



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-1579/1

GMM:nwn:rs

IN 1/27
DNONE

2
RMR

DOA:.....Stinebrink, BB0406 - Home visiting

FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

SAV

1 AN ACT ^{don't gen.} ...; relating to: the budget.

Analysis by the Legislative Reference Bureau
HEALTH AND HUMAN SERVICES
CHILDREN

Under current law, DCF administers the Child Abuse and Neglect Prevention Program under which DCF awards grants to no more than six rural counties, three urban counties, and two Indian tribes that offer voluntary home visitation services to first-time parents who are eligible for Medical Assistance (MA). Current law requires DCF to determine the amount of a grant awarded to a county or an Indian tribe in excess of the statutory minimum grant amount of \$10,000 based on the number of births that are funded by MA in that county or the reservation of that Indian tribe in proportion to the number of those births in all of the counties and the reservations of all of the Indian tribes to which grants are awarded. Currently, a county or Indian tribe may use a grant to make payments totalling not more than \$1,000 per year for the appropriate expenses of a family participating in the program. A county, other than Milwaukee County, or an Indian tribe may also use a grant to provide case management services for a family participating in the program.

This bill makes all of the following changes to the Child Abuse and Neglect Prevention Program:

1. Eliminates the caps on the number of counties and Indian tribes that may be selected to participate in the program.
2. Requires DCF to determine the amount of a grant in excess of the statutory minimum based on need, as determined by a formula that DCF is required under the

bill to promulgate by rule, and requires that formula to determine need based on the number of births that are funded by MA in a county or a reservation of an Indian tribe, without regard to the number of those births in other counties and reservations, and on the rate of poor birth outcomes, including infant mortality, premature births, low birth weights, and racial or ethnic disproportionality in the rate of those outcomes, in the county or reservation.

3. Provides that if a family with a child who is at risk of abuse or neglect has been continuously receiving home visitation program services for not less than 12 months, those services may continue to be provided until the child reaches three years of age, regardless of whether the child continues to be eligible for MA.

4. Permits Milwaukee County to use grant funds to provide case management services.

5. Eliminates the cap on the amount that a county or Indian tribe may pay per year for the appropriate expenses of a family participating in the program and instead requires a county or Indian tribe to pay not less than \$250 per year for those expenses.

6. Eliminates the authority of a county or Indian tribe that receives a grant to provide home visitation services to a person who is not eligible for participation in the program, but who is at risk for perpetrating child abuse or neglect.

7. Requires a county or Indian tribe that receives a grant to do all of the following:

a. Agree to match at least 25 percent of the grant amount in funds or in-kind contributions.

b. Offer voluntary home visitation services to all, not just first-time, pregnant women in the county or reservation of the Indian tribe who are eligible for MA and commence those services during the prenatal period.

c. Reinvest in the program a portion of the MA reimbursement received by the county or Indian tribe, which amount shall be determined by negotiations between DCF and the county or Indian tribe.

d. Implement strategies, in collaboration with local prenatal care coordination providers, aimed at achieving healthy birth outcomes in the county or reservation of the Indian tribe.

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

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

- Insert 2-1*
- 1 **SECTION 1.** 48.983 (1) (i) of the statutes is repealed.
- 2 **SECTION 2.** 48.983 (1) (j) of the statutes is repealed.
- 3 **SECTION 3.** 48.983 (2) of the statutes is amended to read:

1 48.983 (2) FUNDS PROVIDED. If a county or Indian tribe applies and is selected
2 by the department under sub. (5) to participate in the program under this section,
3 the department shall award, from the appropriation under s. 20.437 (2) (ab), a grant
4 annually to be used only for the purposes specified in sub. (4) (a) and (am). The
5 minimum amount of a grant is \$10,000. The county or Indian tribe shall agree to
6 match at least 25 percent of the grant money annually in funds or in-kind
7 contributions. The department shall determine the amount of a grant awarded to
8 a county, ~~other than a county with a population of 500,000 or more,~~ or Indian tribe
9 in excess of the minimum amount based on the need of the county or Indian tribe for
10 a grant, as determined by a formula that the department shall promulgate by rule.
11 That formula shall determine that need based on the number of births that are
12 funded by ~~medical assistance~~ Medical Assistance under subch. IV of ch. 49 in that
13 county or the reservation of that Indian tribe ~~in proportion to the number of births~~
14 ~~that are funded by medical assistance under subch. IV of ch. 49 in all of the counties~~
15 ~~and the reservations of all of the Indian tribes to which grants are awarded under~~
16 ~~this section.~~ The department shall determine the amount of a grant awarded to a
17 county with a population of 500,000 or more ~~in excess of the minimum amount based~~
18 ~~on 60% of the number of births that are funded by medical assistance under subch.~~
19 ~~IV of ch. 49 in that county in proportion to the number of births that are funded by~~
20 ~~medical assistance under subch. IV of ch. 49 in all of the counties and the~~
21 ~~reservations of all of the Indian tribes to which grants are awarded under this section~~
22 and on the rate of poor birth outcomes, including infant mortality, premature births,
23 low birth weights, and racial or ethnic disproportionality in the rates of those
24 outcomes, in that county or the reservation of that Indian tribe.

25 **SECTION 4.** 48.983 (3) (title) of the statutes is repealed.

1 SECTION 5. 48.983 (3) (a) of the statutes is repealed.

2 SECTION 6. 48.983 (3) (b) of the statutes is renumbered 48.983 (3) and amended
3 to read:

4 48.983 (3) JOINT APPLICATION PERMITTED. Two or more counties and Indian tribes
5 may submit a joint application to the department. ~~Each county or Indian tribe in a~~
6 ~~joint application shall be counted as a separate county or Indian tribe for the purpose~~
7 ~~of limiting the number of counties and Indian tribes selected in each state fiscal~~
8 ~~biennium.~~

9 SECTION 7. 48.983 (4) (a) 4m. of the statutes is amended to read:

10 48.983 (4) (a) 4m. ~~Other than in a county with a population of 500,000 or more,~~
11 ~~to~~ To reimburse a case management provider under s. 49.45 (25) (b) for the amount
12 of the allowable charges under the ~~medical assistance~~ Medical Assistance program
13 that is not provided by the federal government for case management services
14 provided to a ~~medical assistance~~ Medical Assistance beneficiary described in s. 49.45
15 (25) (am) 9. who is a child and who is a member of a family that receives home
16 visitation program services under par. (b) 1.

17 SECTION 8. 48.983 (4) (b) 1. of the statutes is amended to read:

18 48.983 (4) (b) 1. A county, ~~other than a county with a population of 500,000 or~~
19 ~~more,~~ or an Indian tribe that is selected to participate in the program under this
20 section shall ~~select persons who are first-time parents and offer all pregnant women~~
21 in the county or the reservation of the Indian tribe who are eligible for ~~medical~~
22 ~~assistance~~ Medical Assistance under subch. IV of ch. 49 and shall offer each of those
23 persons an opportunity to undergo an assessment through use of a risk assessment
24 instrument to determine whether the parent person assessed presents risk factors
25 for perpetrating child abuse or neglect. Persons who are selected and who agree to

for poor birth outcomes or

of poor birth outcomes or

1 be assessed shall be assessed during the prenatal period, if possible, or as close to the
2 ~~time of the child's birth as possible.~~ The risk assessment instrument shall be
3 developed by the department and shall be based on risk assessment instruments
4 developed by the department for similar programs that are in operation. The
5 department need not promulgate as rules under ch. 227 the risk assessment
6 instrument developed under this subdivision. A person who is assessed to be at risk
7 of abusing or neglecting his or her child shall be offered home visitation program
8 services that shall commence during the prenatal period. Home visitation program
9 services may be provided to a family with a child identified as being at risk of child
10 abuse or neglect until the identified child reaches 3 years of age. If a family has been
11 receiving home visitation program services continuously for not less than 12 months,
12 those services may continue to be provided to the family until the identified child
13 reaches 3 years of age, regardless of whether the child continues to be eligible for
14 Medical Assistance under subch. IV of ch. 49. If risk factors for child abuse or neglect
15 with respect to the identified child continue to be present when the child reaches 3
16 years of age, home visitation program services may be provided until the identified
17 child reaches 5 years of age. Home visitation program services may not be provided
18 to a person unless the person gives his or her written informed consent to receiving
19 those services or, if the person is a child, unless the child's parent, guardian or legal
20 custodian gives his or her written informed consent for the child to receive those
21 services.

22 **SECTION 9.** 48.983 (4) (b) 2. of the statutes is repealed.

23 **SECTION 10.** 48.983 (4) (b) 3. of the statutes is amended to read:

24 48.983 (4) (b) 3. A county or Indian tribe that is providing home visitation
25 program services under subd. 1. ~~or 2.~~ shall provide to a person receiving those

1 services the information relating to shaken baby syndrome and impacted babies
2 required under s. 253.15 (6).

3 **SECTION 11.** 48.983 (5) of the statutes is amended to read:

4 48.983 (5) SELECTION OF COUNTIES AND INDIAN TRIBES. The department shall
5 provide competitive application procedures for selecting counties and Indian tribes
6 for participation in the program under this section. The department shall establish
7 a method for ranking applicants for selection based on the quality of their
8 applications. In ranking the applications submitted by counties, the department
9 shall give favorable consideration to a county that has indicated under sub. (6) (d)
10 2. that it is willing to use a portion of any moneys distributed to the county under s.
11 48.565 (2) (a) to provide case management services to a ~~medical assistanee~~ Medical
12 Assistance beneficiary under s. 49.45 (25) (am) 9. who is a case or who is a member
13 of a family that is a case and that has explained under sub. (6) (d) 2. how the county
14 plans to use that portion of those moneys to promote the provision of those services
15 for the case by using a wraparound process so as to provide those services in a
16 flexible, comprehensive and individualized manner in order to reduce the necessity
17 for court-ordered services. The department shall also provide application
18 requirements and procedures for the renewal of a grant awarded under this section.
19 The application procedures and the renewal application requirements and
20 procedures shall be clear and understandable to the applicants. The department
21 need not promulgate as rules under ch. 227 the application procedures, the renewal
22 application requirements or procedures, or the method for ranking applicants
23 established under this subsection.

24 **SECTION 12.** 48.983 (6) (a) (intro.) of the statutes is amended to read:

1 48.983 (6) (a) *Home visitation program criteria.* (intro.) The part of an
2 application, other than a renewal application, submitted by a county, ~~other than a~~
3 ~~county with a population of 500,000 or more,~~ or an Indian tribe that relates to home
4 visitation programs shall include all of the following:

5 **SECTION 13.** 48.983 (6) (a) 5. of the statutes is created to read:

6 48.983 (6) (a) 5. An explanation of how the applicant, in collaboration with local
7 prenatal care coordination providers, will implement strategies aimed at achieving
8 healthy birth outcomes, as determined by performance measures prescribed by the
9 department of health services, in the county or reservation of the Indian tribe.

10 **SECTION 14.** 48.983 (6) (b) 1. of the statutes is amended to read:

11 48.983 (6) (b) 1. 'Flexible fund for home visitation programs.' The applicant
12 demonstrates in the application that the applicant has established, or has plans to
13 establish, if selected, a fund from which payments totaling not ~~more than \$1,000 less~~
14 than \$250 per calendar year may be made for appropriate expenses of each family
15 that is participating in the home visitation program under sub. (4) (b) 1. or that is
16 receiving home visitation services under s. 49.45 (44). The payments shall be
17 authorized by an individual designated by the applicant. If an applicant makes a
18 payment to or on behalf of a family under this subdivision, one-half of the payment
19 shall be from grant moneys received under this section and one-half of the payment
20 shall be from moneys provided by the applicant from sources other than grant
21 moneys received under this section.

22 **SECTION 15.** 48.983 (6) (b) 2. of the statutes is amended to read:

23 48.983 (6) (b) 2. 'Flexible fund for cases.' The applicant demonstrates in the
24 grant application that the applicant has established, or has plans to establish, if
25 selected, a fund from which payments totaling not ~~more than \$500 less than \$250~~ for

1 each case may be made for appropriate expenses related to the case. The payments
2 shall be authorized by an individual designated by the applicant. If an applicant
3 makes a payment to or on behalf of a person under this subdivision, one-half of the
4 payment shall be from grant moneys received under this section and one-half of the
5 payment shall be from moneys provided by the applicant from sources other than
6 grant moneys received under this section. The applicant shall demonstrate in the
7 grant application that it has established, or has plans to establish, if selected,
8 procedures to encourage, when appropriate, a person to whom or on whose behalf
9 payments are made under this subdivision to make a contribution to the fund
10 described in this subdivision up to the amount of payments made to or on behalf of
11 the person when the person's financial situation permits such a contribution.

12 **SECTION 16.** 48.983 (6) (c) of the statutes is amended to read:

13 48.983 (6) (c) *Case management benefit.* The applicant, ~~other than a county~~
14 ~~with a population of 500,000 or more,~~ states in the grant application that it has
15 elected, or, if selected, that it will elect, under s. 49.45 (25) (b), to make the case
16 management benefit under s. 49.45 (25) available to the category of beneficiaries
17 under s. 49.45 (25) (am) 9. who are children and who are members of families
18 receiving home visitation program services under sub. (4) (b) 1.

19 **SECTION 17.** 48.983 (6) (d) 2. of the statutes is amended to read:

20 48.983 (6) (d) 2. The applicant indicates in the grant application whether the
21 applicant is willing to use a portion of any moneys distributed to the applicant under
22 s. 48.565 (2) (a) to provide case management services to a ~~medical assistance~~ Medical
23 Assistance beneficiary under s. 49.45 (25) (am) 9. who is a case or who is a member
24 of a family that is a case. If the applicant is so willing, the applicant shall explain
25 how the applicant plans to use that portion of those moneys to promote the provision

1 of those services for the case by using a wraparound process so as to provide those
2 services in a flexible, comprehensive and individualized manner in order to reduce
3 the necessity for court-ordered services.

4 **SECTION 18.** 48.983 (6) (f) of the statutes is created to read:

5 48.983 (6) (f) *Reinvestment of Medical Assistance reimbursement.* The
6 applicant agrees to reinvest in the program under this section a portion of the
7 reimbursement received by the applicant under the Medical Assistance program
8 under subch. IV of ch. 49. The department and the applicant shall negotiate the
9 amount of that reinvestment based on the applicant's administrative costs for billing
10 the Medical Assistance program for reimbursement for services provided under this
11 section and the ratio of Medical Assistance reimbursement received for those
12 services to the amount billed to the Medical Assistance program for those services.

13 **SECTION 19.** 48.983 (6g) (a) of the statutes is amended to read:

14 48.983 (6g) (a) Except as permitted or required under s. 48.981 (2), no person
15 may use or disclose any information concerning any individual who is selected for an
16 assessment under sub. (4) (b), including an individual who declines to undergo the
17 assessment, or concerning any individual who is offered services under a home
18 visitation program funded under this section, including an individual who declines
19 to receive those services, unless the use or disclosure is connected with the
20 administration of the home visitation program or the administration of the ~~medical~~
21 assistance Medical Assistance program under ss. 49.43 to 49.497 or unless the
22 individual has given his or her written informed consent to the use or disclosure.

23 **SECTION 20.** 253.15 (2) of the statutes is amended to read:

24 253.15 (2) INFORMATIONAL MATERIALS. The board shall purchase or prepare or
25 arrange with a nonprofit organization to prepare printed and audiovisual materials

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1 relating to shaken baby syndrome and impacted babies. The materials shall include
2 information regarding the identification and prevention of shaken baby syndrome
3 and impacted babies, the grave effects of shaking or throwing on an infant or young
4 child, appropriate ways to manage crying, fussing, or other causes that can lead a
5 person to shake or throw an infant or young child, and a discussion of ways to reduce
6 the risks that can lead a person to shake or throw an infant or young child. The
7 materials shall be prepared in English, Spanish, and other languages spoken by a
8 significant number of state residents, as determined by the board. The board shall
9 make those written and audiovisual materials available to all hospitals, maternity
10 homes, and nurse-midwives licensed under s. 441.15 that are required to provide or
11 make available materials to parents under sub. (3) (a) 1., to the department and to
12 all county departments and nonprofit organizations that are required to provide the
13 materials to day care providers under sub. (4), and to all school boards and nonprofit
14 organizations that are permitted to provide the materials to pupils in one of grades
15 5 to 8 and in one of grades 10 to 12 under sub. (5). The board shall also make those
16 written materials available to all county departments and Indian tribes that are
17 providing home visitation services under s. 48.983 (4) (b) 1. ~~or 2.~~ and to all providers
18 of prenatal, postpartum, and young child care coordination services under s. 49.45
19 (44). The board may make available the materials required under this subsection
20 to be made available by making those materials available at no charge on the board's
21 Internet site.

22 **SECTION 21.** 253.15 (6) of the statutes is amended to read:

23 **253.15 (6) INFORMATION TO HOME VISITATION OR CARE COORDINATION SERVICES**
24 **RECIPIENTS.** A county department or Indian tribe that is providing home visitation
25 services under s. 48.983 (4) (b) 1. ~~or 2.~~ and a provider of prenatal, postpartum, and

1 young child care coordination services under s. 49.45 (44) shall provide to a recipient
2 of those services, without cost, a copy of the written materials purchased or prepared
3 under sub. (2) and an oral explanation of those materials.

4 **SECTION 22.** 253.15 (7) (e) of the statutes is amended to read:

5 253.15 (7) (e) A county department or Indian tribe that is providing home
6 visitation services under s. 48.983 (4) (b) 1. ~~or 2.~~ and a provider of prenatal,
7 postpartum, and young child care coordination services under s. 49.45 (44) is
8 immune from liability for any damages resulting from any good faith act or omission
9 in providing or failing to provide the written materials and oral explanation specified
10 in sub. (6).

11 **SECTION 9108. Nonstatutory provisions; Children and Families.**

12 (1) HOME VISITING SERVICES; RULES.

13 (a) *Permanent rules.* The department of children and families shall submit in
14 proposed form the rules required under section 48.983 (2) of the statutes, as affected
15 by this act, to the legislative council staff under section 227.15 (1) of the statutes no
16 later than the first day of the 7th month beginning after the effective date of this
17 paragraph.

18 (b) *Emergency rules.* Using the procedure under section 227.24 of the statutes,
19 the department of children and families may promulgate the rules required under
20 section 48.983 (2) of the statutes, as affected by this act, for the period before the
21 effective date of the rules submitted under paragraph (a), but not to exceed the period
22 authorized under section 227.24 (1) (c) and (2) of the statutes. Notwithstanding
23 section 227.24 (1) (a), (2) (b), and (3) of the statutes, the department is not required
24 to provide evidence that promulgating a rule under this paragraph as an emergency
25 rule is necessary for the preservation of the public peace, health, safety, or welfare

**2009-2010 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

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(INSERT 2-1)

1 **SECTION 1.** 48.983 (1) (b) 1. c. of the statutes is amended to read:

2 48.983 (1) (b) 1. c. A family that includes a person who has contacted a county
3 department or an Indian tribe that has been awarded a grant under this section or,
4 in a county having a population of 500,000 or more that has been awarded a grant
5 under this section, the department or a licensed child welfare agency under contract
6 with the department requesting assistance to prevent poor birth outcomes or abuse
7 or neglect of a child in the person's family and with respect to which an individual
8 responding to the request has determined that all of the conditions in subd. 2. exist. ✓

9 History: 1997 a. 293; 2005 a. 25, 165; 2007 a. 20 ss. 1133, 1134, 1136 to 1141, 1143 to 1167; Stats. 2007 s. 48.983.

9 **SECTION 2.** 48.983 (1) (b) 2. a. of the statutes is amended to read:

10 48.983 (1) (b) 2. a. There is a substantial risk of poor birth outcomes or future
11 abuse or neglect of a child in the family if assistance is not provided. ✓

12 History: 1997 a. 293; 2005 a. 25, 165; 2007 a. 20 ss. 1133, 1134, 1136 to 1141, 1143 to 1167; Stats. 2007 s. 48.983.

(END OF INSERT)

(INSERT 7-4)

12 **SECTION 3.** 48.983 (6) (a) 1. of the statutes is amended to read:

13 48.983 (6) (a) 1. Information on how the applicant's home visitation program
14 is comprehensive and incorporates practice standards that have been developed for
15 home visitation programs by entities concerned with the prevention of poor birth
16 outcomes and child abuse and neglect and that are acceptable to the department. ✓

17 History: 1997 a. 293; 2005 a. 25, 165; 2007 a. 20 ss. 1133, 1134, 1136 to 1141, 1143 to 1167; Stats. 2007 s. 48.983.

17 **SECTION 4.** 48.983 (6) (a) 2. of the statutes is amended to read:

18 48.983 (6) (a) 2. Documentation that the application was developed through
19 collaboration among public and private organizations that provide services to
20 children and families, especially children who are at risk of child abuse or neglect and

1 families that are at risk of poor birth outcomes, or that are otherwise interested in
2 child welfare and a description of how that collaboration effort will support a
3 comprehensive home visitation program.✓

4 **History:** 1997 a. 293; 2005 a. 25, 165; 2007 a. 20 ss. 1133, 1134, 1136 to 1141, 1143 to 1167; Stats. 2007 s. 48.983.

SECTION 5. 48.983 (6) (a) 3. of the statutes is amended to read:

5 48.983 (6) (a) 3. An identification of existing poor birth outcome and child abuse
6 and neglect prevention services that are available to residents of the county or
7 reservation of the Indian tribe and a description of how those services and any
8 additional needed services will support a comprehensive home visitation program.✓

9 **History:** 1997 a. 293; 2005 a. 25, 165; 2007 a. 20 ss. 1133, 1134, 1136 to 1141, 1143 to 1167; Stats. 2007 s. 48.983.

SECTION 6. 48.983 (6) (a) 4. of the statutes is amended to read:

10 48.983 (6) (a) 4. An explanation of how the home visitation program will build
11 on existing poor birth outcome and child abuse and neglect prevention programs,
12 including programs that provide support to families, and how the home visitation
13 program will coordinate with those programs.✓

History: 1997 a. 293; 2005 a. 25, 165; 2007 a. 20 ss. 1133, 1134, 1136 to 1141, 1143 to 1167; Stats. 2007 s. 48.983.

(END OF INSERT)

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14 **SECTION 7.** 48.983 (7) (a) 1. of the statutes is amended to read:

15 48.983 (7) (a) 1. The number of poor birth outcomes and substantiated reports
16 of child abuse and neglect.✓

History: 1997 a. 293; 2005 a. 25, 165; 2007 a. 20 ss. 1133, 1134, 1136 to 1141, 1143 to 1167; Stats. 2007 s. 48.983.

(END OF INSERT)

1 and is not required to provide a finding of emergency for a rule promulgated under
2 this paragraph.

3 (END)

DNOTE
Date

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In addition to inserting a reference to "your birth outcomes" ✓
in so 480983 (4) (b) ✓, this draft also inserts that
reference in so 480983 (1) (b) ✓ to c0 ✓ and 20a ✓ (b) (a) ✓
and (7) (a) ✓ to conform those provisions to the expansion of
the program to include prenatal care ✓

GMM

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

LRB-1579/2dn
GMM:nwn:ph

January 27, 2009

Cory:

In addition to inserting a reference to "poor birth outcomes" in s. 48.983 (4) (b) 1., this draft also inserts that reference in s. 48.983 (1) (b) 1. c. and 2. a., (6) (a) 1., 2., 3., and 4., and (7) (a) 1. to conform those provisions to the expansion of the program to include prenatal care.



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-1579/2
GMM:nwn:ph

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DOA:.....Stinebrink, BB0406 - Home visiting

FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ^{don't gen.} ...; relating to: the budget.

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CHILDREN

Under current law, DCF administers the Child Abuse and Neglect Prevention Program under which DCF awards grants to no more than six rural counties, three urban counties, and two Indian tribes that offer voluntary home visitation services to first-time parents who are eligible for Medical Assistance (MA). Current law requires DCF to determine the amount of a grant awarded to a county or an Indian tribe in excess of the statutory minimum grant amount of \$10,000 based on the number of births that are funded by MA in that county or the reservation of that Indian tribe in proportion to the number of those births in all of the counties and the reservations of all of the Indian tribes to which grants are awarded. Currently, a county or Indian tribe may use a grant to make payments totalling not more than \$1,000 per year for the appropriate expenses of a family participating in the program. A county, other than Milwaukee County, or an Indian tribe may also use a grant to provide case management services for a family participating in the program.

This bill makes all of the following changes to the Child Abuse and Neglect Prevention Program:

1. Eliminates the caps on the number of counties and Indian tribes that may be selected to participate in the program.
2. Requires DCF to determine the amount of a grant in excess of the statutory minimum based on need, as determined by a formula that DCF is required under the

bill to promulgate by rule, and requires that formula to determine need based on the number of births that are funded by MA in a county or a reservation of an Indian tribe, without regard to the number of those births in other counties and reservations, and on the rate of poor birth outcomes, including infant mortality, premature births, low birth weights, and racial or ethnic disproportionality in the rate of those outcomes, in the county or reservation.

3. Provides that if a family with a child who is at risk of abuse or neglect has been continuously receiving home visitation program services for not less than 12 months, those services may continue to be provided until the child reaches three years of age, regardless of whether the child continues to be eligible for MA.

4. Permits Milwaukee County to use grant funds to provide case management services.

5. Eliminates the cap on the amount that a county or Indian tribe may pay per year for the appropriate expenses of a family participating in the program and instead requires a county or Indian tribe to pay not less than \$250 per year for those expenses.

6. Eliminates the authority of a county or Indian tribe that receives a grant to provide home visitation services to a person who is not eligible for participation in the program, but who is at risk for perpetrating child abuse or neglect.

7. Requires a county or Indian tribe that receives a grant to do all of the following:

a. Agree to match at least 25 percent of the grant amount in funds or in-kind contributions.

b. Offer voluntary home visitation services to all, not just first-time, pregnant women in the county or reservation of the Indian tribe who are eligible for MA and commence those services during the prenatal period.

c. Reinvest in the program a portion of the MA reimbursement received by the county or Indian tribe, which amount shall be determined by negotiations between DCF and the county or Indian tribe.

d. Implement strategies, in collaboration with local prenatal care coordination providers, aimed at achieving healthy birth outcomes in the county or reservation of the Indian tribe.

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

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

1 **SECTION 1.** 48.983 (1) (b) 1. c. of the statutes is amended to read:
2 48.983 (1) (b) 1. c. A family that includes a person who has contacted a county
3 department or an Indian tribe that has been awarded a grant under this section or,
4 in a county having a population of 500,000 or more that has been awarded a grant

1 under this section, the department or a licensed child welfare agency under contract
2 with the department requesting assistance to prevent poor birth outcomes or abuse
3 or neglect of a child in the person's family and with respect to which an individual
4 responding to the request has determined that all of the conditions in subd. 2. exist.

5 **SECTION 2.** 48.983 (1) (b) 2. a. of the statutes is amended to read:

6 48.983 (1) (b) 2. a. There is a substantial risk of poor birth outcomes or future
7 abuse or neglect of a child in the family if assistance is not provided.

8 **SECTION 3.** 48.983 (1) (i) of the statutes is repealed.

9 **SECTION 4.** 48.983 (1) (j) of the statutes is repealed.

10 **SECTION 5.** 48.983 (2) of the statutes is amended to read:

11 48.983 (2) FUNDS PROVIDED. If a county or Indian tribe applies and is selected
12 by the department under sub. (5) to participate in the program under this section,
13 the department shall award, from the appropriation under s. 20.437 (2) (ab), a grant
14 annually to be used only for the purposes specified in sub. (4) (a) and (am). The
15 minimum amount of a grant is \$10,000. The county or Indian tribe shall agree to
16 match at least 25 percent of the grant money annually in funds or in-kind
17 contributions. The department shall determine the amount of a grant awarded to
18 a county, ~~other than a county with a population of 500,000 or more,~~ or Indian tribe
19 in excess of the minimum amount based on the need of the county or Indian tribe for
20 a grant, as determined by a formula that the department shall promulgate by rule.
21 That formula shall determine that need based on the number of births that are
22 funded by ~~medical assistance~~ Medical Assistance under subch. IV of ch. 49 in that
23 county or the reservation of that Indian tribe in proportion to the number of births
24 that are funded by medical assistance under subch. IV of ch. 49 in all of the counties
25 and the reservations of all of the Indian tribes to which grants are awarded under

XXXX NOTE: This is reconciled s. 48.983 (2). This section has been affected by drafts with the following LRBs: LRB-0291/11 and LRB-1579/20

1 this section. The department shall determine the amount of a grant awarded to a
2 county with a population of 500,000 or more in excess of the minimum amount based
3 on 60% of the number of births that are funded by medical assistance under subch.
4 IV of ch. 49 in that county in proportion to the number of births that are funded by
5 medical assistance under subch. IV of ch. 49 in all of the counties and the
6 reservations of all of the Indian tribes to which grants are awarded under this section
7 and on the rate of poor birth outcomes, including infant mortality, premature births,
8 low birth weights, and racial or ethnic disproportionality in the rates of those
9 outcomes, in that county or the reservation of that Indian tribe.

10 SECTION 6. 48.983 (3) (title) of the statutes is repealed.

11 SECTION 7. 48.983 (3) (a) of the statutes is repealed.

12 SECTION 8. 48.983 (3) (b) of the statutes is renumbered 48.983 (3) and amended
13 to read:

14 48.983 (3) JOINT APPLICATION PERMITTED. Two or more counties and Indian tribes
15 may submit a joint application to the department. Each county or Indian tribe in a
16 joint application shall be counted as a separate county or Indian tribe for the purpose
17 of limiting the number of counties and Indian tribes selected in each state fiscal
18 biennium.

19 SECTION 9. 48.983 (4) (a) 4m. of the statutes is amended to read:

20 48.983 (4) (a) 4m. Other than in a county with a population of 500,000 or more,
21 ~~to~~ To reimburse a case management provider under s. 49.45 (25) (b) for the amount
22 of the allowable charges under the ~~medical assistance~~ Medical Assistance program
23 that is not provided by the federal government for case management services
24 provided to a ~~medical assistance~~ Medical Assistance beneficiary described in s. 49.45

1 (25) (am) 9. who is a child and who is a member of a family that receives home
2 visitation program services under par. (b) 1.

3 SECTION 10. 48.983 (4) (b) 1. of the statutes is amended to read:

4 48.983 (4) (b) 1. A county, ~~other than a county with a population of 500,000 or~~
5 ~~more,~~ or an Indian tribe that is selected to participate in the program under this
6 section shall select persons who are ~~first-time parents and offer all pregnant women~~
7 in the county or the reservation of the Indian tribe who are eligible for ~~medical~~
8 ~~assistance~~ Medical Assistance under subch. IV of ch. 49 and ~~shall offer each of those~~
9 persons an opportunity to undergo an assessment through use of a risk assessment
10 instrument to determine whether the parent person assessed presents risk factors
11 for poor birth outcomes or for perpetrating child abuse or neglect. Persons who are
12 selected and who agree to be assessed shall be assessed during the prenatal period,
13 ~~if possible, or as close to the time of the child's birth as possible.~~ The risk assessment
14 instrument shall be developed by the department and shall be based on risk
15 assessment instruments developed by the department for similar programs that are
16 in operation. The department need not promulgate as rules under ch. 227 the risk
17 assessment instrument developed under this subdivision. A person who is assessed
18 to be at risk of poor birth outcomes or of abusing or neglecting his or her child shall
19 be offered home visitation program services that shall commence during the prenatal
20 period. Home visitation program services may be provided to a family with a child
21 identified as being at risk of child abuse or neglect until the identified child reaches
22 3 years of age. If a family has been receiving home visitation program services
23 continuously for not less than 12 months, those services may continue to be provided
24 to the family until the identified child reaches 3 years of age, regardless of whether
25 the child continues to be eligible for Medical Assistance under subch. IV of ch. 49.

1 If risk factors for child abuse or neglect with respect to the identified child continue
2 to be present when the child reaches 3 years of age, home visitation program services
3 may be provided until the identified child reaches 5 years of age. Home visitation
4 program services may not be provided to a person unless the person gives his or her
5 written informed consent to receiving those services or, if the person is a child, unless
6 the child's parent, guardian or legal custodian gives his or her written informed
7 consent for the child to receive those services.

8 **SECTION 11.** 48.983 (4) (b) 2. of the statutes is repealed.

9 **SECTION 12.** 48.983 (4) (b) 3. of the statutes is amended to read:

10 48.983 (4) (b) 3. A county or Indian tribe that is providing home visitation
11 program services under subd. 1. ~~or 2.~~ shall provide to a person receiving those
12 services the information relating to shaken baby syndrome and impacted babies
13 required under s. 253.15 (6).

14 **SECTION 13.** 48.983 (5) of the statutes is amended to read:

15 48.983 (5) SELECTION OF COUNTIES AND INDIAN TRIBES. The department shall
16 provide competitive application procedures for selecting counties and Indian tribes
17 for participation in the program under this section. The department shall establish
18 a method for ranking applicants for selection based on the quality of their
19 applications. In ranking the applications submitted by counties, the department
20 shall give favorable consideration to a county that has indicated under sub. (6) (d)
21 2. that it is willing to use a portion of any moneys distributed to the county under s.
22 48.565 (2) (a) to provide case management services to a ~~medical assistance~~ Medical
23 Assistance beneficiary under s. 49.45 (25) (am) 9. who is a case or who is a member
24 of a family that is a case and that has explained under sub. (6) (d) 2. how the county
25 plans to use that portion of those moneys to promote the provision of those services

1 for the case by using a wraparound process so as to provide those services in a
2 flexible, comprehensive and individualized manner in order to reduce the necessity
3 for court-ordered services. The department shall also provide application
4 requirements and procedures for the renewal of a grant awarded under this section.
5 The application procedures and the renewal application requirements and
6 procedures shall be clear and understandable to the applicants. The department
7 need not promulgate as rules under ch. 227 the application procedures, the renewal
8 application requirements or procedures, or the method for ranking applicants
9 established under this subsection.

10 **SECTION 14.** 48.983 (6) (a) (intro.) of the statutes is amended to read:

11 48.983 (6) (a) *Home visitation program criteria.* (intro.) The part of an
12 application, other than a renewal application, submitted by a county, ~~other than a~~
13 ~~county with a population of 500,000 or more,~~ or an Indian tribe that relates to home
14 visitation programs shall include all of the following:

15 **SECTION 15.** 48.983 (6) (a) 1. of the statutes is amended to read:

16 48.983 (6) (a) 1. Information on how the applicant's home visitation program
17 is comprehensive and incorporates practice standards that have been developed for
18 home visitation programs by entities concerned with the prevention of poor birth
19 outcomes and child abuse and neglect and that are acceptable to the department.

20 **SECTION 16.** 48.983 (6) (a) 2. of the statutes is amended to read:

21 48.983 (6) (a) 2. Documentation that the application was developed through
22 collaboration among public and private organizations that provide services to
23 children and families, especially children who are at risk of child abuse or neglect and
24 families that are at risk of poor birth outcomes, or that are otherwise interested in

1 child welfare and a description of how that collaboration effort will support a
2 comprehensive home visitation program.

3 **SECTION 17.** 48.983 (6) (a) 3. of the statutes is amended to read:

4 48.983 (6) (a) 3. An identification of existing poor birth outcome and child abuse
5 and neglect prevention services that are available to residents of the county or
6 reservation of the Indian tribe and a description of how those services and any
7 additional needed services will support a comprehensive home visitation program.

8 **SECTION 18.** 48.983 (6) (a) 4. of the statutes is amended to read:

9 48.983 (6) (a) 4. An explanation of how the home visitation program will build
10 on existing poor birth outcome and child abuse and neglect prevention programs,
11 including programs that provide support to families, and how the home visitation
12 program will coordinate with those programs.

13 **SECTION 19.** 48.983 (6) (a) 5. of the statutes is created to read:

14 48.983 (6) (a) 5. An explanation of how the applicant, in collaboration with local
15 prenatal care coordination providers, will implement strategies aimed at achieving
16 healthy birth outcomes, as determined by performance measures prescribed by the
17 department of health services, in the county or reservation of the Indian tribe.

18 **SECTION 20.** 48.983 (6) (b) 1. of the statutes is amended to read:

19 48.983 (6) (b) 1. 'Flexible fund for home visitation programs.' The applicant
20 demonstrates in the application that the applicant has established, or has plans to
21 establish, if selected, a fund from which payments totaling not more than \$1,000 less
22 than \$250 per calendar year may be made for appropriate expenses of each family
23 that is participating in the home visitation program under sub. (4) (b) 1. or that is
24 receiving home visitation services under s. 49.45 (44). The payments shall be
25 authorized by an individual designated by the applicant. If an applicant makes a

1 payment to or on behalf of a family under this subdivision, one-half of the payment
2 shall be from grant moneys received under this section and one-half of the payment
3 shall be from moneys provided by the applicant from sources other than grant
4 moneys received under this section.

5 **SECTION 21.** 48.983 (6) (b) 2. of the statutes is amended to read:

6 48.983 (6) (b) 2. 'Flexible fund for cases.' The applicant demonstrates in the
7 grant application that the applicant has established, or has plans to establish, if
8 selected, a fund from which payments totaling not more than ~~\$500~~ less than \$250 for
9 each case may be made for appropriate expenses related to the case. The payments
10 shall be authorized by an individual designated by the applicant. If an applicant
11 makes a payment to or on behalf of a person under this subdivision, one-half of the
12 payment shall be from grant moneys received under this section and one-half of the
13 payment shall be from moneys provided by the applicant from sources other than
14 grant moneys received under this section. The applicant shall demonstrate in the
15 grant application that it has established, or has plans to establish, if selected,
16 procedures to encourage, when appropriate, a person to whom or on whose behalf
17 payments are made under this subdivision to make a contribution to the fund
18 described in this subdivision up to the amount of payments made to or on behalf of
19 the person when the person's financial situation permits such a contribution.

20 **SECTION 22.** 48.983 (6) (c) of the statutes is amended to read:

21 48.983 (6) (c) *Case management benefit.* The applicant, ~~other than a county~~
22 ~~with a population of 500,000 or more,~~ states in the grant application that it has
23 elected, or, if selected, that it will elect, under s. 49.45 (25) (b), to make the case
24 management benefit under s. 49.45 (25) available to the category of beneficiaries

1 under s. 49.45 (25) (am) 9. who are children and who are members of families
2 receiving home visitation program services under sub. (4) (b) 1.

3 **SECTION 23.** 48.983 (6) (d) 2. of the statutes is amended to read:

4 48.983 (6) (d) 2. The applicant indicates in the grant application whether the
5 applicant is willing to use a portion of any moneys distributed to the applicant under
6 s. 48.565 (2) (a) to provide case management services to a ~~medical assistanee~~ Medical
7 Assistance beneficiary under s. 49.45 (25) (am) 9. who is a case or who is a member
8 of a family that is a case. If the applicant is so willing, the applicant shall explain
9 how the applicant plans to use that portion of those moneys to promote the provision
10 of those services for the case by using a wraparound process so as to provide those
11 services in a flexible, comprehensive and individualized manner in order to reduce
12 the necessity for court-ordered services.

13 **SECTION 24.** 48.983 (6) (f) of the statutes is created to read:

14 48.983 (6) (f) *Reinvestment of Medical Assistance reimbursement.* The
15 applicant agrees to reinvest in the program under this section a portion of the
16 reimbursement received by the applicant under the Medical Assistance program
17 under subch. IV of ch. 49. The department and the applicant shall negotiate the
18 amount of that reinvestment based on the applicant's administrative costs for billing
19 the Medical Assistance program for reimbursement for services provided under this
20 section and the ratio of Medical Assistance reimbursement received for those
21 services to the amount billed to the Medical Assistance program for those services.

22 **SECTION 25.** 48.983 (6g) (a) of the statutes is amended to read:

23 48.983 (6g) (a) Except as permitted or required under s. 48.981 (2), no person
24 may use or disclose any information concerning any individual who is selected for an
25 assessment under sub. (4) (b), including an individual who declines to undergo the

1 assessment, or concerning any individual who is offered services under a home
2 visitation program funded under this section, including an individual who declines
3 to receive those services, unless the use or disclosure is connected with the
4 administration of the home visitation program or the administration of the ~~medical~~
5 ~~assistance~~ Medical Assistance program under ss. 49.43 to 49.497 or unless the
6 individual has given his or her written informed consent to the use or disclosure.

7 **SECTION 26.** 48.983 (7) (a) 1. of the statutes is amended to read:

8 48.983 (7) (a) 1. The number of poor birth outcomes and substantiated reports
9 of child abuse and neglect.

10 **SECTION 27.** 253.15 (2) of the statutes is amended to read:

11 253.15 (2) INFORMATIONAL MATERIALS. The board shall purchase or prepare or
12 arrange with a nonprofit organization to prepare printed and audiovisual materials
13 relating to shaken baby syndrome and impacted babies. The materials shall include
14 information regarding the identification and prevention of shaken baby syndrome
15 and impacted babies, the grave effects of shaking or throwing on an infant or young
16 child, appropriate ways to manage crying, fussing, or other causes that can lead a
17 person to shake or throw an infant or young child, and a discussion of ways to reduce
18 the risks that can lead a person to shake or throw an infant or young child. The
19 materials shall be prepared in English, Spanish, and other languages spoken by a
20 significant number of state residents, as determined by the board. The board shall
21 make those written and audiovisual materials available to all hospitals, maternity
22 homes, and nurse-midwives licensed under s. 441.15 that are required to provide or
23 make available materials to parents under sub. (3) (a) 1., to the department and to
24 all county departments and nonprofit organizations that are required to provide the
25 materials to day care providers under sub. (4), and to all school boards and nonprofit

1 organizations that are permitted to provide the materials to pupils in one of grades
2 5 to 8 and in one of grades 10 to 12 under sub. (5). The board shall also make those
3 written materials available to all county departments and Indian tribes that are
4 providing home visitation services under s. 48.983 (4) (b) 1. ~~or 2.~~ and to all providers
5 of prenatal, postpartum, and young child care coordination services under s. 49.45
6 (44). The board may make available the materials required under this subsection
7 to be made available by making those materials available at no charge on the board's
8 Internet site.

9 **SECTION 28.** 253.15 (6) of the statutes is amended to read:

10 253.15 (6) INFORMATION TO HOME VISITATION OR CARE COORDINATION SERVICES
11 RECIPIENTS. A county department or Indian tribe that is providing home visitation
12 services under s. 48.983 (4) (b) 1. ~~or 2.~~ and a provider of prenatal, postpartum, and
13 young child care coordination services under s. 49.45 (44) shall provide to a recipient
14 of those services, without cost, a copy of the written materials purchased or prepared
15 under sub. (2) and an oral explanation of those materials.

16 **SECTION 29.** 253.15 (7) (e) of the statutes is amended to read:

17 253.15 (7) (e) A county department or Indian tribe that is providing home
18 visitation services under s. 48.983 (4) (b) 1. ~~or 2.~~ and a provider of prenatal,
19 postpartum, and young child care coordination services under s. 49.45 (44) is
20 immune from liability for any damages resulting from any good faith act or omission
21 in providing or failing to provide the written materials and oral explanation specified
22 in sub. (6).

23 **SECTION 9108. Nonstatutory provisions; Children and Families.**

24 (1) HOME VISITING SERVICES; RULES.

1 (a) *Permanent rules.* The department of children and families shall submit in
2 proposed form the rules required under section 48.983 (2) of the statutes, as affected
3 by this act, to the legislative council staff under section 227.15 (1) of the statutes no
4 later than the first day of the 7th month beginning after the effective date of this
5 paragraph.

6 (b) *Emergency rules.* Using the procedure under section 227.24 of the statutes,
7 the department of children and families may promulgate the rules required under
8 section 48.983 (2) of the statutes, as affected by this act, for the period before the
9 effective date of the rules submitted under paragraph (a), but not to exceed the period
10 authorized under section 227.24 (1) (c) and (2) of the statutes. Notwithstanding
11 section 227.24 (1) (a), (2) (b), and (3) of the statutes, the department is not required
12 to provide evidence that promulgating a rule under this paragraph as an emergency
13 rule is necessary for the preservation of the public peace, health, safety, or welfare
14 and is not required to provide a finding of emergency for a rule promulgated under
15 this paragraph.

16 (END)

DIV OF E
Date

This draft reconciles LRB-0291/1 and LRB-1579/20[✓]
Both LRB-0291 and LRB-1579 should continue to
appear in the compiled bill[✓]

GMM

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

LRB-1579/3dn
GMM:nwn:rs

January 30, 2009

This draft reconciles LRB-0291/1 and LRB-1579/2. Both LRB-0291 and LRB-1579 should continue to appear in the compiled bill.

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DOA:.....Stinebrink, BB0406 - Home visiting

FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

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

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

CHILDREN

Under current law, DCF administers the Child Abuse and Neglect Prevention Program under which DCF awards grants to no more than six rural counties, three urban counties, and two Indian tribes that offer voluntary home visitation services to first-time parents who are eligible for Medical Assistance (MA). Current law requires DCF to determine the amount of a grant awarded to a county or an Indian tribe in excess of the statutory minimum grant amount of \$10,000 based on the number of births that are funded by MA in that county or the reservation of that Indian tribe in proportion to the number of those births in all of the counties and the reservations of all of the Indian tribes to which grants are awarded. Currently, a county or Indian tribe may use a grant to make payments totalling not more than \$1,000 per year for the appropriate expenses of a family participating in the program. A county, other than Milwaukee County, or an Indian tribe may also use a grant to provide case management services for a family participating in the program.

This bill makes all of the following changes to the Child Abuse and Neglect Prevention Program:

1. Eliminates the caps on the number of counties and Indian tribes that may be selected to participate in the program.
2. Requires DCF to determine the amount of a grant in excess of the statutory minimum based on need, as determined by a formula that DCF is required under the

bill to promulgate by rule, and requires that formula to determine need based on the number of births that are funded by MA in a county or a reservation of an Indian tribe, without regard to the number of those births in other counties and reservations, and on the rate of poor birth outcomes, including infant mortality, premature births, low birth weights, and racial or ethnic disproportionality in the rate of those outcomes, in the county or reservation.

3. Provides that if a family with a child who is at risk of abuse or neglect has been continuously receiving home visitation program services for not less than 12 months, those services may continue to be provided until the child reaches three years of age, regardless of whether the child continues to be eligible for MA.

4. Permits Milwaukee County to use grant funds to provide case management services.

5. Eliminates the cap on the amount that a county or Indian tribe may pay per year for the appropriate expenses of a family participating in the program and instead requires a county or Indian tribe to pay not less than \$250 per year for those expenses.

6. Eliminates the authority of a county or Indian tribe that receives a grant to provide home visitation services to a person who is not eligible for participation in the program, but who is at risk for perpetrating child abuse or neglect.

7. Requires a county or Indian tribe that receives a grant to do all of the following:

a. Agree to match at least 25 percent of the grant amount in funds or in-kind contributions.

b. Offer voluntary home visitation services to all, not just first-time, pregnant women in the county or reservation of the Indian tribe who are eligible for MA and commence those services during the prenatal period.

c. Reinvest in the program a portion of the MA reimbursement received by the county or Indian tribe, which amount shall be determined by negotiations between DCF and the county or Indian tribe.

d. Implement strategies, in collaboration with local prenatal care coordination providers, aimed at achieving healthy birth outcomes in the county or reservation of the Indian tribe.

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

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

1 **SECTION 1.** 48.983 (1) (b) 1. c. of the statutes is amended to read:
2 48.983 (1) (b) 1. c. A family that includes a person who has contacted a county
3 department or an Indian tribe that has been awarded a grant under this section or,
4 in a county having a population of 500,000 or more that has been awarded a grant

1 under this section, the department or a licensed child welfare agency under contract
2 with the department requesting assistance to prevent poor birth outcomes or abuse
3 or neglect of a child in the person's family and with respect to which an individual
4 responding to the request has determined that all of the conditions in subd. 2. exist.

5 **SECTION 2.** 48.983 (1) (b) 2. a. of the statutes is amended to read:

6 48.983 (1) (b) 2. a. There is a substantial risk of poor birth outcomes or future
7 abuse or neglect of a child in the family if assistance is not provided.

8 **SECTION 3.** 48.983 (1) (i) of the statutes is repealed.

9 **SECTION 4.** 48.983 (1) (j) of the statutes is repealed.

10 **SECTION 5.** 48.983 (2) of the statutes is amended to read:

11 48.983 (2) FUNDS PROVIDED. If a county or Indian tribe applies and is selected
12 by the department under sub. (5) to participate in the program under this section,
13 the department shall award, from the appropriation under s. 20.437 (2) (1) (ab), a
14 grant annually to be used only for the purposes specified in sub. (4) (a) and (am). The
15 minimum amount of a grant is \$10,000. The county or Indian tribe shall agree to
16 match at least 25 percent of the grant money annually in funds or in-kind
17 contributions. The department shall determine the amount of a grant awarded to
18 a county, ~~other than a county with a population of 500,000 or more,~~ or Indian tribe
19 in excess of the minimum amount based on the need of the county or Indian tribe for
20 a grant, as determined by a formula that the department shall promulgate by rule.
21 That formula shall determine that need based on the number of births that are
22 funded by ~~medical assistance~~ Medical Assistance under subch. IV of ch. 49 in that
23 county or the reservation of that Indian tribe ~~in proportion to the number of births~~
24 that are funded by medical assistance under subch. IV of ch. 49 in all of the counties
25 and the reservations of all of the Indian tribes to which grants are awarded under

1 ~~this section. The department shall determine the amount of a grant awarded to a~~
2 ~~county with a population of 500,000 or more in excess of the minimum amount based~~
3 ~~on 60% of the number of births that are funded by medical assistance under subch.~~
4 ~~IV of ch. 49 in that county in proportion to the number of births that are funded by~~
5 ~~medical assistance under subch. IV of ch. 49 in all of the counties and the~~
6 ~~reservations of all of the Indian tribes to which grants are awarded under this section~~
7 ~~and on the rate of poor birth outcomes, including infant mortality, premature births,~~
8 ~~low birth weights, and racial or ethnic disproportionality in the rates of those~~
9 ~~outcomes, in that county or the reservation of that Indian tribe.~~

****NOTE: This is reconciled s. 48.983 (2). This SECTION has been affected by drafts with the following LRB numbers: LRB-0291/1 and LRB-1579/2.

10 **SECTION 6.** 48.983 (3) (title) of the statutes is repealed.

11 **SECTION 7.** 48.983 (3) (a) of the statutes is repealed.

12 **SECTION 8.** 48.983 (3) (b) of the statutes is renumbered 48.983 (3) and amended
13 to read:

14 48.983 (3) JOINT APPLICATION PERMITTED. Two or more counties and Indian tribes
15 may submit a joint application to the department. ~~Each county or Indian tribe in a~~
16 ~~joint application shall be counted as a separate county or Indian tribe for the purpose~~
17 ~~of limiting the number of counties and Indian tribes selected in each state fiscal~~
18 ~~biennium.~~

19 **SECTION 9.** 48.983 (4) (a) 4m. of the statutes is amended to read:

20 48.983 (4) (a) 4m. ~~Other than in a county with a population of 500,000 or more,~~
21 ~~to~~ To reimburse a case management provider under s. 49.45 (25) (b) for the amount
22 of the allowable charges under the ~~medical assistance~~ Medical Assistance program
23 that is not provided by the federal government for case management services

1 provided to a ~~medical assistance~~ Medical Assistance beneficiary described in s. 49.45
2 (25) (am) 9. who is a child and who is a member of a family that receives home
3 visitation program services under par. (b) 1.

4 **SECTION 10.** 48.983 (4) (b) 1. of the statutes is amended to read:

5 48.983 (4) (b) 1. A county, ~~other than a county with a population of 500,000 or~~
6 ~~more,~~ or an Indian tribe that is selected to participate in the program under this
7 section shall select ~~persons who are first-time parents and~~ offer all pregnant women
8 in the county or the reservation of the Indian tribe who are eligible for ~~medical~~
9 ~~assistance~~ Medical Assistance under subch. IV of ch. 49 and shall offer each of those
10 persons an opportunity to undergo an assessment through use of a risk assessment
11 instrument to determine whether the parent person assessed presents risk factors
12 for poor birth outcomes or for perpetrating child abuse or neglect. Persons who are
13 selected and who agree to be assessed shall be assessed during the prenatal period,
14 ~~if possible, or as close to the time of the child's birth as possible.~~ The risk assessment
15 instrument shall be developed by the department and shall be based on risk
16 assessment instruments developed by the department for similar programs that are
17 in operation. The department need not promulgate as rules under ch. 227 the risk
18 assessment instrument developed under this subdivision. A person who is assessed
19 to be at risk of poor birth outcomes or of abusing or neglecting his or her child shall
20 be offered home visitation program services that shall commence during the prenatal
21 period. Home visitation program services may be provided to a family with a child
22 identified as being at risk of child abuse or neglect until the identified child reaches
23 3 years of age. If a family has been receiving home visitation program services
24 continuously for not less than 12 months, those services may continue to be provided
25 to the family until the identified child reaches 3 years of age, regardless of whether

1 the child continues to be eligible for Medical Assistance under subch. IV of ch. 49.

2 If risk factors for child abuse or neglect with respect to the identified child continue
3 to be present when the child reaches 3 years of age, home visitation program services
4 may be provided until the identified child reaches 5 years of age. Home visitation
5 program services may not be provided to a person unless the person gives his or her
6 written informed consent to receiving those services or, if the person is a child, unless
7 the child's parent, guardian or legal custodian gives his or her written informed
8 consent for the child to receive those services.

9 **SECTION 11.** 48.983 (4) (b) 2. of the statutes is repealed.

10 **SECTION 12.** 48.983 (4) (b) 3. of the statutes is amended to read:

11 48.983 (4) (b) 3. A county or Indian tribe that is providing home visitation
12 program services under subd. 1. ~~or 2.~~ shall provide to a person receiving those
13 services the information relating to shaken baby syndrome and impacted babies
14 required under s. 253.15 (6).

15 **SECTION 13.** 48.983 (5) of the statutes is amended to read:

16 48.983 (5) SELECTION OF COUNTIES AND INDIAN TRIBES. The department shall
17 provide competitive application procedures for selecting counties and Indian tribes
18 for participation in the program under this section. The department shall establish
19 a method for ranking applicants for selection based on the quality of their
20 applications. In ranking the applications submitted by counties, the department
21 shall give favorable consideration to a county that has indicated under sub. (6) (d)
22 2. that it is willing to use a portion of any moneys distributed to the county under s.
23 48.565 (2) (a) to provide case management services to a ~~medical assistance~~ Medical
24 Assistance beneficiary under s. 49.45 (25) (am) 9. who is a case or who is a member
25 of a family that is a case and that has explained under sub. (6) (d) 2. how the county

1 plans to use that portion of those moneys to promote the provision of those services
2 for the case by using a wraparound process so as to provide those services in a
3 flexible, comprehensive and individualized manner in order to reduce the necessity
4 for court-ordered services. The department shall also provide application
5 requirements and procedures for the renewal of a grant awarded under this section.
6 The application procedures and the renewal application requirements and
7 procedures shall be clear and understandable to the applicants. The department
8 need not promulgate as rules under ch. 227 the application procedures, the renewal
9 application requirements or procedures, or the method for ranking applicants
10 established under this subsection.

11 **SECTION 14.** 48.983 (6) (a) (intro.) of the statutes is amended to read:

12 48.983 (6) (a) *Home visitation program criteria.* (intro.) The part of an
13 application, other than a renewal application, submitted by a county, ~~other than a~~
14 ~~county with a population of 500,000 or more,~~ or an Indian tribe that relates to home
15 visitation programs shall include all of the following:

16 **SECTION 15.** 48.983 (6) (a) 1. of the statutes is amended to read:

17 48.983 (6) (a) 1. Information on how the applicant's home visitation program
18 is comprehensive and incorporates practice standards that have been developed for
19 home visitation programs by entities concerned with the prevention of poor birth
20 outcomes and child abuse and neglect and that are acceptable to the department.

21 **SECTION 16.** 48.983 (6) (a) 2. of the statutes is amended to read:

22 48.983 (6) (a) 2. Documentation that the application was developed through
23 collaboration among public and private organizations that provide services to
24 children and families, especially children who are at risk of child abuse or neglect and
25 families that are at risk of poor birth outcomes, or that are otherwise interested in

1 child welfare and a description of how that collaboration effort will support a
2 comprehensive home visitation program.

3 **SECTION 17.** 48.983 (6) (a) 3. of the statutes is amended to read:

4 48.983 (6) (a) 3. An identification of existing poor birth outcome and child abuse
5 and neglect prevention services that are available to residents of the county or
6 reservation of the Indian tribe and a description of how those services and any
7 additional needed services will support a comprehensive home visitation program.

8 **SECTION 18.** 48.983 (6) (a) 4. of the statutes is amended to read:

9 48.983 (6) (a) 4. An explanation of how the home visitation program will build
10 on existing poor birth outcome and child abuse and neglect prevention programs,
11 including programs that provide support to families, and how the home visitation
12 program will coordinate with those programs.

13 **SECTION 19.** 48.983 (6) (a) 5. of the statutes is created to read:

14 48.983 (6) (a) 5. An explanation of how the applicant, in collaboration with local
15 prenatal care coordination providers, will implement strategies aimed at achieving
16 healthy birth outcomes, as determined by performance measures prescribed by the
17 department of health services, in the county or reservation of the Indian tribe.

18 **SECTION 20.** 48.983 (6) (b) 1. of the statutes is amended to read:

19 48.983 (6) (b) 1. 'Flexible fund for home visitation programs.' The applicant
20 demonstrates in the application that the applicant has established, or has plans to
21 establish, if selected, a fund from which payments totaling not ~~more than~~ \$1,000 less
22 than \$250 per calendar year may be made for appropriate expenses of each family
23 that is participating in the home visitation program under sub. (4) (b) 1. or that is
24 receiving home visitation services under s. 49.45 (44). The payments shall be
25 authorized by an individual designated by the applicant. If an applicant makes a

1 payment to or on behalf of a family under this subdivision, one-half of the payment
2 shall be from grant moneys received under this section and one-half of the payment
3 shall be from moneys provided by the applicant from sources other than grant
4 moneys received under this section.

5 **SECTION 21.** 48.983 (6) (b) 2. of the statutes is amended to read:

6 48.983 (6) (b) 2. 'Flexible fund for cases.' The applicant demonstrates in the
7 grant application that the applicant has established, or has plans to establish, if
8 selected, a fund from which payments totaling not more than \$500 less than \$250 for
9 each case may be made for appropriate expenses related to the case. The payments
10 shall be authorized by an individual designated by the applicant. If an applicant
11 makes a payment to or on behalf of a person under this subdivision, one-half of the
12 payment shall be from grant moneys received under this section and one-half of the
13 payment shall be from moneys provided by the applicant from sources other than
14 grant moneys received under this section. The applicant shall demonstrate in the
15 grant application that it has established, or has plans to establish, if selected,
16 procedures to encourage, when appropriate, a person to whom or on whose behalf
17 payments are made under this subdivision to make a contribution to the fund
18 described in this subdivision up to the amount of payments made to or on behalf of
19 the person when the person's financial situation permits such a contribution.

20 **SECTION 22.** 48.983 (6) (c) of the statutes is amended to read:

21 48.983 (6) (c) *Case management benefit.* The applicant, ~~other than a county~~
22 ~~with a population of 500,000 or more,~~ states in the grant application that it has
23 elected, or, if selected, that it will elect, under s. 49.45 (25) (b), to make the case
24 management benefit under s. 49.45 (25) available to the category of beneficiaries

1 under s. 49.45 (25) (am) 9. who are children and who are members of families
2 receiving home visitation program services under sub. (4) (b) 1.

3 **SECTION 23.** 48.983 (6) (d) 2. of the statutes is amended to read:

4 48.983 (6) (d) 2. The applicant indicates in the grant application whether the
5 applicant is willing to use a portion of any moneys distributed to the applicant under
6 s. 48.565 (2) (a) to provide case management services to a ~~medical-assistance~~ Medical
7 Assistance beneficiary under s. 49.45 (25) (am) 9. who is a case or who is a member
8 of a family that is a case. If the applicant is so willing, the applicant shall explain
9 how the applicant plans to use that portion of those moneys to promote the provision
10 of those services for the case by using a wraparound process so as to provide those
11 services in a flexible, comprehensive and individualized manner in order to reduce
12 the necessity for court-ordered services.

13 **SECTION 24.** 48.983 (6) (f) of the statutes is created to read:

14 48.983 (6) (f) *Reinvestment of Medical Assistance reimbursement.* The
15 applicant agrees to reinvest in the program under this section a portion of the
16 reimbursement received by the applicant under the Medical Assistance program
17 under subch. IV of ch. 49. The department and the applicant shall negotiate the
18 amount of that reinvestment based on the applicant's administrative costs for billing
19 the Medical Assistance program for reimbursement for services provided under this
20 section and the ratio of Medical Assistance reimbursement received for those
21 services to the amount billed to the Medical Assistance program for those services.

22 **SECTION 25.** 48.983 (6g) (a) of the statutes is amended to read:

23 48.983 (6g) (a) Except as permitted or required under s. 48.981 (2), no person
24 may use or disclose any information concerning any individual who is selected for an
25 assessment under sub. (4) (b), including an individual who declines to undergo the

1 assessment, or concerning any individual who is offered services under a home
2 visitation program funded under this section, including an individual who declines
3 to receive those services, unless the use or disclosure is connected with the
4 administration of the home visitation program or the administration of the ~~medical~~
5 ~~assistance~~ Medical Assistance program under ss. 49.43 to 49.497 or unless the
6 individual has given his or her written informed consent to the use or disclosure.

7 **SECTION 26.** 48.983 (7) (a) 1. of the statutes is amended to read:

8 48.983 (7) (a) 1. The number of poor birth outcomes and substantiated reports
9 of child abuse and neglect.

10 **SECTION 27.** 253.15 (2) of the statutes is amended to read:

11 253.15 (2) INFORMATIONAL MATERIALS. The board shall purchase or prepare or
12 arrange with a nonprofit organization to prepare printed and audiovisual materials
13 relating to shaken baby syndrome and impacted babies. The materials shall include
14 information regarding the identification and prevention of shaken baby syndrome
15 and impacted babies, the grave effects of shaking or throwing on an infant or young
16 child, appropriate ways to manage crying, fussing, or other causes that can lead a
17 person to shake or throw an infant or young child, and a discussion of ways to reduce
18 the risks that can lead a person to shake or throw an infant or young child. The
19 materials shall be prepared in English, Spanish, and other languages spoken by a
20 significant number of state residents, as determined by the board. The board shall
21 make those written and audiovisual materials available to all hospitals, maternity
22 homes, and nurse-midwives licensed under s. 441.15 that are required to provide or
23 make available materials to parents under sub. (3) (a) 1., to the department and to
24 all county departments and nonprofit organizations that are required to provide the
25 materials to day care providers under sub. (4), and to all school boards and nonprofit

1 organizations that are permitted to provide the materials to pupils in one of grades
2 5 to 8 and in one of grades 10 to 12 under sub. (5). The board shall also make those
3 written materials available to all county departments and Indian tribes that are
4 providing home visitation services under s. 48.983 (4) (b) 1. ~~or 2.~~ and to all providers
5 of prenatal, postpartum, and young child care coordination services under s. 49.45
6 (44). The board may make available the materials required under this subsection
7 to be made available by making those materials available at no charge on the board's
8 Internet site.

9 **SECTION 28.** 253.15 (6) of the statutes is amended to read:

10 **253.15 (6) INFORMATION TO HOME VISITATION OR CARE COORDINATION SERVICES**
11 **RECIPIENTS.** A county department or Indian tribe that is providing home visitation
12 services under s. 48.983 (4) (b) 1. ~~or 2.~~ and a provider of prenatal, postpartum, and
13 young child care coordination services under s. 49.45 (44) shall provide to a recipient
14 of those services, without cost, a copy of the written materials purchased or prepared
15 under sub. (2) and an oral explanation of those materials.

16 **SECTION 29.** 253.15 (7) (e) of the statutes is amended to read:

17 **253.15 (7) (e)** A county department or Indian tribe that is providing home
18 visitation services under s. 48.983 (4) (b) 1. ~~or 2.~~ and a provider of prenatal,
19 postpartum, and young child care coordination services under s. 49.45 (44) is
20 immune from liability for any damages resulting from any good faith act or omission
21 in providing or failing to provide the written materials and oral explanation specified
22 in sub. (6).

23 **SECTION 9108. Nonstatutory provisions; Children and Families.**

24 (1) HOME VISITING SERVICES; RULES.

1 (a) *Permanent rules.* The department of children and families shall submit in
2 proposed form the rules required under section 48.983 (2) of the statutes, as affected
3 by this act, to the legislative council staff under section 227.15 (1) of the statutes no
4 later than the first day of the 7th month beginning after the effective date of this
5 paragraph.

6 (b) *Emergency rules.* Using the procedure under section 227.24 of the statutes,
7 the department of children and families may promulgate the rules required under
8 section 48.983 (2) of the statutes, as affected by this act, for the period before the
9 effective date of the rules submitted under paragraph (a), but not to exceed the period
10 authorized under section 227.24 (1) (c) and (2) of the statutes. Notwithstanding
11 section 227.24 (1) (a), (2) (b), and (3) of the statutes, the department is not required
12 to provide evidence that promulgating a rule under this paragraph as an emergency
13 rule is necessary for the preservation of the public peace, health, safety, or welfare
14 and is not required to provide a finding of emergency for a rule promulgated under
15 this paragraph.

16

(END)