Subpoena or warrant" means a subpoena or warrant issued by
5 the department of workforce development or a child support agency and relating to
6 paternity or support proceedings.

7 **SECTION 1722.** 49.857 (2) (a) of the statutes is amended to read:

8 49.857 (2) (a) The department of workforce development shall establish a
9 system, in accordance with federal law, under which a licensing authority is
10 requested, and a licensing agency or credentialing board is required, to restrict,
11 limit, suspend, withhold, deny, refuse to grant or issue, or refuse to renew or
12 revalidate a license in a timely manner upon certification by and in cooperation with
13 the department of workforce development, if the individual holding or applying for
14 the license is delinquent in making court-ordered payments of support or fails to
15 comply, after appropriate notice, with a subpoena or warrant.

16 **SECTION 1723.** 49.857 (2) (b) (intro.) of the statutes is amended to read:

17 49.857 (2) (b) (intro.) Under the system, the department of workforce
18 development shall enter into a memorandum of understanding with a licensing
19 authority, if the licensing authority agrees, and with a licensing agency. A
20 memorandum of understanding under this paragraph shall address at least all of the
21 following:

22 **SECTION 1724.** 49.857 (2) (b) 2. (intro.) of the statutes is amended to read:

23 49.857 (2) (b) 2. (intro.) Procedures that the department of workforce
24 development shall use for doing all of the following:

25 **SECTION 1725.** 49.857 (2) (b) 2. a. of the statutes is amended to read:

1 49.857 (2) (b) 2. a. Certifying to the licensing authority or licensing agency a
2 delinquency in support or a failure to comply with a subpoena or warrant. The
3 memorandum of understanding with the department of regulation and licensing
4 shall include procedures for the department of regulation and licensing to notify a
5 credentialing board that a certification of delinquency in support or failure to comply
6 with a subpoena or warrant has been made by the department of ~~workforce~~
7 ~~development~~ children and families with respect to an individual who holds or applied
8 for a credential granted by the credentialing board.

9 **SECTION 1726.** 49.857 (2) (b) 3. c. of the statutes is amended to read:

10 49.857 (2) (b) 3. c. Issuing or reinstating a license if the department of
11 ~~workforce development~~ children and families notifies the licensing authority or
12 licensing agency that an individual who was delinquent in making court-ordered
13 payments of support has paid the delinquent support or made satisfactory
14 alternative payment arrangements or that an individual who failed to comply with
15 a subpoena or warrant has satisfied the requirements under the subpoena or
16 warrant. The memorandum of understanding with the department of regulation
17 and licensing shall include procedures for the department of regulation and licensing
18 to direct a credentialing board to grant or reinstate a credential if the department
19 of ~~workforce development~~ children and families notifies the department of
20 regulation and licensing that an individual who holds or applied for a credential
21 granted by the credentialing board has paid the delinquent support or made
22 satisfactory alternative payment arrangements or that an individual who failed to
23 comply with a subpoena or warrant has satisfied the requirements under the
24 subpoena or warrant.

25 **SECTION 1727.** 49.857 (2) (b) 5. of the statutes is amended to read:

1 49.857 (2) (b) 5. Procedures for safeguarding the confidentiality of information
2 about an individual, including social security numbers obtained by the department
3 of workforce development, the licensing authority, the licensing agency, or a
4 credentialing board.

5 **SECTION 1728.** 49.857 (3) (a) (intro.) of the statutes is amended to read:

6 49.857 (3) (a) (intro.) Before the department of workforce development certifies
7 to a licensing authority or a licensing agency under the system established under
8 sub. (2) that an individual is delinquent in making court-ordered payments of
9 support, the department of workforce development or a child support agency shall
10 provide notice to the individual by regular mail. The notice shall inform the
11 individual of all of the following:

12 **SECTION 1729.** 49.857 (3) (a) 4. of the statutes is amended to read:

13 49.857 (3) (a) 4. That the certification will not be made if the individual pays
14 the delinquent amount in full or makes satisfactory alternative payment
15 arrangements with the department of workforce development or a child support
16 agency. The notice shall inform the individual of how he or she may pay the
17 delinquent amount or make satisfactory alternative payment arrangements.

18 **SECTION 1730.** 49.857 (3) (ac) 1. of the statutes is amended to read:

19 49.857 (3) (ac) 1. If an individual timely requests a hearing under par. (a) 5.,
20 the court shall schedule a hearing within 10 business days after receiving the
21 request. A circuit court commissioner may conduct the hearing. The only issues at
22 the hearing shall be whether the individual is delinquent in making court-ordered
23 payments of support and whether any alternative payment arrangement offered by
24 the department of workforce development or the county child support agency is
25 reasonable.

1 **SECTION 1731.** 49.857 (3) (ac) 2. of the statutes is amended to read:

2 49.857 (3) (ac) 2. If at a hearing under subd. 1. the court or circuit court
3 commissioner finds that the individual does not owe delinquent support, or if within
4 20 business days after receiving a notice under par. (a) the individual pays the
5 delinquent amount in full or makes satisfactory alternative payment arrangements,
6 the department of workforce development may not place the individual's name on a
7 certification list.

8 **SECTION 1732.** 49.857 (3) (ac) 3. of the statutes is amended to read:

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

16 **SECTION 1733.** 49.857 (3) (am) (intro.) of the statutes is amended to read:

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

24 **SECTION 1734.** 49.857 (3) (am) 4. of the statutes is amended to read:

1 49.857 (3) (am) 4. That the certification will not be made if the individual pays
2 the delinquent amount in full or makes satisfactory alternative payment
3 arrangements with the department of ~~workforce development~~ or a child support
4 agency. The notice shall inform the individual of how he or she may pay the
5 delinquent amount or make satisfactory alternative payment arrangements.

6 **SECTION 1735.** 49.857 (3) (ar) 1. of the statutes is amended to read:

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

14 **SECTION 1736.** 49.857 (3) (ar) 2. of the statutes is amended to read:

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

21 **SECTION 1737.** 49.857 (3) (ar) 3. of the statutes 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 **SECTION 1738.** 49.857 (3) (b) (intro.) of the statutes is amended to read:

5 49.857 (3) (b) (intro.) Any subpoena or warrant shall include notice to the
6 individual of the effect that a failure to comply with the subpoena or warrant may
7 have on any license that the individual holds or for which the individual applies. If
8 the individual fails to comply, before the department of ~~workforce development~~
9 certifies to a licensing authority or a licensing agency under the system established
10 under sub. (2) that an individual has failed to comply with a subpoena or warrant,
11 the department of ~~workforce development~~ or a child support agency shall provide
12 notice to the individual by regular mail. The notice shall inform the individual of all
13 of the following:

14 **SECTION 1739.** 49.857 (3) (bm) of the statutes is amended to read:

15 49.857 (3) (bm) If an individual, after receiving notice under par. (b), does not
16 satisfy the requirements under the subpoena or warrant, the department of
17 ~~workforce development~~ shall place the individual's name on a certification list.

18 **SECTION 1740.** 49.857 (3) (c) (intro.) of the statutes is amended to read:

19 49.857 (3) (c) (intro.) If the department of ~~workforce development~~ children and
20 families provides a certification list to a licensing authority, a licensing agency or,
21 with respect to a credential granted by a credentialing board, the department of
22 regulation and licensing, upon receipt of the list the licensing authority if the
23 licensing authority agrees, the licensing agency or, with respect to a credential
24 granted by a credentialing board, the department of regulation and licensing shall
25 do all of the following:

SECTION 1741

1 **SECTION 1741.** 49.857 (3) (d) 1. of the statutes is amended to read:

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

14 **SECTION 1742.** 49.857 (3) (d) 2. of the statutes is amended to read:

15 49.857 (3) (d) 2. Subject to sub. (2) (d), if an individual who, on the basis of a
16 failure to comply with a subpoena or warrant, is denied a license or whose license,
17 on the basis of a failure to comply with a subpoena or warrant, is restricted, limited,
18 suspended, or refused renewal or revalidation under a memorandum of
19 understanding entered into under sub. (2) (b) satisfies the requirements under the
20 subpoena or warrant, the department of ~~workforce development~~ children and
21 families shall immediately notify the licensing authority or licensing agency to issue
22 or reinstate the individual's license as provided in the memorandum of
23 understanding. If the individual held or applied for a credential granted by a
24 credentialing board, the department of regulation and licensing shall, upon notice

1 by the department of ~~workforce development~~ children and families, notify the
2 credentialing board to grant or reinstate the individual's credential.

3 **SECTION 1743.** 49.857 (4) of the statutes is amended to read:

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

11 **SECTION 1744.** 49.858 (1) of the statutes is renumbered 49.858 (1) (intro.) and
12 amended to read:

13 49.858 (1) (intro.) In this section, "support":

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

15 **SECTION 1745.** 49.858 (1) (a) of the statutes is created to read:

16 49.858 (1) (a) "Department" means the department of children and families.

17 **SECTION 1746.** 49.858 (2) (intro.) of the statutes is amended to read:

18 49.858 (2) RULES. (intro.) For the procedures under this subchapter for the
19 administrative enforcement of support obligations, the department of ~~workforce~~
20 development shall promulgate rules related to all of the following:

21 **SECTION 1747.** 49.858 (3) of the statutes is amended to read:

22 49.858 (3) REVIEW OF CIRCUIT COURT COMMISSIONER DECISIONS. If a circuit court
23 commissioner conducts a hearing in any administrative support enforcement
24 proceeding under s. 49.852, 49.856 or 49.857, the department of ~~workforce~~
25 development or the obligor may, within 15 business days after the date that the

SECTION 1747

1 circuit court commissioner makes his or her decision, request review of the decision
2 by the court with jurisdiction over the matter.

3 **SECTION 1748.** 49.86 of the statutes is renumbered 49.86 (2) and amended to
4 read:

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

17 **SECTION 1749.** 49.86 (1) of the statutes is created to read:

18 **49.86 (1)** In this section:

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

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

21 **SECTION 1750.** 49.89 (2) of the statutes is amended to read:

22 **49.89 (2) SUBROGATION.** The department of health and family services, the
23 department of ~~workforce development~~ children and families, a county, or an elected
24 tribal governing body that provides any public assistance under this chapter or
25 under s. 253.05 as a result of the occurrence of an injury, sickness, or death that

1 creates a claim or cause of action, whether in tort or contract, on the part of a public
2 assistance recipient or beneficiary or the estate of a recipient or beneficiary against
3 a 3rd party, including an insurer, is subrogated to the rights of the recipient,
4 beneficiary or estate and may make a claim or maintain an action or intervene in a
5 claim or action by the recipient, beneficiary, or estate against the 3rd party.
6 Subrogation under this subsection because of the provision of medical assistance
7 under subch. IV constitutes a lien, equal to the amount of the medical assistance
8 provided as a result of the injury, sickness, or death that gave rise to the claim. The
9 lien is on any payment resulting from a judgment or settlement that may be due the
10 obligor. A lien under this subsection continues until it is released and discharged by
11 the department of health and family services.

12 **SECTION 1751.** 49.89 (6) of the statutes is amended to read:

13 49.89 (6) DEPARTMENTS' DUTIES AND POWERS. The department of health and
14 family services and the department of workforce development children and families
15 shall enforce their rights under this section and may contract for the recovery of any
16 claim or right of indemnity arising under this section.

17 **SECTION 1752.** 49.89 (7) (b) of the statutes is amended to read:

18 49.89 (7) (b) The incentive payment shall be an amount equal to 15% of the
19 amount recovered because of benefits paid under s. 49.46, 49.465, 49.468 or, 49.47,
20 or 49.471. The incentive payment shall be taken from the federal share of the sum
21 recovered as provided under 42 CFR 433.153 and 433.154.

22 **SECTION 1753.** 49.89 (7) (d) 2. of the statutes is amended to read:

23 49.89 (7) (d) 2. Any county or elected tribal governing body that has made a
24 recovery under this section for which it is eligible to receive an incentive payment
25 under par. (c) shall report such recovery to the department of workforce development

1 children and families within 30 days after the end of the month in which the recovery
2 is made in a manner specified by the department of ~~workforce development~~ children
3 and families.

4 **SECTION 1754.** 49.895 of the statutes is created to read:

5 **49.895 Insurance claim intercept. (1)** In this section:

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

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

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

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

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

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

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

23 (b) Next, if there is a medical assistance liability, to the department of health
24 and family services to pay the medical assistance liability, up to the amount of the

1 medical assistance liability or the amount of the claim proceeds remaining,
2 whichever is less.

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

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

9 **SECTION 1755.** 49.895 (3) (a) of the statutes, as created by 2007 Wisconsin Act
10 (this act), is amended to read:

11 49.895 (3) (a) First, if there is a support liability, to the department of workforce
12 development children and families to pay the support liability, up to the amount of
13 the support liability or the amount of the claim, whichever is less.

14 **SECTION 1756.** 49.90 (2) of the statutes is amended to read:

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

1 **SECTION 1757.** 49.90 (2g) of the statutes is amended to read:

2 49.90 (2g) In addition to the remedy specified in sub. (2), upon failure of a
3 grandparent to provide maintenance under sub. (1) (a) 2., another grandparent who
4 is or may be required to provide maintenance under sub. (1) (a) 2., a child of a
5 dependent minor or the child's parent may apply to the circuit court for the county
6 in which the child resides for an order to compel the provision of maintenance. A
7 county department under s. 46.215, 46.22, or 46.23, a county child support agency
8 under s. 59.53 (5), or the department of workforce development children and families
9 may initiate an action to obtain maintenance of the child by the child's grandparent
10 under sub. (1) (a) 2., regardless of whether the child receives public assistance.

11 **SECTION 1758.** 49.90 (4) of the statutes is amended to read:

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

1 contribute. If the court is satisfied that these relatives are unable together wholly
2 to maintain the dependent person or the child, but are able to contribute to the
3 person's support or the child's maintenance, the court shall direct a sum to be paid
4 weekly or monthly by each relative in proportion to ability. Contributions directed
5 by court order, if for less than full support, shall be paid to the department of health
6 and family services or the department of children and families, whichever is
7 appropriate, and distributed as required by state and federal law. An order under
8 this subsection that relates to maintenance required under sub. (1) (a) 2. shall
9 specifically assign responsibility for and direct the manner of payment of the child's
10 health care expenses, subject to the limitations under subs. (1) (a) 2. and (11). Upon
11 application of any party affected by the order and upon like notice and procedure, the
12 court may modify such an order. Obedience to such an order may be enforced by
13 proceedings for contempt.

14 **SECTION 1759.** 50.01 (1g) (b) of the statutes is amended to read:

15 50.01 (1g) (b) A facility or private home that provides care, treatment, and
16 services only for victims of domestic abuse, as defined in s. 46.95 49.165 (1) (a), and
17 their children.

18 **SECTION 1760.** 50.02 (2) (d) of the statutes is renumbered 50.02 (2) (d) (intro.)
19 and amended to read:

20 50.02 (2) (d) (intro.) The department shall promulgate rules that prescribe the
21 time periods and the methods of providing information specified in ss. 50.033 (2r) and
22 (2s), 50.034 (5m) and (5n), 50.035 (4m) and (4n) and 50.04 (2g) (a) and (2h) (a). all of
23 the following:

24 **SECTION 1761.** 50.02 (2) (d) 1. of the statutes is created to read:

SECTION 1761

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

5 **SECTION 1762.** 50.02 (2) (d) 2. of the statutes is created to read:

6 50.02 (2) (d) 2. The time period for nursing homes to provide information to
7 prospective residents under s. 50.04 (2g) (a) and the time period and method by which
8 nursing homes shall make referrals to resource centers under s. 50.04 (2h) (a).

9 **SECTION 1763.** 50.02 (4) of the statutes is repealed.

10 **SECTION 1764.** 50.033 (2) of the statutes is amended to read:

11 50.033 (2) Standards for operation of licensed adult family homes and
12 procedures for application for licensure, monitoring, inspection, revocation and
13 appeal of revocation under this section shall be under rules promulgated by the
14 department under s. 50.02 (2) (am) 2. An adult family home licensure is valid until
15 revoked under this section. Licensure is not transferable. The biennial licensure fee
16 for a licensed adult family home is \$135, except that, after March 31, 2008, the
17 biennial fee for a licensed adult family home shall be the amount that the department
18 shall establish by rule. The fee is payable to the county department under s. 46.215,
19 46.22, 46.23, 51.42 or 51.437, if the county department licenses the adult family
20 home under sub. (1m) (b), and is payable to the department, on a schedule
21 determined by the department if the department licenses the adult family home
22 under sub. (1m) (b).

23 **SECTION 1765.** 50.033 (2r) of the statutes is repealed.

24 **SECTION 1766.** 50.033 (2s) of the statutes is repealed.

25 **SECTION 1767.** 50.033 (2t) of the statutes is repealed.