



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-4439/1
EAW:ahe

2019 ASSEMBLY BILL 643

December 2, 2019 - Introduced by Representatives BALLWEG, BILLINGS, BOWEN, CONSIDINE, EMERSON, HORLACHER, KRUG, OHNSTAD, RAMTHUN, SNYDER, SPREITZER, STUBBS, TITTL, TUSLER, VINING and SKOWRONSKI, cosponsored by Senators DARLING, JOHNSON, BEWLEY, OLSEN, WANGGAARD and RINGHAND. Referred to Committee on Children and Families.

1 **AN ACT** *to create* 48.675 of the statutes; **relating to:** qualified residential
2 treatment programs, providing an exemption from rule-making procedures,
3 and granting rule-making authority.

Analysis by the Legislative Reference Bureau

This bill allows the Department of Children and Families to certify a residential care center, group home, or shelter care facility to operate a qualified residential treatment program for children and youth (QRTP) if it determines that the program meets the federal requirements for such a program to receive Title IV-E child welfare funding and DCF's requirements for such a program. Under the bill, DCF is required to promulgate rules for the establishment, certification, and operation of a QRTP.

For further information see the *state* 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:

4 **SECTION 1.** 48.675 of the statutes is created to read:
5 **48.675 Qualified residential treatment programs.** (1) The department
6 may certify a residential care center, group home, or shelter care facility to operate

ASSEMBLY BILL 643**SECTION 1**

1 a qualified residential treatment program for children and youth if it determines
2 that the program meets the requirements of 42 USC 672 (k) (4) and any other
3 requirements established by the department under this section.

4 (2) The department shall promulgate rules for the establishment, certification,
5 and operation of a program under sub. (1).

6 **SECTION 2. Nonstatutory provisions.**

7 (1) EMERGENCY RULE-MAKING AUTHORITY. The department of children and
8 families may use the procedure under s. 227.24 to promulgate rules under s. 48.675
9 (2). Notwithstanding s. 227.24 (1) (c) and (2), emergency rules promulgated under
10 this subsection remain in effect until July 1, 2022, or the date on which permanent
11 rules take effect, whichever is sooner. Notwithstanding s. 227.24 (1) (a) and (3), the
12 department is not required to provide evidence that promulgating a rule under this
13 subsection as an emergency rule is necessary for the preservation of the public peace,
14 health, safety, or welfare and is not required to provide a finding of emergency for a
15 rule promulgated under this subsection.

16 (END)