

PETITION TO REPEAL UNAUTHORIZED RULE

The Department of Health Services hereby petitions the Joint Committee for Review of Administrative Rules to use the process provided in s. 227.26 (4), Stats. The Department has determined that s. DHS 108.03 (5) is an “unauthorized rule.” The Department submits the following analysis and proposed rule:

I. ANALYSIS

A. Statute/s that the proposed rule interprets

None.

B. Statute/s that authorizes promulgation

Section 227.26 (4), Stats.

C. Related statute/s

None.

D. Related rule/s

None.

E. Explanation of the agency's authority to promulgate the proposed rule

The proposed rule, which repeals language s. DHS 108.03 (5), is authorized by s. 227.26 (4), Stats.

F. Brief summary of the proposed rule

Section 49.45 (3) (am), Stats., was repealed by 2003 WI Act 33. This statute required the department to make incentive payments to counties to encourage counties to identify medical assistance applicants and recipients who had other health care coverage. The proposed rule repeals s. DHS 108.03 (5), which implemented this requirement.

G. Electronic mail address and telephone number of agency contact person

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II. PROPOSED RULE

SECTION 1. DHS 108.03 (5) and DHS 108.03 (5) (note) are repealed.

SECTION 2. EFFECTIVE DATE: This rule shall take effect on the first day of the month following publication in the Wisconsin administrative register, as provided in s. 227.22 (2), Stats.