

Chapter PW-PA 20

PUBLIC ASSISTANCE

PW-PA 20.02	Inmate of public institution	PW-PA 20.14	Aid to distressed counties
PW-PA 20.03	Need determination	PW-PA 20.15	Reimbursement for state dependents
PW-PA 20.05	Responsibility of relative to support	PW-PA 20.16	County agency official bond
PW-PA 20.06	Relatives eligible for aid to dependent children	PW-PA 20.17	Confidential nature of records
PW-PA 20.07	Incapacitation for gainful work; dependent children	PW-PA 20.18	Fair hearings
PW-PA 20.09	Determination of blindness for aid	PW-PA 20.19	Relief claims proceedings
PW-PA 20.10	Payment of aid to the disabled	PW-PA 20.20	Reimbursement of county administrative costs
PW-PA 20.11	Payment of aids	PW-PA 20.21	Destruction of record material
PW-PA 20.12	Student loans	PW-PA 20.22	Liquid assets
PW-PA 20.13	State relief for Indians	PW-PA 20.23	Loans on Menominee Enterprises, Inc. bonds

PW-PA 20.02 Inmate of public institution. (1) **PURPOSE.** The purpose of this rule is to define the term "public institution" in relation to eligibility for aid payable under sections 49.18, 49.20 to 49.38 and 49.61 of the Wisconsin statutes and to specify under what conditions federal and state reimbursement will be allowed for such aid granted to persons being cared for in public institutions. Subsections (3) and (4) shall not apply to state reimbursement for old-age assistance paid to residents of public institutions who are not prevented from receiving assistance by section 49.20 (2), Wis. Stats.

(2) **DEFINITION OF PUBLIC INSTITUTION.** The term "public institution" means an institution that provides shelter, custody, treatment, or care and that is operated by a governmental unit or over which a governmental unit exercises administrative control.

(3) **DETERMINATION OF PUBLIC OR PRIVATE NATURE OF INSTITUTION.** In all instances in which (1) any public funds are appropriated for financing the operation of an institution or in which (2) a public institution is leased to a private individual, approval shall be secured of the department before assistance under sections 49.18, 49.20 to 49.38 and 49.61, Wis. Stats., may be paid. In making the determination, consideration shall be given to whether there is public control of any aspect of the administration as a result of public financial support; through selection or appointment of the governing body; through selection, appointment, or payment of staff, through participation in establishing admission policies or fees; through control of decisions on application or control of financial arrangements with persons accepted; through control of any aspect of operation through standards that differ from those covering institutions entirely privately owned and operated. The method by which the foregoing criteria are applied shall be prescribed by the department.

(4) **PUBLIC MEDICAL INSTITUTIONS.** For the purpose of obtaining federal reimbursement for aid payable under sections 49.18, 49.20 to 49.38 and 49.61, Wis. Stats., to patients in public medical institutions,

the term "medical institution" means an institution (other than an institution for tuberculosis or mental diseases) that meets the criteria promulgated by the state board of public welfare on the advice of the joint committee on standards, known as STANDARDS FOR MAINTENANCE AND OPERATION OF COUNTY HOMES, INFIRMARIES, GENERAL HOSPITALS AND PUBLIC MEDICAL INSTITUTIONS, ch. PW 1.

(a) The method by which the foregoing criteria are applied shall be prescribed by the department. The state of Wisconsin general hospital and the Milwaukee county general hospital and the Wisconsin orthopedic hospital for children are by the nature of their operation hereby determined to be medical institutions in accordance with the foregoing criteria.

PW-PA 20.03 Need determination. (1) **PURPOSE.** This rule is adopted to effectuate on a state-wide basis, the determination of need for public assistance of applicants for and recipients of old age assistance, aid to the blind, aid to dependent children, and aid to totally and permanently disabled persons in order to insure in so far as possible equitable treatment of persons in need throughout the state.

(2) **DETERMINATION OF ELIGIBILITY AND AMOUNT OF PAYMENT.** Eligibility for aid and the amount to be paid as old age assistance, aid to the blind, aid to dependent children, and aid to totally and permanently disabled persons shall be determined by the county agency in accordance with standards prescribed by the division of public assistance of the state department of public welfare. The division shall define need standards within the statutory requirements which shall include published instructions to the county operating agencies regarding the items of need to be included and how the cost of these items is to be determined, the method of considering resources, and general principles of budgeting to be applied to the individual circumstances. In effect, the division shall define need within the statutory provisions as set forth in sections 49.21 (1), 49.18 (1), 49.19 (5), and 49.61 (6), Wis. Stats.

(3) **EFFECTIVE DATE.** This rule shall be effective November 15, 1950, for purposes of determining eligibility and the amount of assistance in the program for aid to totally and permanently disabled persons, and as of a date to be specified by the division of public assistance in the other social security aid programs.

PW-PA 20.05 Responsibility of relative to support. When a relative enumerated in section 52.01 is not assisting an applicant for aid to the blind, aid to dependent children, old age assistance or aid to the disabled and refuses to assist and when there is reasonable doubt as to liability or ability of such relative to assist, no application for aid to the blind under section 49.18, Wis. Stats., nor aid to dependent children under section 49.19, Wis. Stats., nor old age assistance under sections 49.20 through 49.38, Wis. Stats., nor aid to the disabled under section 49.61, Wis. Stats., shall be denied by the county agency until such agency shall have secured an order from a court of competent jurisdiction under section 52.01, Wis. Stats.; provided also that it is deemed to be the responsibility of the county agency in such case to petition under section 52.01, Wis. Stats.