

Filed March 22, 1967
2 P.M.

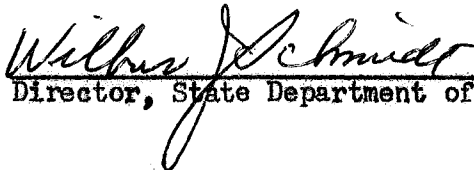
PW-PA 20.05
.07
.09
.13
.14
.18

STATE OF WISCONSIN)
)
DEPARTMENT OF PUBLIC WELFARE) SS.

I, Wilbur J. Schmidt, Director of the State Department of Public Welfare, and custodian of the official records of said Department, do hereby certify that the annexed amended Rules PW-PA 20.05, PW-PA 20.07, PW-PA 20.09, PW-PA 20.13, PW-PA 20.14 and PW-PA 20.18 (1) relating to the administration of social security aid programs and state relief for Indians were duly approved and adopted by the State Board of Public Welfare on March 8, 1967.

I further certify that said copy has been compared by me with the original on file in this Department and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto
set my hand at the State Office
Building in the City of Madison,
this 22nd day of March, A.D. 1967



Director, State Department of Public Welfare

ORDER OF THE STATE DEPARTMENT OF PUBLIC WELFARE

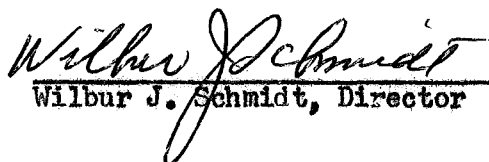
REVISING RULES

Pursuant to authority vested in the State Department of Public Welfare by section 46.014 (3), Wis. Stats., the State Department of Public Welfare hereby amends Rules PW-PA 20.05, PW-PA 20.07, PW-PA 20.09, PW-PA 20.13, PW-PA 20.14 and PW-PA 20.18 (1). The rules as amended are attached hereto.

The rules as amended herein shall take effect upon publication pursuant to the authority granted by section 227.026 (1) (b), Stats.:

Dated: March 22, 1967

State Department of Public Welfare



Wilbur J. Schmidt, Director

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 49.37, 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.

PW-PA 20.07 INCAPACITATION FOR GAINFUL WORK; DEPENDENT CHILDREN.

(1) **PURPOSE.** This rule is adopted to promote the rehabilitation of dependent persons in keeping with the legislative intent expressed in section 49.02 (6), Wis. Stats., to determine the eligibility of applicants for aid to dependent children as required under sections 49.19 (1), (2), (3) and (4), Wis. Stats., to determine the amount of aid needed (including necessary medical aid for the incapacitated parent) as directed under sections 49.19 (5) and 49.46, Wis. Stats., and further to carry out the department's responsibilities as expressly stated or implied under sections 46.206 and 49.50 (2) and (6), Wis. Stats.

(2) **DETERMINATION OF ELIGIBILITY.** The decision as to eligibility because of the incapacitation of a parent shall be made by the county agency. Such decision shall be based upon (a) a physician's opinion as to whether or not there is physical or mental disability and (b) a consideration of relevant social and employability factors.

(3) **EXAMINATION AND REPORT.** With respect to any application for aid to dependent children in which incapacitation of a parent is claimed as the basis for eligibility, such parent shall be examined by a licensed physician and he shall report his findings in writing on a form prescribed by the department for this purpose. For purposes of reimbursement under section 49.52, Wis. Stats., fees paid physicians for examinations made under this rule may be reported as expenditures incurred in administration. A physician's report shall be obtained and the decision of the county administrator recorded on the prescribed form before aid may be granted. A completed copy of the report shall be sent to the department for all examinations made. Re-examination for purposes of determining continuing eligibility shall be made as often as indicated by the physician's report or by observation of the person's physical condition, but at least once in any twelve-month period.

(4) **EXCEPTIONS.** (a) A medical examination is not required if the incapacitated parent has been found eligible for aid to the blind or for aid to totally and permanently disabled persons.

(b) A medical reexamination for purposes of determining continuing eligibility may not be required in the discretion of the county agency if the examining physician indicates in his report that the disability is permanent and that the incapacitated parent will never be employable.

(c) If the incapacitated parent is receiving care at a mental, tuberculosis, or veteran's hospital, a reexamination is not required during the time he is receiving such care.

PW-PA 20.09 DETERMINATION OF BLINDNESS FOR AID. (1) PURPOSE. This rule is adopted to promote the rehabilitation of dependent persons in keeping with the legislative intent expressed in section 49.02 (6), Wis. Stats., to determine the eligibility of applicants for aid to the blind as required under section 49.18 (4), Wis. Stats., to determine need for medical care that may be provided under section 49.46, Wis. Stats., and further to carry out the department's responsibilities as expressly stated or implied under sections 49.50 (2) and (6), Wis. Stats.

(2) DEFINITION OF BLINDNESS. For purposes of aid to the blind, a person shall be considered as blind if the vision in the better eye when corrected with the best possible glasses is recorded as 20/200 or less, or there is an equally disabling loss of the visual field.

(3) EXAMINATION AND REPORT. Each applicant for aid to the blind shall be given an eye examination by a physician skilled in eye diseases selected by the county agency, or by an optometrist at the option of the applicant. The examiner shall report his findings in writing on a form prescribed by the department for this purpose. A completed copy of the report shall be sent to the department for all examinations made. For purposes of reimbursement under section 49.52, Wis. Stats., fees paid examiners for examinations under this rule may be reported as expenditures incurred in administration.

(4) REEXAMINATION. Examination for purposes of determining continuing eligibility shall be made at least once in any continuous two-year period or within the time specified by the department. A completed copy of the examiner's report shall be sent to the department for all reexaminations made. Reexamination need not be made if the department finds that there is complete loss of vision in both eyes or that there is no possibility of restoration of sight.

(5) DETERMINATION OF ELIGIBILITY. The decision as to eligibility because of blindness shall be made by the department, which shall establish methods of determining visual efficiency. Such decision shall be based upon the recommendation of a consulting ophthalmologist employed by the department who shall review the examiner's report. The department shall promptly notify the county agency of its decision. Aid to the blind shall not be granted until the division of public assistance has notified the county agency that the applicant's loss of vision is sufficient to qualify him for aid; provided that when a reexamination is made to determine continued eligibility such aid may be continued until the division of public assistance notifies the county agency with respect to any case that such eligibility no longer continues.

PW-PA 20.13 STATE RELIEF FOR INDIANS. (1) PURPOSE. The purpose of this rule is to define the terms "Indian", "tax-free land", and "relief" as used in section 49.046, Wis. Stats., and to provide regulations and administrative interpretations to implement such section.

(2) DEFINITIONS. (a) The term "Indian" shall include a person whose proportion of Indian blood is one-fourth or more.

(b) "Tax-free land" is defined as land which is subject to neither assessment nor levy of a real property tax either as a general tax or as a payment in lieu of taxes.

(c) "Relief" as used in section 49.046, Wis. Stats., means relief as defined in section 49.01 (1), Wis. Stats.

(d) "Department" shall mean the state department of public welfare.

(3) ADMINISTRATION. (a) AGENCY TO ADMINISTER RELIEF. The department shall whenever possible appoint the county agency administering the social security aids, subject to the approval of the county board, to administer relief under section 49.046, Wis. Stats., whenever said department determines that there is need for such relief in a county; provided that the department may elect to appoint the agency administering general relief in a municipality to administer relief under such section in such municipality.

(b) STANDARDS OF RELIEF. The appointed agency shall grant such relief in accordance with the standards, policies, rules and regulations established by the department. In establishing standards the department shall give consideration to the standards used in establishing need for relief in any community under sections 49.01 and 49.02, Wis. Stats.

(c) DETERMINATION OF ELIGIBILITY. 1. No person shall be eligible for aid under section 49.046, Wis. Stats., unless he is:

a. An Indian; provided that whenever the head of a family is an Indian eligible for aid under section 49.046, Wis. Stats., the members of his immediate family who are living in the household and who are in need of relief shall also be eligible for aid under such section; and provided further that whenever the head of a family is a non-Indian, the members of his immediate family shall not be eligible for aid under such section.

b. Residing on tax-free land.

c. Ineligible for aid under sections 49.18, 49.19, 49.20 to 49.37, 49.46 or 49.61, Wis. Stats., and under chapters 45 and 48, Wis. Stats.

d. In need of relief.

(d) ALLOCATION OF STATE FUNDS. 1. Whenever the department determines that relief pursuant to section 49.046, Wis. Stats., is needed in any county or municipality, it shall request the emergency board to release a sum from the amount appropriated in section 20.670 (3), Wis. Stats., sufficient to meet such need. Out of the sum released by such board the department may allocate to the agency administering such relief in such county or municipality such amounts as it shall deem necessary. Such allocated amounts shall be paid to the county treasurer or to the municipality treasurer depending on whether the appointed welfare agency is a county or a municipality agency.

2. The department shall allocate money to the agency administering relief under section 49.046, Wis. Stats., on the same basis whether such agency elects to furnish relief in the form of money grants, commodities, or work relief. Whenever work relief is furnished, the provisions of section 49.05, Wis. Stats., shall apply.

3. The duly appointed agency administering aid under section 49.046, Wis. Stats., shall:

a. Maintain case records in a manner approved by the department.

b. Account to the department for monies allocated to it for relief purposes under section 49.046, Wis. Stats. Any such monies not expended for such relief purposes shall be refunded to the department.

c. Submit to the department such reports as may be required.

d. Make all records pertaining to relief under section 49.046, Wis. Stats., open to inspection at all reasonable hours by duly authorized representatives of the state department of public welfare.

PW-PA 20.14 AID TO DISTRESSED COUNTIES. (1) APPLICATION. (a) Any county which is financially unable fully to perform its duties with respect to old-age assistance, aid to dependent children, blind aid, and aid to totally and permanently disabled persons may apply for state aid by submitting to the division of public assistance of the state department of public welfare a request in writing together with a statement giving the information required by section 49.52 (5), Wis. Stats., certified by the proper county officer or officers, or verified under oath.

(b) This rule also applies to allotment of funds under section 20.670

(3) (d), Wis. Stats., upon application of any county or local unit of government claiming financial inability to perform its duties with respect to general relief.

(2) INFORMATION REQUIRED. The information required as it may apply to the financial situation of the particular county will generally fall under the following classes: (a) Total indebtedness.

(b) Tax and debt levy limitations.

(c) Cash on hand.

(d) Anticipated revenues from all sources.

(e) Borrowing ability under Ch. 67 of the statutes.

(f) Tax delinquencies.

(g) Reasonableness of valuation for taxation purposes.

(h) Reasonableness of amounts of county expenditures and necessity therefor.

(i) Such other factors not enumerated which are probative of the county's financial condition.

(3) INVESTIGATION OF APPLICATIONS. Applications and supporting statements shall be subject to review and investigation by the division of public assistance of the state department of public welfare.

(4) HEARINGS ON APPLICATIONS. Hearings on applications may be formal or informal in the discretion of the state agency, and will be scheduled to meet the convenience of the state and county officers.

(5) PERIODIC REVIEW OF CONTINUING FINANCIAL AID. Receipt by any county of continued financial aid under section 49.52 (5), Wis. Stats., shall be subject to periodic review by the division. Hearing thereon may be held on motion of the division after notice to the proper county officers.

PW-PA 20.18 FAIR HEARINGS. (1) LEGAL BASIS. This rule is adopted pursuant to sections 46.015, 46.03 (8), and 49.50 (2), (8) and (9), Wis. Stats., and to conform with the requirements of Titles I, IV, X, XIV and XIX of the U. S. Social Security Act relating to complaints, hearings, and review of public assistance claims.